

RUTGERS UNIVERSITY SENATE

Report of the Senate's Ad Hoc Committee on Charge S-2107 to Review the University Policy 20.1.22 - No Smoking

Charge S-2107:

Review the University "No Smoking Policy". Consider renaming the policy to be inclusive of all tobacco products. Make recommendations on any necessary changes.

Rutgers' No Smoking Policy

Rutgers' current "No Smoking Policy," Section # 20.1.22, prohibits smoking inside, and within 30 feet, of university owned and operated buildings. It does not apply to other outdoor areas on campus. It defines smoking to include combustible tobacco products and electronic cigarettes, but it does not apply to smokeless tobacco products. This charge was introduced to the Rutgers Senate as part of an effort to consider strengthening Rutgers' no smoking policy. On March 5, 2021, the Executive Committee created this Ad Hoc Committee to assess the issues raised by this charge. The members of the committee are listed below.

Smoking and Health

Tobacco cigarette smoking kills approximately 480,000 people in the U.S. annually contributing to the cigarette's status as the deadliest consumer product in human history.^{1,2} While cigarettes have dominated headlines, other types of tobacco products are also lethal. Cigar smoking poses comparable risks and is increasingly popular among young people.³ The health hazards posed by hookah smoking, an increasingly popular form of smoking among young people, are serious, yet routinely underestimated.⁴ Smokeless tobacco is addictive and causes cancers of the oral cavity, esophagus, and pancreas, among other illnesses.^{5,6} Notably, e-cigarettes, which were virtually unknown a decade ago, are now the most commonly used tobacco product in the U.S. among young people.⁷ From 2017 to 2019, youth e-cigarette use increased from 11.7% to 27.5%.⁸ Youth e-cigarette use has declined since 2019, but more than two million youth still use

¹ United States. Public Health Service. Office of the Surgeon General, National Center for Chronic Disease Prevention, and Health Promotion (US). Office on Smoking. Preventing tobacco use among youth and young adults: a report of the surgeon general. US Government Printing Office, 2012.

² Proctor, Robert N. *Golden holocaust*. University of California Press, 2012.

³ Chang CM, Corey CG, Rostron BL, Apelberg BJ. Systematic review of cigar smoking and all cause and smoking related mortality. *BMC Public Health*. 2015;15(1):390.

⁴ Cornacchione, Jennifer, et al. "Adolescent and young adult perceptions of hookah and little cigars/cigarillos: implications for risk messages." *Journal of health communication* 21.7 (2016): 818-825.

⁵ World Health Organization, and International Agency for Research on Cancer. "Smokeless tobacco and some tobacco-specific N-Nitrosamines." *Smokeless tobacco and some tobacco-specific N-Nitrosamines*. (2007).

⁶ United States. Public Health Service. Office of the Surgeon General, National Center for Chronic Disease Prevention, and Health Promotion (US). Office on Smoking. Preventing tobacco use among youth and young adults: a report of the surgeon general. US Government Printing Office, 2012.

⁷ Cullen, Karen A., et al. "E-cigarette use among youth in the United States, 2019." *Jama* 322.21 (2019): 2095-2103.

⁸ Wang, Teresa W., et al. "Tobacco product use and associated factors among middle and high school students—United States, 2019." *MMWR Surveillance Summaries* 68.12 (2019): 1.

them regularly.⁹ While e-cigarettes contain fewer toxicants than cigarettes, they are not harmless products, and they almost always contain nicotine, the same addictive chemical naturally found in tobacco.¹⁰ These patterns of tobacco use contribute to the risk that a new generation may be saddled with the burden of nicotine addiction and related health consequences if adequate steps are not taken to reverse them.

Notably, almost 90% of tobacco users experiment before the age of 18, and 99% of regular tobacco use begins by age 26.¹¹ In fact, the use of tobacco products, no matter what type, is almost always started and established during adolescence when the developing brain is most vulnerable to nicotine addiction.¹² As a result, to the extent youth and young adults delay (or opt against) experimenting with tobacco products, the odds that they will become regular tobacco users decrease.^{13,14} With that in mind, New Jersey became the third state in the U.S. to ban the sale of tobacco products to persons younger than 21 years old in November 2017.¹⁵ In December 2019, a U.S. law made 21 the minimum age for legal sales of tobacco products nationwide.¹⁶ As a result, the sale of tobacco products to a substantial portion of the undergraduate population is illegal.

Despite overall progress in reducing tobacco use over the past several decades, disparities persist, particularly among vulnerable populations. Tobacco industry documents show that tobacco companies have a long history of specifically targeting African Americans with menthol cigarette advertising and promotions, including by sponsoring events like jazz and hip-hop festivals.¹⁷ As a result, nearly 90% of African American smokers identify as menthol smokers.¹⁸ Menthol smoking rates are also higher than average among other vulnerable communities, including LGBT and smokers with mental health issues.¹⁹ Heart disease and cancer, both smoking-related illnesses, are the top two leading causes of death among African Americans.²⁰ Overall, smoking disproportionately affects racial minorities, LGBT persons, the poor, less

⁹ Park-Lee, Eunice, et al. "Notes from the Field: E-Cigarette Use Among Middle and High School Students—National Youth Tobacco Survey, United States, 2021." *Morbidity and Mortality Weekly Report* 70.39 (2021): 1387.

¹⁰ National Academies of Sciences, Engineering, and Medicine. "Public health consequences of e-cigarettes." (2018).

