BOARD POLICY

323 Tobacco and Vaping Products

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Purpose

The Board recognizes that tobacco and vaping products, including electronic cigarettes, present a health and safety hazard that can have serious consequences for users, nonusers and the school environment. The purpose of this policy is to regulate use of tobacco and vaping products by district employees and contracted personnel.

Definition

For purposes of this policy, **tobacco product** encompasses not only tobacco but also vaping products including electronic cigarettes (e-cigarettes). **Tobacco products**, for purposes of this policy and in accordance with state law, shall be defined to include the following:[1][2]

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][2]

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.

2. A device, included under the definition of tobacco product above, if sold by a dispensary licensed in compliance with the Medical Marijuana Act. *Federal law requires the district to maintain a drug-free workplace, at which marijuana of any kind is prohibited.* [3] [4]

Authority

The Board prohibits use of tobacco products by district employees and contracted personnel at any time in a school building; on school buses or other vehicles that are owned, leased or controlled by the school district; or on property owned, leased or controlled by the school district.[2][5] [6] [7]

The Board also prohibits use of tobacco products by district employees at any time while responsible for the supervision of students during school-sponsored activities that are held off school property. [2]

This policy does not prohibit possession of tobacco products by district employees and contracted personnel of legal age.

The Board deems it to be a violation of this policy for any district employee or contracted personnel to furnish a tobacco product to a student.[1]

Delegation of Responsibility

The Superintendent or designee shall notify employees and contracted personnel about the Board's tobacco and vaping products policy by publishing information in handbooks, newsletters, posters and other efficient methods such as posted notices, signs and on the district website.[2]

Reporting

Annual School Safety and Security Incidents Report –

The Superintendent shall annually, by July 31, report incidents of prohibited possession, use or sale of tobacco products on school property to the PA Department of Education on the required form.[8][9][10]

Law Enforcement Incident Report –

The Superintendent or designee may report incidents involving the sale of tobacco products to minors by employees on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the law enforcement agency 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 law enforcement and Board policies.[1][2][3][8][9][10][11][12]

Legal Footnotes

[1] 18 Pa. C.S.A. 6305
LEGAL REFERENCE

[2] 18 Pa. C.S.A. 6306.1
LEGAL REFERENCE

[3] Pol. 317
POLICY REFERENCE

[4] Pol. 351
POLICY REFERENCE

[5] 20 U.S.C. 7973
LEGAL REFERENCE

[6] Pol. 818
POLICY REFERENCE

[7] 35 P.S. 637.1
LEGAL REFERENCE

[8] Pol. 805.1
POLICY REFERENCE

[9] 24 P.S. 1319-B
LEGAL REFERENCE

[10] Pol. 805.1
POLICY REFERENCE

[11] 22 PA Code 10.2
LEGAL REFERENCE

[12] 22 PA Code 10.22
LEGAL REFERENCE