

R277-624 received final approval by the Utah State Board of Education on November 7, 2019. R277-624 is published in the December 1, 2019 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of January 7, 2020.

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.

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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 of or destroy confiscated electronic cigarette products.

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

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

KEY: electronic cigarette, policy

Date of Enactment or Last Substantive Amendment: 2019

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