¹¹ United States. Public Health Service. Office of the Surgeon General, National Center for Chronic Disease Prevention, and Health Promotion (US). Office on Smoking. Preventing tobacco use among youth and young adults: a report of the surgeon general. US Government Printing Office, 2012.

¹² Id.

¹³ Id.

¹⁴ Bonnie, Richard J., Kathleen Stratton, and Leslie Y. Kwan, eds. Public health implications of raising the minimum age of legal access to tobacco products. Washington, DC: National Academies Press, 2015.

¹⁵ NJ Health, assessed at <https://www.nj.gov/health/fhs/tobacco/prevention/>.

¹⁶ FDA, accessed at <https://www.fda.gov/tobacco-products/retail-sales-tobacco-products/tobacco-21>.

¹⁷ Tracing the racist tactics of the tobacco industry, October 16, 2020. Accessed at <https://truthinitiative.org/research-resources/targeted-communities/tracing-racist-tactics-tobacco-industry>

¹⁸ Giovino, Gary A., et al. "Differential trends in cigarette smoking in the USA: is menthol slowing progress?." *Tobacco control* 24.1 (2015): 28-37.

¹⁹ Delnevo, Cristine D., Ollie Ganz, and Renee D. Goodwin. "Banning menthol cigarettes: a social justice issue long overdue." (2020): 1673-1675.

²⁰ Truth Initiative, Achieving Health Equity in Tobacco Control, December 8, 2015. Accessed at <https://truthinitiative.org/sites/default/files/media/files/2019/03/Achieving%20Health%20Equity%20in%20Tobacco%20Control%20-%20Version%201.pdf>.

educated populations, homeless people, and those suffering from mental illness and substance abuse disorders.²¹

Secondhand Smoke and Smokefree Policies

Secondhand smoke causes approximately 41,000 deaths in the U.S. annually from lung cancer and heart disease.²² Smokefree laws that prohibit smoking in indoor spaces have become increasingly common over the past several decades, and they have led to substantial declines in secondhand smoke exposure.^{23,24,25} Smokefree policies are also associated with reduced smoking prevalence, increased quitting, a decrease in the number of cigarettes smoked per day by continuing smokers, and lower odds of smoking among youth and young adults.²⁶ Outdoor smokefree policies restricting smoking have been proven to be effective at reducing tobacco use as well. After New York City banned outdoor smoking in parks and beaches, a study found that the frequency of NYC residents noticing people smoking in local parks and beaches decreased significantly over the six quarters after the law took effect.²⁷ There was no comparable decline among residents in the rest of the state.²⁸

During Ad Hoc Committee meetings, a question was raised regarding health risks posed by outdoor exposure to secondhand smoke. In 2006, the U.S. Surgeon General reported that there is no risk-free level of exposure to secondhand smoke, and even short-term exposure potentially can increase the risk of heart attacks.²⁹ Studies of outdoor secondhand smoke exposure confirm that – while outdoor exposure is normally lower and more variable than secondhand smoke exposure indoors – it can expose nonsmokers to troubling toxicant levels.³⁰ In one study, researchers conducted 31 field experiments in a variety of indoor and outdoor settings where people were positioned close to a smoker, including scenarios like a sofa in the living room, a dining room table, a patio/picnic table, a train station platform, and a park bench.³¹ For each location, secondhand smoke particle exposure was measured by necklace monitors close to the breathing zone of smokers and nonsmokers. The study found that nonsmokers in close proximity to an active smoker were exposed to high levels of certain toxicants indoors and

²¹ Id.

²² Alberg, Anthony J., Donald R. Shopland, and K. Michael Cummings. "The 2014 Surgeon General's report: commemorating the 50th Anniversary of the 1964 Report of the Advisory Committee to the US Surgeon General and updating the evidence on the health consequences of cigarette smoking." *American journal of epidemiology* 179.4 (2014): 403-412.

²³ Id.

²⁴ Centers for Disease Control and Prevention (CDC). "Reduced secondhand smoke exposure after implementation of a comprehensive statewide smoking ban--New York, June 26, 2003-June 30, 2004." *MMWR. Morbidity and mortality weekly report* 56.28 (2007): 705-708.

²⁵ Farrelly, M. C., et al. "Changes in hospitality workers' exposure to secondhand smoke following the implementation of New York's smoke-free law." *Tobacco Control* 14.4 (2005): 236-241.

²⁶ Levy, David T., et al. "Research full report: the impact of implementing tobacco control policies: the 2017 tobacco control policy scorecard." *Journal of Public Health Management and Practice* 24.5 (2018): 448.

²⁷ Johns, Michael, et al. "Smoke-free parks and beaches: an interrupted time-series study of behavioural impact in New York City." *Tobacco control* 24.5 (2015): 497-500.

²⁸ Id.

²⁹ US Department of Health and Human Services. "The health consequences of involuntary exposure to tobacco smoke: a report of the Surgeon General." (2006).

³⁰ Acevedo-Bolton, V., et al. "Controlled experiments measuring personal exposure to PM 2.5 in close proximity to cigarette smoking." *Indoor Air* 24.2 (2014): 199-212.

