

222-AR-0. TOBACCO AND VAPING PRODUCTS

Board policy prohibits students from possessing, using, purchasing or selling tobacco and vaping products, including the product marketed as Juul and other electronic cigarettes, at any time in a school building; on school buses or other vehicles that are owned, leased or controlled by the district; on property owned, leased or controlled by the district; or at school-sponsored activities that are held off school property.

State law defines the term tobacco product to broadly encompass not only tobacco but also vaping products including Juuls and other electronic cigarettes (e-cigarettes). Tobacco products, for purposes of Board policy and administrative regulations, and in accordance with state law, shall be defined to include the following:

1. Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to, a cigarette, cigar, little cigar, chewing tobacco, pipe tobacco, snuff and snus.
2. Any electronic device that delivers nicotine or another substance to a person inhaling from the device, including, but not limited to, electronic nicotine delivery systems, an electronic cigarette, a cigar, a pipe and a hookah.
3. Any product containing, made or derived from either:
 - a. Tobacco, whether in its natural or synthetic form; or
 - b. Nicotine, whether in its natural or synthetic form, which is regulated by the United States Food and Drug Administration as a deemed tobacco product.
4. Any component, part or accessory of the product or electronic device listed in this definition, whether or not sold separately.

The term tobacco product does not include the following:

1. A product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such approved purpose, as long as the product is not inhaled.

NOTE: This exception shall be governed by Board policy relating to Medications.

2. A device, included under the definition of tobacco product above, if sold by a dispensary licensed in compliance with the Medical Marijuana Act.

NOTE: Guidance issued by the PA Department of Health directs schools to prohibit possession of any form of medical marijuana by students at any time on school property or during any school activities on school property. This exception shall be governed by Board policy relating to Controlled Substances/Paraphernalia.

Prohibition of the possession, use, purchase and sale of tobacco and vaping products, including the product marketed as Juul and other electronic cigarettes, by students applies during normal school hours, as well as during school activities at other hours that take place in buildings and on buses, vehicles and property owned, leased or controlled by the school district. This policy will apply at all times a student is subject to the supervision of designated school staff, such as at any school function, extracurricular event, field trip, work-study program and other school-related activities.

District schools will maintain a tobacco product-free environment by taking positive action through educating students in the classroom on the health and safety hazards of using tobacco and vaping products, including the product marketed as Juul and other electronic cigarettes; counseling individual students when necessary and appropriate; and communicating Board policy and administrative regulations with staff, students, parents/guardians and the community.

School counselors will provide interested students with information regarding available tobacco cessation programs.

Notices prohibiting possession, use, purchase and sale of tobacco and vaping products, including the product marketed as Juul and other electronic cigarettes, will be posted in district buildings and on district property.

District publications such as the Code of Student Conduct, student handbooks, district mailings, parental newsletters, the district website and programs for events will include notice of the Tobacco and Vaping Products policy.

Procedure

District administrators and staff will be responsible to ensure that students adhere to the adopted Board policy prohibiting student possession, use, purchase and sale of tobacco and vaping products, including the product marketed as Juul and other electronic cigarettes. Students will also be notified that tampering with devices installed to detect the use of tobacco or vaping products on school property will be deemed a violation of Board policy and administrative regulations, and will be subject to disciplinary action. Violations will be in accordance with the following procedure:

1. All district employees will be required to report suspected possession, use, purchase or sale of tobacco or vaping products by students, or tampering of detection devices, to the designated building administrator.

2. The administrator will investigate the alleged violation of Board policy.
3. If the administrator determines the student has violated Board policy, the administrator will confiscate the material and determine the appropriate disciplinary action to be assigned, in accordance with the Code of Student Conduct. Confiscated material will be documented and may be disposed of by the building administrator following the investigation process.
4. Parents/Guardians will be notified of the student's offense and the disciplinary action taken by the administrator.
5. A record of the offense and the disciplinary action will be placed in the student's records.
6. The student may be referred to a guidance counselor, school nurse, Student Assistance Program (SAP) Team, or other health or counseling services for health information or referral for tobacco cessation.
7. The administrator will report the offense to the school police, School Resource Officer (SRO), or the local police department that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.

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