

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

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

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

47 **KEY: electronic cigarette, policy**

48 **Date of Enactment or Last Substantive Amendment: 2019**

49 **Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-**
50 **501;**