³¹ Id.

outdoors, respectively.³² Even though indoor exposure levels were generally higher, a person next to a smoker in an outdoor setting may inhale secondhand smoke “many times more concentrated than normal background air pollution levels.”^{33,34} At least one report that carefully measured the density of secondhand smoke particulate over varying distances and concentrations concluded that exposure at distances at or greater than 30 feet from a cigarette smoker does not contribute to the death toll attributed to secondhand smoke.³⁵

Tobacco Free Policies in Baseball

Smokefree policies have historically been framed to protect nonsmokers from secondhand smoke. In a sense, this framing implicitly condones use of smokeless tobacco, which is addictive and carcinogenic, because it only affects the user. Tobacco free policies, however, have become more common in recent years. Tobacco free policies protect the health of the individual user, rather than focusing on the innocent nonsmoker. Once a bastion of smokeless tobacco use, Major League Baseball (MLB) has become a leader in the expansion of tobacco free policies. Between 2014 and 2019, more than half of the cities where MLB teams play banned using smokeless tobacco in MLB ballparks and other venues, and in 2016, MLB banned smokeless tobacco use for all new MLB players.³⁶ The goal of reducing smokeless tobacco use in baseball was intended not only to protect the health of professional baseball players, but to model a commitment to public health and to reduce tobacco use by youth who may be influenced by professional baseball players.

Tobacco- and Smoke-Free Policies Among Big 10 Universities

Out of the Big 10’s fourteen universities, eight (57%) have 100% tobacco free policies, meaning they don’t allow smoking, e-cigarette use, smokeless tobacco use, or other tobacco products to be used on campus:

1. Indiana University³⁷
2. Michigan State University³⁸
3. Ohio State University³⁹
4. Pennsylvania State University⁴⁰
5. University of Illinois⁴¹

³² Id.

³³ Klepeis, Neil E., Wayne R. Ott, and Paul Switzer. "Real-time measurement of outdoor tobacco smoke particles." *Journal of the Air & Waste Management Association* 57.5 (2007): 522-534.

³⁴ Ott, Wayne R., et al. "Outdoor fine and ultrafine particle measurements at six bus stops with smoking on two California arterial highways—Results of a pilot study." *Journal of the Air & Waste Management Association* 64.1 (2014): 47-60.

³⁵ Physicians for a Smoke-free Canada. (2010). *Smoke-Free Outdoor Public Spaces: A Community Advocacy Toolkit*. Ottawa, ON: Physicians For A Smoke-Free Canada. Accessed at http://www.smoke-free.ca/pdf_1/Smoke-free%20outdoor%20spaces%20advocacy%20-sept2010.pdf.

³⁶ <https://tobaccofreebaseball.org/>.

³⁷ Indiana University Tobacco-Free Policy, accessed at <https://healthy.iu.edu/wellness-information/tobacco-policy.html>.

³⁸ Michigan State Smoke and Tobacco-free Policy, accessed at <https://trustees.msu.edu/bylaws-ordinances-policies/policies/02-09-04.html>.

³⁹ Tobacco Free Ohio State Policy, accessed at <https://hr.osu.edu/wp-content/uploads/policy720.pdf>.

⁴⁰ Penn State Smoking and Tobacco Policy, accessed at <https://policy.psu.edu/policies/ad32>.

⁴¹ University of Illinois, Smoke and Tobacco-Free Campus, accessed at <https://cam.illinois.edu/policies/fo-64/>.

6. University of Iowa⁴²
7. University of Minnesota⁴³
8. University of Nebraska⁴⁴

Four Big 10 schools (29%) have 100% smokefree policies that do not allow outdoor smoking:

1. University of Maryland⁴⁵
2. University of Michigan⁴⁶
3. Purdue University⁴⁷
4. University of Wisconsin⁴⁸

Rutgers⁴⁹ and Northwestern University⁵⁰ have similar partial smokefree policies that prohibit outdoor smoking within 30 and 25 feet of buildings on campus. Outside of those buffer zones, Rutgers and Northwestern allow outdoor smoking on campus. There are narrow exceptions to several policies for theatrical productions, for scientific research, and in Minnesota, for Native American spiritual or cultural ceremonies. In some cases, these narrow exceptions are required by state law.

Universities have demonstrated a shift in rationales supporting tobacco free policies. Rather than protecting the nonsmoker, tobacco free policies highlight the importance of showing leadership and promoting public health. Below are illustrative excerpts from tobacco free policies from several Big 10 universities:

Indiana University is concerned about the toll that smoking and tobacco use has on the health and well-being of the university community. As a public institution of higher education with units that research and treat the effects of smoking and tobacco use, IU believes it has an ***obligation to exercise leadership by promoting a healthy, smoke-free environment for its students, employees, and visitors.***⁵¹

The University of Illinois at Urbana-Champaign recognizes its ***responsibility to serve as a leader in promoting a healthy, smoke- and tobacco-free environment*** for all students, employees, and visitors to its campus. ***In light of the increasing weight of scientific evidence of the harm created by tobacco use, the campus shall be entirely tobacco and smoke free.*** The purpose of this policy is to promote the health,

⁴² University of Iowa, Tobacco-Free Campus, accessed at <https://opsmanual.uiowa.edu/community-policies/tobacco-free-campus>.

⁴³ University of Minnesota, Smoke and Tobacco Free Campus, accessed at <https://policy.umn.edu/operations/smoketobacco>.

⁴⁴ University of Nebraska, Tobacco Free Campus, accessed at <https://bf.unl.edu/policies/tobacco-free-campus-policy>.

⁴⁵ University of Maryland, Policy on Smoking, accessed at <https://smokefree.umd.edu/phone/policy.html>.

⁴⁶ University of Michigan, Smoking on University Premises, accessed at <https://spg.umich.edu/policy/601.04>.

⁴⁷ Purdue University, Smoke-Free Campus, <https://smokefree.umd.edu/phone/policy.html>.

