

1 ~~[R277. Education, Administration:~~

2 ~~R277-624. Electronic Cigarette Products in Schools.~~

3 ~~R277-624-1. Authority and Purpose.~~

4 ~~—— (1) This rule is authorized by:~~

5 ~~—— (a) Utah Constitution Article X, Section 3, which vests general control and~~
6 ~~supervision over public education in the Board;~~

7 ~~—— (b) Section 53E-3-401(4), which allows the Board to make rules to execute the~~
8 ~~Board's duties and responsibilities under the Utah Constitution and state law; and~~

9 ~~—— (c) Subsection 53E-3-501(1)(b), which requires the Board to establish minimum~~
10 ~~standards for the public schools, including rules and minimum standards governing~~
11 ~~discipline and control.~~

12 ~~—— (2) The purpose of this rule is to require LEAs to establish policies regarding~~
13 ~~possession or use of electronic cigarette products by students on school property, including~~
14 ~~policies regarding confiscation and disposal of electronic cigarette products.~~

15 ~~R277-624-2. Definitions.~~

16 ~~—— (1)(a) "Electronic cigarette" means:~~

17 ~~—— (i) an electronic device used to deliver or capable of delivering vapor containing~~
18 ~~nicotine or another substance to an individual's respiratory system;~~

19 ~~—— (ii) a component of the device described in Subsection (1)(a)(i); or~~

20 ~~—— (iii) an accessory sold in the same package as the device described in Subsection~~
21 ~~(1)(a)(i).~~

22 ~~—— (b) "Electronic cigarette" includes an e-cigarette as that term is defined in Section~~
23 ~~26-38-2.~~

24 ~~—— (2) "Electronic cigarette product" means an electronic cigarette, an electronic~~
25 ~~cigarette substance, or a prefilled electronic cigarette.~~

26 ~~—— (3) "Electronic cigarette substance" means any substance, including liquid~~
27 ~~containing nicotine, used or intended for use in an electronic cigarette.~~

28 ~~R277-624-3. LEA Policies Governing Electronic Cigarette Products in Schools.~~

29 ~~—— (1) An LEA shall adopt a policy for responding to possession or use of electronic~~
30 ~~cigarette products by a student on school property.~~

31 ~~—— (2) A policy described in Subsection (1) shall:~~

32 ~~—— (a) include policies or procedures for the confiscation of electronic cigarette~~
33 ~~products; and~~

34 ~~—— (b) require school personnel to dispose of or destroy confiscated electronic cigarette~~
35 ~~products.~~

36 ~~—— (3) A school official may release a confiscated electronic cigarette product~~
37 ~~suspected to contain illegal controlled substances or used to consume illegal controlled~~
38 ~~substances to law enforcement as part of an investigation or action in lieu of disposing of~~
39 ~~or destroying the confiscated electronic cigarette product as described in Subsection (2)(b).~~

40 ~~—— (4) An LEA may incorporate the LEA's policy described in Subsection (1) as part of~~
41 ~~the LEA's search and seizure, student discipline or other policy.~~

42 **KEY: ~~electronic cigarette, policy~~**

43 **Date of Enactment or Last Substantive Amendment: ~~January 9, 2020~~**

44 **Authorizing, and Implemented, or Interpreted Law: ~~Art X Sec 3; 53E-3-401(4); 53E-3-~~**
45 **~~501;~~**