



RULE-MAKING ORDER

CR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Central Washington University

Permanent Rule
 Emergency Rule

Effective date of rule:
Permanent Rules
 31 days after filing.
 Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:
Emergency Rules
 Immediately upon filing.
 Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
 Yes No If Yes, explain:

Purpose: Amend current rules regarding smoking outside campus buildings where smoking is prohibited to comply with state law, clarify designation of identified outdoor smoking areas, and adjust infraction amount.

Citation of existing rules affected by this order:
Repealed:
Amended: 106-124-910 and 920
Suspended:

Statutory authority for adoption: RCW 28B.10.528 and 28B.35.120(12)

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 06-15-097 on July 17, 2006 (date).
Describe any changes other than editing from proposed to adopted version: no changes

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted: September 8, 2006

NAME (TYPE OR PRINT)
Elizabeth M. Street

SIGNATURE

Elizabeth M. Street

TITLE
Executive Assistant to the President for Policy and Planning

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FBI/DO

SEP 11 2006

TIME: 1102 AM
WSR: 06-19-030

ALL
FBI

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	<u>1</u>	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>2</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

AMENDATORY SECTION (Amending WSR 04-12-015, filed 5/24/04, effective 6/24/04)

WAC 106-124-910 Tobacco regulations. (1) The act(s) of smoking or chewing tobacco shall not be permitted inside any Central Washington University administrative or academic building or in identified external areas that may affect those people inside the administrative and academic buildings.

(2) Smoking is prohibited within ~~((twenty feet of administrative and academic buildings, except in designated areas determined by the vice-president for business and financial affairs or his or her designee))~~ a presumptively reasonable minimum distance of twenty-five feet from entrances, exits, windows that open, and ventilation intakes of campus buildings where smoking is prohibited so as to ensure that tobacco smoke does not enter the area through entrances, exits, open windows, or other means.

(3) Smoking will be allowed in identified outdoor smoking areas ~~((on campus))~~ in compliance with chapter 70.160 RCW. Signs will be posted to identify smoke-free buildings and, if a smoking area is designated, the location of that area. Smokers can request a designated area through the office of the vice-president for business and financial affairs. The local health officer may exempt designated smoking areas on campus from the twenty-five-foot minimum distance from entrances, exits, windows that open, and ventilation intakes of campus buildings where smoking is prohibited, upon application by the vice-president of business and financial affairs and a finding that the public health and safety will be adequately protected by a lesser distance.

AMENDATORY SECTION (Amending WSR 04-12-015, filed 5/24/04, effective 6/24/04)

WAC 106-124-920 Tobacco use violations. Violations of tobacco use regulations may result in a ~~((fifty))~~ one hundred-dollar infraction and will be handled in accordance with RCW 70.160.070.