⁴⁸ University of Wisconsin, Smoke-Free Policy, accessed at <https://www.vc.wisc.edu/wp-content/uploads/sites/245/2017/10/Smoke-FreePolicy5-1-16.pdf>.

⁴⁹ Rutgers Policy Library, 20.1.22, accessed at <https://policies.rutgers.edu/view-policies/administrative-%E2%80%93-section-20#1>.

⁵⁰ Northwestern University, Student Code of Conduct, accessed at <https://www.northwestern.edu/student-conduct/student-code-of-conduct/prohibited-restricted-conduct/index.html>.

⁵¹ Indiana University Tobacco-Free Policy (emphasis added), accessed at <https://healthy.iu.edu/wellness-information/tobacco-policy.html>.

well-being, and safety of students, employees, and visitors at the University of Illinois....⁵²

Ohio State strives to enhance the general health and wellbeing of its faculty, staff, students and visitors, to become the world's healthiest university. ***We desire to support individuals to be tobacco free, achieve their highest state of health and to launch students into their careers at a high level of health and wellbeing.*** To support this commitment, we intend to provide a tobacco free environment....⁵³

(Emphasis added.)

According to the American Nonsmokers' Rights Foundation, 2,542 U.S. colleges and universities (48%) have 100% smoke-free policies, and 2,104 (40% of the total) have 100% tobacco-free policies that also cover smokeless tobacco.⁵⁴ There are approximately 5,300 colleges and universities in the U.S., meaning 52% do not have smoke-free policies and 60% do not have tobacco-free policies.

Tobacco free policies establish clear social norms and prevent the emergence and exploitation of loopholes by the tobacco industry's innovations. Tobacco free policies contemplate an evolving tobacco marketplace. The tobacco industry has produced an increasing variety of nicotine delivery products in recent years. Innovative heat-not-burn products like IQOS and novel smokeless products are being produced by multiple manufacturers.⁵⁵ Some e-cigarette manufacturers claim to use synthetic nicotine, rather than tobacco-derived nicotine, to evade federal regulation.⁵⁶

Tobacco Free Policies in New Jersey Colleges and Universities

Within New Jersey, eight community colleges have tobacco free policies.⁵⁷ Among four-year universities, only two have 100% tobacco free policies, Montclair State University and St. Peter's University. New Jersey has fourteen community colleges and five universities with 100% smoke-free policies.

Background on Rutgers' Policy on Tobacco Use

In 2016, the Senate referred a resolution to the Student Affairs Committee (SAC) regarding Rutgers' No Smoking policy, 20.1.22. The gravamen of the resolution was based on students' continued exposure to secondhand smoke (1) at building entrances close to smoking urns and (2) at high traffic areas outdoors. They asked for smoking urns to be moved at least 30 feet from building entrances and greater on campus smoking cessation services. Of the two types of

⁵² University of Illinois, Smoke and Tobacco-Free Campus (emphasis added), accessed at <https://cam.illinois.edu/policies/fo-64/>.

⁵³ Tobacco Free Ohio State Policy (emphasis added), accessed at <https://hr.osu.edu/wp-content/uploads/policy720.pdf>.

⁵⁴ American Nonsmokers' Rights Foundation, Smokefree Colleges and Universities Continue to Grow in Popularity. Updated July 1, 2021. Accessed at <https://no-smoke.org/at-risk-places/colleges/>.

⁵⁵ Hatsukami, Dorothy K., and Dana M. Carroll. "Tobacco harm reduction: Past history, current controversies and a proposed approach for the future." *Preventive medicine* 140 (2020): 106099.

⁵⁶ Maloney, Jennifer, The 27-Year-Old Friends Behind Puff Bar—Teens' Favorite E-Cigarette, *Wall Street Journal*, October 11, 2021. Accessed at <https://www.wsj.com/articles/the-27-year-old-friends-behind-puff-barteens-favorite-e-cigarette-11633978700>.

⁵⁷ NJ Cuits. Accessed at <https://www.njcuits.com/>.

outdoor spaces where students complained about secondhand smoke exposure, the current policy prohibits smoking at one of them – within 30 feet of building entrances. But the current policy does not protect against secondhand smoke exposure in “high traffic areas” outside of those 30 foot zones.

By letter dated September 27, 2018, former President Robert Barchi responded with a number of directives. First, President Barchi directed that smoking urns be moved 30 feet away from building entrances and that signs be posted stating that smoking is prohibited within 30 feet of buildings. Second, he asked the chancellors to convene a group to make recommendations on best practices to reduce secondhand smoke exposure and to design methods to educate the campus community of about the dangers of secondhand smoke. Third, President Barchi asked for a review of Rutgers smoking cessation services. Fourth, regarding enforcement, President Barchi highlighted the benefits of education as a means of encouraging compliance over a punitive approach.

In response to this Charge, S-2107, in October 2020, the Executive Committee asked what happened with respect to the directives in the Barchi letter. Follow-up investigations revealed the following:

- With respect to smoking urns, efforts were made to move urns 30 feet away from buildings. However, recent investigations revealed that, in many locations, people moved the urns back within the prohibited 30 feet zones.⁵⁸
- Regarding cessation, Human Resources worked with Rutgers Biomedical and Health Sciences (RBHS) and Horizon to pull together cessation resources, developed a website,⁵⁹ and sent an announcement to the university community. In addition, Rutgers has a Tobacco Dependence Program⁶⁰ that provides cessation counseling, partners with other smoking quit centers throughout New Jersey, and provides training classes to cessation counselors nationwide.⁶¹
- The Ad Hoc Committee reached out to each Chancellor’s office to investigate if President Barchi’s September 2018 letter led to any additional responses.
- In 2019, Executive Vice President of Health Affairs, Chancellor Brian Strom, and the Deans and Directors of the RBHS Schools and Institutes issued a recommendation “**that all units across Rutgers University become entirely smoke-free.**” In doing so, it stated:

“For example, the RBHS Newark Campus has already become smoke free for the safety and health of patients, employees, and students. Furthermore, employees are encouraged to take advantage of smoking cessation programs through the State Health Benefits Program and wellness initiatives like RU Well.”

