

Safe Schools *Tobacco and Electronic Cigarettes*

Definitions—

1. “Electronic cigarette” means any electronic, oral device that provides an aerosol or a vapor of nicotine or other substance and which simulates smoking through its use or through inhalation of the device, including but not limited to an oral device that is composed of a heating element, battery, or electronic circuit and marketed, manufactured, distributed as an e-cigarette, e-cigar, e-pipe, or any other name or description if the function of the product meets this definition. It also includes a component of such a device or an accessory sold in the same package as the device. It does not include a medical cannabis device as defined by [Utah Code § 26B-4-201](#).

[Utah Code § 76-10-101\(4\) \(2023\)](#)

2. “Electronic cigarette substance” means any substance, including liquid containing nicotine, used or intended for use in an electronic cigarette.

[Utah Code § 76-10-101\(6\) \(2023\)](#)

3. “Electronic cigarette product” means an electronic cigarette, an electronic cigarette substance, or a prefilled electronic cigarette.

[Utah Code § 53G-1-103 \(2020\)](#)

[Utah Code § 76-10-101\(5\) \(2023\)](#)

4. “Prefilled electronic cigarette” means an electronic cigarette that is sold prefilled with an electronic cigarette substance.

[Utah Code § 76-10-101\(14\) \(2023\)](#)

5. “Nicotine product” means an alternative nicotine product or a nontherapeutic nicotine product as defined by Utah Code § 76-10-101.

[Utah Code § 76-10-101\(9\) \(2023\)](#)

Tobacco—

Students may not possess, use, or distribute tobacco or tobacco products on school property or during any school activity (whether or not it takes place on school property).

[Utah Code § 53G-8-209\(2\) \(2020\)](#)

[Utah Code § 53G-8-210\(1\)\(a\)\(ii\) \(2020\)](#)

Nicotine Products—

Students may not possess, use, or distribute any nicotine product on school property or during any school activity (whether or not it takes place on school property).

[Utah Code § 53G-8-209\(2\) \(2020\)](#)

[Utah Code § 53G-8-210\(1\)\(a\)\(ii\)](#)

(2020) Electronic Cigarette Products—

Students may not possess, use, or distribute any electronic cigarette product on school property or during any school activity (whether or not the activity takes place on school property). Students violating this prohibition are subject to discipline under Policy FHA and to action under Policy FF Student Activities and under Policy FHAE Safe Schools: Disruptive Student Behavior.

[Utah Code § 53G-8-203\(3\)\(b\) \(2020\)](#)

[Utah Code § 53G-8-209\(2\) \(2020\)](#)

[Utah Code § 53G-8-210\(1\)\(a\)\(ii\)](#)

[\(2020\)](#)

Confiscation and Disposal of Electronic Cigarette Products—

Any electronic cigarette product found in the possession or control of a student on school property or at a school activity (including such products found in student lockers, desks, or similar locations) shall be confiscated by staff and shall be destroyed or otherwise disposed of. However, if the electronic cigarette product is suspected to contain illegal controlled substances or to be used to consume illegal controlled substances, a school administrator may release the product to law enforcement upon request of law enforcement as part of an investigation or action rather than destroying or destroying the confiscated product. (For purposes of this exception, nicotine or other tobacco derivatives are not considered illegal controlled substances.)

[Utah Code § 53G-8-203\(3\)\(b\), \(c\) \(2020\)](#)

[Utah Code § 53G-8-508\(2\) \(2020\)](#)

A school administrator shall release a confiscated electronic cigarette product on school property or at a school-sponsored event to a school resource officer or local law enforcement to dispose of or destroy safely.

If the administrator has a reasonable suspicion that it contains an illegal substance, it should be released to local law enforcement.