

## **R277. Education, Administration.**

### **~~[R277-624. Electronic Cigarette Products in Schools.~~**

#### **~~R277-624-1. Authority and Purpose.~~**

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

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

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

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

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

#### **~~R277-624-2. Definitions.~~**

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

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

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

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

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

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

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

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

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

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

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

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

~~—— (3) If a school official has reasonable belief that a confiscated electronic cigarette product has an illegal substance within the electronic cigarette product, the school official may provide the confiscated electronic cigarette product to local law enforcement for storage, testing, and disposal in lieu of disposing or destroying the confiscated electronic cigarette product as described in Subsection (2)(b).~~

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

**~~Date of Enactment or Last Substantive Amendment: August 24, 2020~~**

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