⁵⁸ This is based on (a) email inquiries from the Senate to the Office of the Chief Operating Officer, Mr. Anthony Calcado, and (b) a survey conducted in early 2021 by a grant funded organization RU Tobacco Free (see infra).

⁵⁹ Rutgers University Human Resources link to Smoking Cessation Information, <https://uhr.rutgers.edu/worklife-balance/smoking-cessation-information>.

⁶⁰ <http://www.tobaccoprogram.org/>.

⁶¹ <https://www.tobaccofreenj.com/quit-smoking>.

- Chancellors Nancy Cantor, Newark, and Antonio Tillis, Camden, responded that they were not aware of additional responsive action. An email exchange with Chancellor-Provost Francine Conway’s office did not lead to a substantive response.

RU Tobacco Free and Surveys of Rutgers Campuses and Community

In 2019, the Rutgers Center for Tobacco Studies (CTS) created RU Tobacco Free, a team of faculty and staff working with other members of the Rutgers community. RU Tobacco Free has been awarded grants from the American Cancer Society (ACS), the Truth Initiative (Truth), and NJ Prevention Network (NJPN). ACS, Truth, and NJPN have funded campaigns at hundreds of colleges and universities in the U.S. aimed at achieving 100% smoke- and tobacco free policies.^{62,63,64} These grants enabled RU Tobacco Free to conduct surveys of both physical aspects of Rutgers’ campuses and the attitudes and tobacco use behaviors of Rutgers students, faculty and staff.

RU Tobacco Free conducted a survey in early 2021 that examined physical aspects of campuses in New Brunswick/Piscataway, Newark, and Camden. It focused on high profile locations across campuses, including student centers, libraries, academic buildings, residential buildings and recreational facilities, assessing the location of smoking urns and presence of “no smoking” signs. Out of 44 locations that were sampled on campus in New Brunswick and Piscataway, 74% of the urns were less than 30 feet from an entrance. In Camden and Newark, 11 and 13 sampled locations were examined. Smoking urns were less likely to be found within the 30 feet of comparable buildings in Camden (11%) and Newark (31%), than in New Brunswick/Piscataway. The presence of “no smoking” signs was similar across campuses – 55% in New Brunswick/Piscataway, 62% in Newark, and 55% in Camden. A substantial portion of signs were temporary, making visibility suboptimal. In addition, Rutgers’ current “no smoking” signs are outdated because they do not reflect that existing policy bans e-cigarette use in all locations where smoking is banned. Many universities have updated their signs to reflect that their policies also cover e-cigarettes.

In early 2021, RU Tobacco Free launched a survey regarding tobacco use of Rutgers students, faculty and staff on all campuses. The survey reached more than 71,000 students and 25,000 faculty and staff. More than 15,300 people responded, and response rates by faculty and staff were only slightly higher than the students’ response rate. Overall, the response rate was greater than 15%, which is considered robust compared to surveys with similar reach. The questions focused on several themes outlined below.

Attitudes regarding policy on tobacco use. The survey asked several questions on attitudes regarding university policy on use of tobacco products. Below are two relevant statements that called for one out of five potential responses, measuring the extent to which the respondent agreed or disagreed.

Colleges have a responsibility to adopt policies that ensure people have smoke-free and vapor-free air to breathe.

⁶² American Cancer Society, Tobacco-Free Generation Campus Initiative. Accessed at <https://www.tobaccofreecampus.org/>.

⁶³ Truth Initiative, How the Tobacco-Free College Program has helped campuses protect 1 million people, September 27, 2019. Accessed at <https://truthinitiative.org/research-resources/tobacco-prevention-efforts/how-tobacco-free-college-program-has-helped-campuses>.

⁶⁴ NJ Cuits. Accessed at <https://www.njcuits.com/>.

Nearly 9 out of 10 agreed with this statement, and more than 2/3 strongly agreed.

To what extent do you support Rutgers becoming 100% smoke-free, tobacco-free, and vape-free, with all tobacco product use prohibited on campus.

Roughly three-quarters of respondents supported this policy idea, and half expressed strong support. At the opposite end of the spectrum, less than 1 of 10 indicated strong opposition.

Current use of tobacco products. The survey asked respondents if they used tobacco products, and if so, which ones. Overall, 1 out of 6 students responded that they use tobacco products, and 1 out of 10 members of the faculty and staff use tobacco products. For both groups cigarettes and e-cigarettes were substantially more popular than other products. Among students, e-cigarettes ranked first, cigarettes ranked second, hookah was third, and cigars/cigarillos were fourth. Among faculty/staff, cigarettes ranked first, e-cigarettes came in second, traditional cigars were third, and cigars/cigarillos were fourth.

