



THE RECTOR

WITH REGARD TO

- Law no. 584 of 11 November 1975 - Prohibition of smoking in certain places and on public transport;
- Law no. 689 of 24 November 1981 as amended and supplemented - Amendments to the penal system;
- The Prime Minister's Directive of 14 December 1995 - Prohibition of smoking in certain public administration offices or public service facilities;
- Legislative Decree no. 237 of 9 July 1997 as amended and supplemented - Amendments to the regulations on independent cashier services of financial offices;
- Circular no. 4 of the Ministry of Health, dated 28 March 2001 - Interpretation and application of current smoke-free laws;
- The Agreement between the Minister of Health, the Regions and Autonomous Provinces of Trento and Bolzano of 27 September 2001 - Guidelines for the protection and the promotion of health in confined spaces;
- Law no. 3 of 16 January 2003 - Provisions on Public Administration, particularly art. 51;
- The Agreement signed on 24 July 2003 between the Minister of Health, the Regions and Autonomous Provinces of Trento and Bolzano on the protection of the health of non-smokers;
- The Prime Minister's Decree (DPCM) of 23 December 2003 - Implementation of art. 51, paragraph 2, of Law no. 3 of 16.1.2003, as amended by art. 7 of Law no. 306 of 21.10.2003, concerning the protection of non-smokers;
- The Agreement between the Minister of Health, in agreement with the Ministers of the Interior and of Justice, and the Regions and Autonomous Provinces of Trento and Bolzano of 16 December 2004 - Agreement on the protection of the health of non-smokers, in implementation of art. 51, paragraph 7, of Law no. 3 of 16.1.2003;
- The Circular of the Ministry of Health of 17 December 2004, Guidelines for interpreting and implementing the prohibitions resulting from the entry into force of art. 51 of Law no. 3 of 16.1.2003 on the protection of the health of non-smokers;
- Art. 20 of Legislative Decree no. 81 of 9 April 2008 - Implementation of art. 1 of Law no. 123 of 3 August 2007, on the protection of health and safety in the workplace. This provision requires the worker to take care of their own health and that of other people, cooperating with the employer to comply with workplace health and safety requirements;
- Art. 4 of Legislative Decree no. 104 of 12 September 2013, as amended and converted into Law no. 128 of 8 November 2013 - Urgent measures in the field of education, university and research. This provision extended the ban on smoking to outdoor areas pertaining to education and training institutions, and introduced a ban on the use of electronic cigarettes in same areas;
- Art. 24 of Legislative Decree no. 6 of 12 January 2016 - Transposition of Directive 2014/40/EU on the approximation of the laws, regulations and administrative provisions of Member States relating to the processing, presentation and sale of tobacco and tobacco-related products, which repeals Directive 2001/37/EC. This provision further extended the smoking ban to the external appurtenances of university hospitals, hospitals and paediatric Institutes for Research, Hospitalization and Healthcare (IRCCS) and to the external appurtenances of gynaecology, obstetrics, neonatology and paediatrics wards of university hospitals, hospitals and IRCCS.



TAKING INTO ACCOUNT

- Rector's Decree no. 191296 of 26 February 1999 - Regulations for the implementation of the provisions contained in Law Decree no. 363 of 5 August 1998;
- The General Regulations of the University of Milan, issued by Rector's Decree no. 288676 of 23 December 2013;
- Rector's Decree no. 21746 of 20 May 2002, enacting the Regulations for the application of the ban on smoking on campus, as amended by Rector's Decree no. 231513 of 13 January 2005;
- The favourable opinion expressed by the Academic Senate in the meeting of 15 October 2019 on the proposed amendments to the Regulations for the application of the ban on smoking on campus;
- The resolution passed by the Board of Directors at the meeting of 29 October 2019, approving the proposed amendments to the Regulations for the application of the ban on smoking on campus;

HEREBY DECREES

That the new Regulations for the application of the ban on smoking on campus are hereby promulgated. The Regulations are attached hereto and form an integral and substantial part hereof.

The Regulations are published on the website of the University of Milan and will enter into force on the fifteenth day following their publication, thereby superseding the old Regulations for the application of the ban on smoking on campus, as amended by Rector's Decree no 231513 of 13 January 2005.

Milan, 14 November 2019

The Rector

Prof. Elio Franzini



REGULATIONS FOR THE APPLICATION OF THE BAN ON SMOKING ON CAMPUS

Art. 1 - Scope of application and recipients

1. These Regulations are part of the measures adopted by the University of Milan to raise the level of protection of the health of staff, students and all the people who attend campus spaces from serious damage resulting from exposure to tobacco smoke and vapours produced by the use of electronic cigarettes.
2. The provisions contained herein apply to University buildings used for any purposes and are extended to spaces for the exclusive use of university units housed in other institutions.
3. The recipients of this Decree are university staff, students, the general public, as well as all those who attend the buildings and spaces referred to in the previous paragraph for any reason.

