

3.98 Smoking [*used verbatim published smoking policy, which incorporated text from BR116 and AP&P 242*]

The university hereby declares its intent to comply with the New Mexico Clean Indoor Air Act as signed into law April 1, 1985 (House Bill 48, effective January 1, 1986). The legislature finds and declares that the smoking of tobacco, or any other weed or plant, is a positive danger to health and a health hazard to those who are present in enclosed places and that smoking in such areas should be confined to designated smoking areas. The legislature further declares its intention to protect the public health from such hazards in public places and places of employment without imposing exorbitant costs on persons in management and control of the places subject to the Clean Indoor Act.

Smoking Prohibited Except in Permitted Areas: It is unlawful for any person to smoke in a public place or at a public meeting except in smoking-permitted areas. Smoking-permitted areas in public places may be: (1) fully enclosed offices or rooms occupied exclusively by smokers; (2) rooms or halls being used for a nongovernmental function where the seating is controlled by the sponsor of the function; or (3) smoking-permitted areas as posted. It is the university's responsibility to provide smoke-free work areas for nonsmokers when possible; however, the provision of structural or other physical modifications in these areas is not required. University operations housed at noncampus facilities may be subject to other regulations.

Designation: The university shall have the authority to designate any work area as a nonsmoking area. After reviewing personal concerns, a building may be designated "smoke free" by consensus of vice president(s), dean(s) or major director(s) whose areas occupy the premises.

Required Signs: In public places where smoking is prohibited in the entire establishment, a sign using the words "No Smoking" or the international symbol for "No Smoking" shall be conspicuously posted on all public entrances or in a position where the sign is clearly visible upon entry into the establishment. In public places where certain areas are designated as smoking-permitted areas pursuant to the provisions of the New Mexico Clean Indoor Air Act, the statement "No Smoking Except in Designated Areas" shall be conspicuously posted on all public entrances or in a position where it is clearly visible upon entry into the establishment. In public places where smoking is permitted in the entire establishment, a sign using the words "Smoking Permitted", the international symbol for "Smoking Permitted", or both shall be conspicuously posted either on all public entrances or in a position where it is clearly visible upon entry into the establishment.

Building Monitor: The building monitor, with direction from vice presidents, deans or major directors, is responsible for: (1) posting signs; (2) arranging seating and work areas to provide smoke-free areas; (3) asking smokers to refrain from smoking upon request of an employee, student or visitor; (4) affirmatively directing smokers to smoking-permitted areas; and (5) using existing physical barriers and ventilation systems to minimize the toxic effect of transient smoke in adjacent nonsmoking areas.

Penalties: Any person who commits an unlawful act under any of the provisions of the New Mexico Clean Indoor Air Act shall be fined in an amount not less than \$10 or more than \$25 for each violation.

Appeal Procedure: In the event of a conflict, employees/students are encouraged to work out a compromise. If this is unsuccessful, reasonable efforts to separate smokers from nonsmokers may be considered. If necessary, the matter may be referred to the appropriate vice president, dean or major director for a decision. If the disagreement reaches an impasse, the provost will render a final decision. The Institutional Equity/EEO Director may be contacted for a copy of the legislation.