Cessation. Overwhelmingly, respondents who use tobacco indicated that they plan to quit. Roughly 3 out of 4 cigarette smokers plan to quit. This is consistent with, if not higher than, national trends.⁶⁵ An even higher proportion of e-cigarette users, 8 out of 10, plan to quit. That ratio held true for students who use e-cigarettes. Nationally, several surveys of youth and young adults have found that roughly 50% attempted to quit in the past year.⁶⁶ This suggests that Rutgers' respondents may have significantly stronger intentions to quit e-cigarette use than national averages. It is unclear if the COVID pandemic had a significant influence on patterns of tobacco use among respondents at Rutgers. Most students, 3 out of 4, were unaware of cessation services on campus. That suggests that highlighting these services would benefit the Rutgers community.

Considerations

In September 2019, Senator Kevin Schroth, also an Associate Professor at the Center for Tobacco Studies, introduced Charge S-2107 with the goal of strengthening Rutgers' partial no smoking policy in three notable ways.

1. Expanding the policy to prohibit outdoor smoking on all of Rutgers' campuses, rather than allowing outdoor smoking beyond existing buffer zones that extend 30 feet from buildings.
2. Covering the use of all tobacco products, including smokeless and novel tobacco products, except for products approved by the FDA for cessation purposes.
3. If the first two elements of this Charge are approved, the name of the policy should be amended to reflect that all of Rutgers' campuses are tobacco free.

Rutgers' mission includes contributing "to the medical, environmental, social, and cultural well-being of the state."⁶⁷ President Jonathan Holloway speaks frequently of his vision of a "beloved community." Reverend Martin Luther King Junior said, "Of all the forms of inequality, injustice in healthcare is the most shocking and inhumane." With those principles in mind, it is worth

⁶⁵ CSC, Quitting Smoking: Closer with Every Attempt. Accessed at <https://www.fda.gov/tobacco-products/health-information/quitting-smoking-closer-every-attempt>.

⁶⁶ Nearly half of young vapers resolve to quit e-cigarettes in 2020, Truth Initiative, January, 6, 2020. Accessed at <https://truthinitiative.org/research-resources/quitting-smoking-vaping/nearly-half-young-vapers-resolve-quit-e-cigarettes-2020>.

⁶⁷ <https://www.rutgers.edu/about-rutgers>.

acknowledging the disparities related to tobacco use, which are driven by the tobacco industry's long-standing practice of targeting African Americans and other vulnerable communities.

Creating an environment where students, faculty and staff can pursue these goals safely without being exposed to the hazards of secondhand smoke aligns with these ideals. Smokefree policies are associated with reduced secondhand smoke exposure, reduced smoking prevalence, increased quitting, decreases in cigarettes smoked per day, and lower odds of smoking among youth and young adults.⁶⁸ Also, tobacco free policies apply to smokeless tobacco, which poses no threat to non-tobacco users. In developing tobacco free policies, MLB recognized that this protected baseball players and showed leadership, which may reduce smokeless tobacco use by youth who are influenced by MLB baseball players. Similarly, Big 10 universities that adopted 100% tobacco free policies have highlighted the importance of demonstrating leadership by promoting a healthy, tobacco free environment, well-being, and safety of students, employees, and visitors.

Members of the Ad Hoc Committee recognize that providing well-advertised, easy access to opportunities to quit is an important element of a tobacco free policy. Multiple cessation counseling services are available to Rutgers students, faculty and staff for quitting tobacco use. The same services are available to people across New Jersey. They include:

1. New Jersey Quit Centers
2. Mom's Quit Connection for Families/Quit for Kids (MQCF)
3. New Jersey Quitline
4. Rutgers Tobacco Dependence Program

The New Jersey Quit Centers also provide tailored group counseling for LGBTQ+ identifying individuals. Quit services are available to English and Spanish-speakers, and assistance can be provided to clients who speak other languages. Other cessation resources include the Truth Initiative's texting programs such as "This is Quitting" and "BecomeAnEx," which offer easy-to-use text-based support.

Although cessation services are widely available, RU Tobacco Free's survey found that roughly 3 out of 4 students were unaware of cessation services on campus. For this reason, the Committee believes that an educational campaign that promotes the availability of these services would benefit the Rutgers community and the potential success of a tobacco free policy at Rutgers.

The Ad Hoc Committee recognizes that quitting tobacco use is difficult. Although a tobacco free policy may motivate some of them to quit or consume less tobacco, quitting takes time and, often, multiple attempts take place before cessation is achieved. Ad Hoc Committee members recognize that some people will have difficulty quitting, and others may not want to quit. Tobacco products can be sold legally to persons who are 21 and older. Several challenges were identified regarding a policy that bans smoking without exceptions on Rutgers' campuses.

1. Smokers who cannot smoke on campus would have to find somewhere to smoke, like sidewalks adjacent to campus on city streets. Safety concerns were raised in this regard.

⁶⁸ Levy, David T., et al. "Research full report: the impact of implementing tobacco control policies: the 2017 tobacco control policy scorecard." *Journal of Public Health Management and Practice* 24.5 (2018): 448.

2. In some places, there may not be a convenient location within walking distance for smokers to take a smoking break that is off campus grounds. Consequently, the potential of increasing traffic motivated a concern regarding smokers who may drive off campus to find a place to smoke.
3. Members of the committee also voiced concern that people who take smoking breaks on city streets may be in an unsafe environment.
4. One member of the committee characterized tobacco users as a minority segment of the population and argued that their views should not be minimized or disregarded simply because they represent a relatively small group.
5. Enforcement of the smokefree policy is already challenging.

