Safe Schools Tobacco and Electronic Cigarettes

Definitions—

1. “Electronic cigarette” means an electronic oral device that provides an aerosol or a vapor

of nicotine or other substance and that simulates smoking through its use or through inhalation of the device, including but not limited to an oral device that is composed of a hearing 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 § 76-9-1101(4) (2026)

2. “Electronic cigarette substance” means any substance containing nicotine that is used or

intended for use in an electronic cigarette.

Utah Code § 76-9-1101(6) (2026)

3. “Electronic cigarette product” means an electronic cigarette, an electronic cigarette

substance, a prefilled electronic cigarette, a non-nicotine inhalation product, or a non-nicotine inhalation substance.

Utah Code § 53G-1-103 (2025)

Utah Code § 76-9-1101(5) (2026)

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

electronic cigarette substance.

Utah Code § 76-9-1101(16) (2026)

5. “Nicotine product” means an alternative nicotine product or a nontherapeutic nicotine

product as defined by Utah Code § 76-9-1101.

Utah Code § 76-9-1101(9) (2026)

6. “Non-nicotine inhalation product” means a product that:

a. Is a manufacturer sealed prefilled electronic cigarette that the manufacturer does not

intend the consumer to open;

b. Contains a substance other than nicotine, including a vitamin, mineral, dietary supplement,

or alkaloid;

c. Is designed specifically to be used with an electronic cigarette to produce an aerosol or

vapor of the substance;

d. Does not contain a cannabinoid; and

e. Does not contain nicotine.

It excludes a medical cannabis device and a product the manufacturer did not design to be placed directly on an individual's mouth to simulate smoking.

Utah Code § 76-9-1101(10) (2026)

7. "Non-nicotine inhalation substance" means any substance not containing nicotine or a

cannabinoid that is used or intended for use in an electronic cigarette.

Utah Code § 76-9-1101(11) (2026)

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)(b)(ii)(B) (2025)

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)(b)(ii)(B) (2025)

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(4)(b) (2026)

Utah Code § 53G-8-209(2)(b)(ii)(B) (2025)

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(4)(b), (c) (2026)

Utah Code § 53G-8-508(2) (2020)

Source Traceability

Source	Use in this policy
USBA Model Policy FHAG, modified 6 May 2026	Model retained as the controlling tobacco and electronic- cigarette policy.
MSD Policy 6310, approved 2024	Inserted as FHAG-1 to preserve activity-eligibility coordination for tobacco/electronic cigarette violations.
MSD Policy 6410, approved 2024	Inserted as FHAG-1 to preserve coordination with student dress rules addressing tobacco/vaping imagery and language.

Source	Use in this policy
MSD Policy 7160, approved 2021	Reviewed for school-premises tobacco restrictions; broader visitor/premises provisions are preserved or deferred to the premises/community-use policies.

Disposition Note

USBA FHAG remains controlling. A limited Millard coordination provision was added because old MSD policy connects tobacco/e-cigarette violations to activity eligibility, student dress, and campus conduct.