

WSR 23-08-072

PROPOSED RULES

WESTERN WASHINGTON UNIVERSITY

[Filed April 4, 2023, 10:38 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-05-049.

Title of Rule and Other Identifying Information: WAC 516-52-001 Smoking on campus.

Hearing Location(s): On May 9, 2023, at 1:00 p.m. Virtual public hearings have proven effective in allowing greater public access, eliminating the burden of physical travel, and maintaining public safety. Accordingly, a virtual meeting will be held with an optional in-person component. To attend the virtual public hearing, you must register in advance at <https://wwu-edu.zoom.us/meeting/register/tJEsf-morDouGNHugPhBEfUQk3DwJtUXD2Xf>. After registering, you will receive a confirmation email containing information about joining the public hearing. To attend in person, email the university rules coordinator for meeting location. The hearing will start at 1:00 p.m. and will continue until all oral comments are received.

Date of Intended Adoption: June 9, 2023.

Submit Written Comments to: Jennifer Sloan, Rules Coordinator, 516 High Street, Mailstop 9044, Bellingham, WA 98225, email sloanj2@wwu.edu, by May 8, 2023.

Assistance for Persons with Disabilities: Contact Jennifer Sloan, rules coordinator, phone 360-650-3117, TTY 711, email sloanj2@wwu.edu, by April 25, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Provide a healthful and productive environment for all employees, students, and the public visiting or conducting activities on Western Washington University property.

Reasons Supporting Proposal: Protect citizens, including students and employees, from the effects of secondhand smoke.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Western Washington University, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Bruce Boyer, Interim Director, Environmental Health and Safety, 2001 Bill McDonald Parkway, Bellingham, WA 98225-9070, 360-650-2947; Enforcement: University Police Department, 2001 Bill McDonald Parkway, Bellingham, WA 98225-9130, 360-650-3555.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Western Washington University is not one of the enumerated agencies required to conduct cost-benefit analysis under RCW 34.05.328(5).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

April 4, 2023
Jennifer L. Sloan
Rules Coordinator

OTS-4431.2

AMENDATORY SECTION (Amending WSR 95-01-006, filed 12/8/94, effective 1/8/95)

WAC 516-52-001 Smoking on campus. (1) Purpose. Western Washington University is dedicated to providing a healthful ~~((and productive work))~~ environment for all employees, students, and the public ~~((visiting or conducting activities in university facilities. This policy is intended to provide a smoke-free environment for employees, students, and the public who do not wish to be affected by those who smoke.~~

~~(2) Policy. Smoking shall not be permitted inside any Western Washington University administrative or academic buildings and in identified external areas that may affect those people inside the administrative and academic buildings. Smoking will be allowed in identified outdoor smoking areas on campus.)~~ on campus. The university is committed to providing a smoke-free environment for anyone who does not wish to be affected by second-hand smoke.

(2) Smoke or smoking means the carrying, burning, or smoking of any lighted pipe, cigar, cigarette, electronic cigarette, vaporizing device, or any other lighted smoking equipment.

(3) Except as provided herein, smoking of all kinds is prohibited on university property. University property is all buildings, grounds, or assets owned or controlled by the university and the streets, sidewalks, plazas, parking lots to include all vehicles therein, and roadways within the boundaries of properties owned or controlled by the university. Smoking may be permitted for university-approved events such as cultural or religious uses, academic research, or theatrical productions. Advance vice president approval is required for event exemption.

(4) Any person violating this section may be subject to enforcement by the university police department. In addition, any employee, volunteer, or student who violates this section may be subject to disciplinary action.

[Statutory Authority: RCW 28B.35.120(12). WSR 95-01-006, § 516-52-001, filed 12/8/94, effective 1/8/95; WSR 93-01-080, § 516-52-001, filed 12/14/92, effective 1/14/93. Statutory Authority: RCW 28B.35.120(11). WSR 86-03-020 (Order 12-5-85), § 516-52-001, filed 1/8/86; Order 72-10, § 516-52-001, filed 11/17/72.]