Even though these concerns warrant attention, the committee, with one member dissenting, concluded they do not require a less ambitious policy. Studies unequivocally find that, even outdoors, secondhand smoke can pose health hazards. The last effort to reform Rutgers' No Smoking policy (2016-2018) was based on complaints regarding secondhand smoke at high traffic outdoor areas and close to buildings. Survey results from 2021 confirm that those concerns have not been rectified by the existing policy. A significant portion of respondents were exposed to secondhand smoke or vapor, and many of them were bothered by it. In addition, the effort to move smoking urns beyond the 30-foot buffer zones appears to be unproductive because individuals have moved many of them back inside the buffer zones.

In balancing the competing interests of protecting people from secondhand smoke and minimizing the inconvenience of smokers, the Committee finds that protecting health should prevail. That analysis applies to the first two concerns above (regarding where a person can smoke). If smokers have to travel off-campus for a smoking break, that is likely to alleviate secondhand smoke exposure on campus. The concern regarding traffic seems unlikely to materialize because city sidewalks are off campus and usually easily accessible. Moreover, making smoking less convenient is likely to contribute to a decrease in tobacco consumption, which may, in turn, contribute to cessation.⁶⁹ It stands to reason that banning smoking on campus may have an incrementally greater downward effect on tobacco consumption than the existing partial smokefree policy by increasing the opportunity cost, i.e., time commitment through longer travel time, involved in taking a smoking break.⁷⁰ Studies suggest that for these reasons, smokefree policies lead to fewer smoking breaks and increased productivity.⁷¹

Committee members questioned how a tobacco free policy works when the campus lies within municipalities that do not have smoke- or tobacco-free policies. Rutgers does not have the authority to change policy off campus, which includes city sidewalks adjacent to campus. Thus, a sidewalk that forms a border between campus and a municipality would not be covered by the policy. In contrast, a sidewalk that is completely on campus would be covered by the policy. To the extent Rutgers students, faculty, staff and visitors want to find a location to smoke, city sidewalks that form a border between campus and a municipality would be a convenient option.

The committee considered providing designated smoking areas and carveout types of locations like parking lots. Also, one committee member recommended that each Chancellor should be

⁶⁹ Offord, Kenneth P., et al. "Effects of the implementation of a smoke-free policy in a medical center." *Chest* 102.5 (1992): 1531-1536.

⁷⁰ Luke, Douglas A., et al. "Tobacco town: computational modeling of policy options to reduce tobacco retailer density." *American journal of public health* 107.5 (2017): 740-746.

⁷¹ Lidegaard, Lærke P., Maria Kristiansen, and Charlotta Pisinger. "Readiness for implementation of smoke-free work hours in private companies: A qualitative study of perceptions among middle managers." *Tobacco Prevention & Cessation* 7 (2021).

able to tailor a tobacco use policy for his or her campus. However, consistent with tobacco free policies of other Big 10 schools, the committee recommends creating a policy that is simple, consistent with the science regarding secondhand smoke, and aligned with Rutgers' goal of being a leader in promoting public health.

Regarding concerns that it may be unsafe for smokers to take breaks on sidewalks, as opposed to outdoor areas on campus. These concerns are more of a public safety issue than a justification for condoning greater secondhand smoke exposure on campus. Also, it seems unreasonable to suggest that a smoker cannot stand safely on the same sidewalk that they traverse while walking to lunch, or on the way to or from work.

Restrictions on smoking are not welcome by all. But studies show this is an element of their effectiveness. According to one study, "essential mechanisms by which bans influenced patterns of tobacco use and quitting include confronting addiction, temptation, inconvenience, and social norms. These findings highlight the success of tobacco control advocates in denormalizing tobacco use...."⁷²

Challenges associated with enforcement of the policy at an institution of Rutgers' size and diverse geography were discussed at length. Specific issues included disproportionate policing of the policy among students of color and the burden of a high volume of investigations if enforcement were required. The intent of the policy is not to be punitive, but rather to create a culture of compliance and to promote opportunities for engagement and education through student outreach which aligns with President Holloway's vision of a Beloved Community.

Finally, as one member of the Ad Hoc Committee stated, an institution of higher learning has an obligation to allow minority groups to voice their concerns, even when the content of a group's speech may be disfavored. That position articulates important values to which members of this Committee subscribe. In that regard, some smokers will likely contend that they should be allowed to smoke and use other tobacco products on campus. Part of that argument is that the health risks that they pose to others is minimal and, therefore, should be tolerated. Having the freedom to advocate for a position, however, does not guaranty that the majority of the Committee will adopt that position as part of its recommendations. The Committee recognizes the minority position. However, based on the science related to secondhand smoke exposure and the importance of promoting a healthy environment on campus, this Committee finds that the University's interests in protecting the community from secondhand smoke exposure and promoting a 100% tobacco free environment are more compelling.

⁷² Betzner, Anne E., et al. "Experience of smokers and recent quitters with smokefree regulations and quitting." *American journal of preventive medicine* 43.5 (2012): S163-S170.

Recommendations:

In light of these considerations, this Ad Hoc Committee recommends amending Rutgers’ partial no smoking policy in the ways described below:

1. Expanding the scope of the policy to cover all of Rutgers’ campuses, including all outdoor spaces.
2. Covering and prohibiting the use of all tobacco products, including smokeless and novel tobacco and nicotine containing products, except for cessation products approved by the U.S. Food and Drug Administration for use in treating nicotine or tobacco dependence.
3. Relabeling the “No Smoking Policy” as a “Tobacco Free Policy”.

This Ad Hoc Committee, created by the Executive Committee to address Charge S-2107, therefore, requests that the Executive Committee approve the questions set forth below to be raised to the Senate for a vote in the next Senate meeting.

