

SECTION: PUPILS

TITLE: TOBACCO AND VAPING PRODUCTS

ADOPTED: April 25, 2005

REVISED: May 11, 2020

EPHRATA AREA SCHOOL DISTRICT

222. TOBACCO AND VAPING PRODUCTS

1. Purpose

The Board recognizes that tobacco and vaping products, including the product marketed as Juul and other 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 prohibit student possession, use, purchase and sale of tobacco and vaping products, including Juuls and other electronic cigarettes.

2. Definition
18 Pa. C.S.A.
6305, 6306.1

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 this policy and in accordance with state law, shall be defined to include the following:

- 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.
- 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.
- Any product containing, made or derived from either:
 - Tobacco, whether in its natural or synthetic form; or
 - Nicotine, whether in its natural or synthetic form, which is regulated by the United States Food and Drug Administration as a deemed tobacco product.
- Any component, part or accessory of the product or electronic device listed in this definition, whether or not sold separately.

18 Pa. C.S.A.
6305, 6306.1
Pol. 210

The term tobacco product does not include the following:

- 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.*

<p>Pol. 227</p>	<ul style="list-style-type: none"> • A device, included under the definition of tobacco product above, if sold by a dispensary licensed in compliance with the Medical Marijuana Act. <i>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.</i>
<p>3. Authority 18 Pa. C.S.A. 6305, 6306.1 20 U.S.C. 7973</p>	<p>The Board prohibits possession, use, purchase or sale of tobacco and vaping products, including the product marketed as Juul and other e-cigarettes, regardless of whether such products contain tobacco or nicotine, by or to students at any time in a school building; on school buses or other vehicles that are owned, leased or controlled by the school district; on property owned, leased or controlled by the school district; or at school-sponsored activities that are held off school property.</p>
<p>Pol. 210</p>	<p>The Board prohibits student possession or uses of products marketed and sold as tobacco cessation products or for other therapeutic purposes, except as authorized in the Board’s Medication policy.</p>
<p>Pol. 227</p>	<p>The Board prohibits student possession of any form of medical marijuana at any time in a school building; on school buses or other vehicles that are owned, leased or controlled by the school district; on property owned, leased or controlled by the school district; or at school sponsored activities that are held off school property.</p> <p>The Board authorizes the confiscation and disposal of products prohibited by this policy.</p>
<p>4. Delegation of Responsibility 18 Pa. C.S.A. 6306.1</p>	<p>The Superintendent or designee shall develop administrative regulations to implement this policy.</p> <p>The Superintendent or designee shall notify students, parents/guardians, and staff about the Board’s tobacco and vaping products policy by publishing information in the student handbook, Code of Student Conduct, parent newsletters, posters, and by other efficient methods such as posted notices, signs, and on the district website.</p>
<p>5. Reporting 22 PA Code 10.2, 10.25 Pol. 805.1</p>	<p><u>Parental Report</u></p> <p>The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident involving possession, use, purchase or sale of tobacco or vaping product, including a Juul or other e-cigarette, immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether or not the local police department that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or designee shall document attempts made to reach the parent/guardian.</p>

<p>24 P.S. 1303-A Pol. 805.1</p>	<p><u>Office for Safe Schools Report</u></p> <p>The Superintendent or designee shall annually, by July 31, report all incidents of possession, use, or sale of tobacco and vaping products, including Juuls or other e-cigarettes, by students to the Office for Safe Schools on the required form.</p>
<p>18 Pa. C.S.A. 6305, 6306.1 22 PA Code 10.2, 10.22 24 P.S. 1302.1-A, 1303-A Pol. 805.1</p>	<p><u>Law Enforcement Incident Report</u></p> <p>The Superintendent or designee may report incidents of possession, use, or sale of tobacco and vaping products, including Juuls or other e-cigarettes, by students 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 school police, School Resource Officer (SRO), or to 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.</p>
<p>6. Guidelines 18 Pa. C.S.A. 6306.1</p>	<p>A student who violates this policy shall be subject to prosecution initiated by the district and, if convicted, shall be required to pay a fine for the benefit of the district, plus court costs. In lieu of the imposition of a fine, the court may admit the student to an adjudication alternative.</p>
<p>Pol. 218</p>	<p>Tampering with devices installed to detect use of tobacco or vaping products shall be deemed a violation of this policy and subject to disciplinary action.</p>
<p>20 U.S.C. 1400 et seq 22 PA Code 10.23 Pol 103.1, 113.1, 113.2, 805.1</p>	<p><u>Students with Disabilities</u></p> <p>In the case of a student with a disability, including a student for whom an evaluation is pending, the district shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.</p>
	<p>References:</p> <p>School Code – 24 P.S. 510, 1302.1-A, 1303-A</p> <p>State Board of Education Regulations – 22 PA Code 10.2, 10.22, 10.23, 10.25</p> <p>Sale of Tobacco – 18 Pa. C.S.A. 6305</p> <p>Tobacco Use Prohibition – 18 Pa. C.S.A. 6306.1</p> <p>Individuals with Disabilities Education Act – 20 U.S.C. 1400 et seq</p>

	<p>No Child Left Behind Act – 20 U.S.C. 7114</p> <p>Individuals with Disabilities Education Act, Title 34, Code of Federal Regulations – 34 CFR Part 300</p> <p>Nonsmoking Policy for Children’s Services – 20 U.S.C. 7973</p> <p>20 U.S.C. 7118, 7971 et seq</p> <p>Board Policy – 000, 103.1, 113.1, 113.2, 210, 218, 227, 805.1</p> <p>Pennsylvania Department of Health Medical Marijuana Guidance for Schools and School Districts</p>
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