



Post-Secondary Institution Tobacco-Free Model Policy

Purpose

This policy and its procedures set forth the University's protocols related to tobacco and smoking on university property in order to provide a safe and healthy environment protected from unwanted smoke and commercial tobacco use on all for students, faculty, staff, and visitors in conformity with SDCL Ch. 34-46 and other applicable federal and state laws.

Definitions

1. Smoke or Smoking: inhaling, exhaling, burning, operating, or carrying any Tobacco Product (lighted or heated) containing, made, or derived from nicotine, tobacco, or other plant, whether natural or synthetic, that is intended for inhalation. Smoke or Smoking also includes carrying or using an electronic smoking device.
2. Tobacco Product: any product made or derived from tobacco or that contains nicotine, whether natural or synthetic, that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including but not limited to: cigarettes; electronic smoking devices; cigars; little cigars; snuff; snus; bidis; dip; chewing tobacco; and other kinds and forms of tobacco. Tobacco Products also include vapor products. Tobacco Products does not include traditional tobacco.
3. Electronic Smoking Device: any device containing or delivering nicotine or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. Electronic smoking devices include, but are not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, or under any other product name or descriptor. Electronic smoking device includes any component part of a product, whether or not marketed or sold separately, including but not limited to e-liquids, e-juice, cartridges, or pods.
4. Nicotine Analog Product: Any chemically engineered product designed for human use that contains compounds structurally similar to nicotine, including its derivatives or metabolites.



5. Traditional Tobacco (Čanśaśa): The cuttings or shavings of plants in their natural form including but not limited to red willow bark, sage, and sweet grass. Traditional tobacco has no additives and is used for medicinal purposes, ceremony, prayer, and social gatherings.
6. University Property: for this policy, includes, but is not limited to: parking lots, athletic fields and courts, playgrounds, facilities, vehicles, and any other indoor and outdoor areas under the control of the University, whether owned or leased, including inside any vehicle or private conveyance located on University Property.
7. Off-Campus, School-Sponsored event: any event sponsored by the school or school district that is not on school property, including but not limited to, sporting events, day camps, field trips, dances, or theatrical productions.

**Definitions found in this policy closely resemble the [South Dakota State Law](#).*

Policy

1. University property is designated as smoke-free and tobacco-free. The use of tobacco products and vapor products, as defined in this policy, is strictly prohibited on university premises.
2. The use of tobacco products and vapor products, including smoking, is prohibited in all enclosed areas, including but not limited to offices, classrooms, hallways, community spaces, performance venues, university parking, and residential facilities within the university housing.
3. The use and possession of tobacco products and vapor products, including smoking, are prohibited on all university property and at university-affiliated functions held off-campus.
4. No advertising or sponsorship related to smoking, tobacco products, or vapor products shall be permitted on university property, at university-sponsored events, or in publications produced by the university. This prohibition includes stores primarily engaged in the sale of tobacco products. Exceptions are made for advertising in newspapers or magazines not produced by the university and lawfully sold, bought, or distributed on university property.
 1. This section applies to the use of a Tobacco Product or Vapor Product brand or corporate name, trademark, logo, symbol, motto, selling message, recognizable pattern or colors, or any other indicia of a product identical to or similar to, or identifiable with, those used for any brand of Tobacco Products or company which manufactures Tobacco Products.
 2. No indirect/direct funding from a Tobacco Product or Vapor Product brand is allowed.

Exceptions

1. In respect of the traditional use of tobacco by American Indian people, traditional tobacco use will be the exclusive exception to this policy. A person may possess or provide traditional tobacco, related devices, or lighters to any other person as part of an Indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice. Traditional tobacco use for events must be approved prior to usage by the [school administrator/School Board].
 - a. Grounds for denial of traditional tobacco use at an event should be applied sparingly and only in exceptional circumstances. School administrators or the School Board should carefully evaluate the situation to ensure that such decisions are made with consideration of both the cultural significance of the event and the well-being of those involved.
2. Other exceptions to this policy must be approved by the President's designated University official in advance of use. Such as:
 - a. Controlled laboratory research or other mission-related controlled activities must be approved in advance by the President's designee. Such use must also be preceded by reasonable advance notice to the public, educational, or research group.
 - b. Specific activities used in connection with the practice of cultural activities by American Indians that are in accordance with the American Indian Religious Freedom Act (42 U.S.C. sections 1996 and 1996a) handled in accordance with university protocols are exempt from this policy.

Dissemination

All students, faculty, and staff share in the responsibility for adhering to and enforcing this policy.

1. "Smoking and Tobacco-Free Campus" signs shall be posted at all University building entrances and parking lots, and no ashtrays shall be provided at any location on University Property.
2. All staff, faculty, students, visitors, vendors, and other individuals on the University Property who are in violation of the policy shall be reminded of the policy and asked to immediately comply.
3. Employees and students who refuse to comply with this Policy may be subject to disciplinary action applicable to their student or employment status. Third parties who refuse to comply with this Policy may be subject to ejection from campus and refused re-entry in accordance with University policies.
4. Copies of this policy shall be distributed to all students, faculty, and staff through appropriate electronic and print channels.



Enforcement

1. Students who refuse to comply with this policy should be reported to the Dean of Students or their designee, who will follow up with the student regarding the policy and provide information on tobacco use cessation support resources available through the campus. Continuing violations will result in appropriate disciplinary action in accordance with the Student Conduct Code and may be referred to the appropriate student disciplinary board.
2. Employees who refuse to comply with this policy should be reported to their immediate supervisor. Continuing violations will result in appropriate disciplinary action in accordance with the policy applicable to the employee's status at the University.

Tobacco Cessation Opportunities

1. The University Wellness Center will provide access to counselors specially certified in tobacco cessation and is available to assist students or employees who wish to quit Smoking or using Tobacco Products, if requested.
 1. FDA-approved cessation materials, which may contain nicotine and/or be derived from tobacco, for staff, visitors, students aged 18+, and younger students for whom use of such materials is authorized by a medical professional may request an exemption from this policy there above.
2. Tobacco cessation information is also available from the South Dakota QuitLine number 1-866-SD-QUITS (1-866-737-8487), or by visiting the website at www.SDQuitLine.com.

Responsible Administrator

The Vice President for Student Affairs, successor, or designee is responsible for annual and ad hoc review of this policy and its procedures. The University President is responsible for the approval of this policy. [Administration position] is designated to answer questions or concerns regarding the policy.

Effective Date

The policy set forth above is effective [date] for [institution name and location] and was last updated [date].