Art. 2 - Ban on smoking

1. To protect the subjects referred to in art. 1, paragraph 3 above from passive exposure to tobacco smoke (aka passive smoking or second-hand smoke), as well as to the vapours produced by the use of electronic cigarettes, smoking is prohibited in:

Confined environments

- 1) Halls and entrances;
- 2) Hallways and transit areas;
- 3) Stairs and landings;
- 4) Classrooms;
- 5) Research and teaching laboratories;
- 6) Libraries and museums;
- 7) Reading rooms and adjoining rooms;
- 8) Rooms used by students;
- 9) Offices and studios in general;
- 10) Information desks (e.g. student registrar, book loan service);
- 11) Waiting rooms (e.g. clinics, analysis laboratories);
- 12) Meeting rooms;
- 13) Washrooms;
- 14) Changing rooms;
- 15) Lifts;
- 16) Cafeterias and bars;
- 17) Refreshment points (e.g.: areas where food and drink vending machines are positioned);
- 18) Warehouses and storage rooms of any kind;
- 19) IT centres;
- 20) Archives;
- 21) Book deposits;



22) Balconies and terraces;

23) Garages.

Uncovered and partially covered appurtenances

24) Uncovered appurtenant spaces, inside buildings or university real estate complexes, near windows, doors, skylights or any other opening or air intake;

25) Partially covered spaces, inside buildings or university real estate complexes, such as courtyards, porches and loggias.

Vehicles

26) University vehicles or vehicles used on behalf of the University.

2. The smoking ban does not apply to rooms and spaces reserved for smokers, with designated smoking area signs.

Art. 3 - No Smoking Information

1. The smoking ban is notified by clearly visible no-smoking signs.
2. The sign must bear:
 - The name of the University;
 - Pictogram;
 - The words: "VIETATO FUMARE / NO SMOKING AREA"
 - Framework legislation and University regulations;
 - Details of the fee that may apply to offenders;
 - Details of those who enforce the smoking ban, as defined below in art. 4.

Art. 4 - Enforcement

1. The persons required to ensure compliance with the smoking ban, and to ascertain and notify any infringements, within the sphere of the activities and areas of competence, are the Chairs of Executive Committees, Department Heads, Heads of Postgraduate Schools, Heads of "Scuole dirette a fini speciali", Superintendents of Agricultural Companies, Directors of Study and Research Centres, Managers of Administrative Units, Sector Heads, Staff Office Heads, Directors of Service Centres, Library Directors.
2. The persons referred to in the previous paragraph may formally appoint one or more delegates among the teaching staff, researchers and/or technical-administrative and library staff belonging to their respective units, with the task of supervising, ascertaining and notifying any infringements. If the persons referred to in the preceding paragraph have not identified a delegate, they shall retain the supervisory, assessment and notice functions in their own hands.
3. Any such delegates must be appointed by a written deed to be signed for acceptance by the delegate and sent to the Workplace Safety & Prevention Office.
4. In the environments and spaces covered by an external surveillance service, if contractually provided for, any infringements will be ascertained, notified and reported by the contractor's staff.



Art. 5 - Notification and reporting of infringements

1. In cases of violation of the smoking ban, its enforcers will ascertain the infringement, and immediately notify the infringer. After identifying the infringer, they shall draw up a report in triplicate using exclusively the forms prepared by the Administration and made available on the University portal. If the transgressor refuses to provide his/her personal details, the enforcer shall request the intervention of Police officers.
2. The enforcer who has ascertained the infringement shall transmit the report to the competent Prefecture, which shall inflict the pecuniary sanction on the transgressor.
3. The direct collection of the pecuniary sanction by the staff notifying the infringement is forbidden.

Art. 6 - Sanctions

1. Violators of the ban on smoking shall pay an administrative sanction pursuant to the law.
2. The sanction is doubled in the event of a violation committed in the presence of a clearly pregnant woman or of infants or children up to twelve years of age.
3. In accordance with art. 16 of Law no. 689 of 20 November 1981, a sum equal to one third of the maximum penalty or double the minimum penalty, if more convenient, may be paid 16 to 60 days from the notification of the infringement.
4. Any defences against administrative sanctions shall be submitted to the Prefect within thirty days of notification.
5. The infringement of the smoking ban by university staff, due to non-compliance with these regulations, may also be sanctioned based on the disciplinary rules in force.
6. The infringement of the smoking ban by University students may also be sanctioned based on the provisions of the General Regulations and the University Code of Ethics.

Art. 7 - Validity

1. These Regulations are approved by the Board of Directors, with the advice and consent of the Academic Senate, and shall enter into force fifteen days after their publication on the University portal.
2. With the entry into force of this Regulation, any conflicting rules will cease to be effective.