Be it resolved the Rutgers University Senate recommends that:

1. Policy Name for Section # 20.1.22, be relabeled “Tobacco Free Policy” instead of “No Smoking Policy.”
2. Paragraph 1, "Policy Statement," which currently states:

The policy outlines the prohibition of smoking in, and within 30 feet, of all university owned and operated buildings, as designated in section II.,A., including but not limited to University owned or leased vehicles and recreation areas. Moreover, this policy outlines the procedures to be undertaken to enforce this policy.

be amended to state:

The policy outlines the prohibition of smoking and tobacco use on all campuses as designated in section II, including but not limited to University owned or leased vehicles and recreation areas. Moreover, this policy outlines the procedures to be undertaken to enforce this policy.

3. Paragraph 6, Roman numeral II, Non-Smoking Areas, which currently states:

Non-Smoking Areas

Smoking shall be prohibited in classrooms, lecture halls, auditoriums, and in any portion of a building used as a dormitory that is owned and operated by Rutgers. Smoking is prohibited within 30 feet of a building. This prohibition on smoking shall include gymnasiums, playing fields, and other recreational areas. Smoking is also prohibited in all University owned or leased vehicles. In addition, smoking and the placement of ash urn receptacles shall be prohibited in areas deemed to be main entrances to buildings owned and operated by the university. Electronic smoking devices are also prohibited in the same locations and in the same manner as set forth above.

be amended to state:

Tobacco Free Areas

Smoking and tobacco use shall be prohibited in classrooms, lecture halls, auditoriums, and in any portion of a building used as a dormitory that is owned and operated by Rutgers. Smoking and tobacco use are prohibited on all campus grounds. This prohibition on smoking and tobacco use shall include gymnasiums, playing fields, and other recreational areas. Smoking and tobacco use are also prohibited in all University owned or leased vehicles. The use of electronic smoking devices is also prohibited in the same locations and in the same manner as set forth above.

4. Amendments consistent with these changes be made throughout Section #20.1.22, as shown in the attached draft amendment.

Ad Hoc Committee Members:

The following Senators were part of the Ad Hoc Committee:

Kevin Schroth (Chair)

Peter Gillett

Suja Patel

Robert Schwartz

Michael Shapiro

Marty Siederer

Michael Van Stine.

The Committee included following ex officio members:

Francesca Maresca

Tanisha Riley

Howard Kipen

Michelle Kennedy

Nicolette Garthe

DRAFT AMENDMENT TO UNIVERSITY POLICY, SECTION # 20.1.22

Below are proposed edits to University Policy, Section # 20.1.22. Text that is underlined means the language is being proposed for the new policy. Text marked by a strike-through (e.g., ~~strike~~) is recommended for deletion from the existing policy.

Paragraph 1, "Policy Statement" section be amended as follows:

The policy outlines the prohibition of smoking and tobacco use on all campuses ~~in, and within 30 feet, of all university owned and operated buildings,~~ as designated in section II., ~~A.~~, including but not limited to University owned or leased vehicles and recreation areas. Moreover, this policy outlines the procedures to be undertaken to enforce this policy.

Paragraph 2, "Reason for Policy," be amended as follows:

To provide guidelines regarding the prohibition of smoking ~~in University buildings~~ and tobacco use in compliance with New Jersey state law and applicable regulations and in compliance with Rutgers policy. In addition, this policy reflects Rutgers' leadership in and commitment to the protection of public health of its students, employees, visitors, and its desire to promote a safe and healthy environment on campus.

Paragraph 5, "Definitions" be amended by adding a "Tobacco product" definition as provided below:

"Tobacco product" means any substance containing tobacco leaf, including but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, blunts, clove cigarettes, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body by inhalation, ingestion, or absorption; but does not include any cessation product specifically approved by the U.S. Food and Drug Administration for use in treating nicotine or tobacco dependence.

Paragraph 6, "The Policy," be amended in Roman numeral sections I, II., and III. of as provided below:

I. Introduction

In accordance with the New Jersey Smoke-Free Air Act, which was enacted by the Senate and General Assembly of the State of New Jersey, Rutgers, The State University of New Jersey ("Rutgers" or "University"), has adopted a policy to prohibit smoking in any portion of a building that is owned and operated by Rutgers. In addition, Rutgers' policy prohibits the use of all tobacco products on each of its campuses, including all outdoor areas on campus grounds.

II. ~~Non-Smoking~~ Tobacco Free Areas

Smoking and tobacco use shall be prohibited in classrooms, lecture halls, auditoriums, and in any portion of a building used as a dormitory that is owned and operated by

Rutgers. Smoking and tobacco use are prohibited on all campus grounds ~~within 30 feet of a building~~. This prohibition on smoking and tobacco use shall include gymnasiums, playing fields, and other recreational areas. Smoking and tobacco use are also prohibited in all University owned or leased vehicles. ~~In addition, smoking and the placement of ash urn receptacles shall be prohibited in areas deemed to be main entrances to buildings owned and operated by the university.~~ The use of Electronic electronic smoking devices is also prohibited in the same locations and in the same manner as set forth above.

III. Implementation

The prohibition on smoking and tobacco use is effective in all university and operated buildings ~~within 30 feet of all entries~~ and on all outdoor campus grounds, effective immediately. The Senior Vice President for Institutional Planning & Operations shall be responsible for informing all members of the university community about the ban.

The directors of Student Health Services on all campuses shall be responsible for providing educational opportunities and ~~smoke~~ tobacco use cessation programs for any interested student or employee.