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| Book                | Policy Manual   |
| Section             | 300 Employees   |
| Title               | Tobacco and Vaping Products                           |
| Code                | 323   |
| Status              | FINAL BOARD APPROVAL                                  |
| Adopted             | August 19, 2002                                       |
| Last Revised        | July 15, 2024   |
| Last Reviewed       | June 17, 2024   |
| Prior Revised Dates | August 19, 2013; February 25, 2019; December 21, 2020 |

### **PURPOSE**

The Board recognizes that tobacco and vaping products, including electronic cigarettes, during school hours and on school property presents a health and safety hazard that can have serious consequences for the user, nonuser 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**

State law defines the term tobacco product to broadly encompass 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. 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:
  - 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.
1. 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.
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.

### **AUTHORITY**

The Board prohibits use of tobacco and vaping products by district employees and contracted personnel at any time in a school building and on any property, school buses, vans and vehicles that are owned, leased or controlled by the school district; or on property owned leased or controlled by the school district.

The Board also prohibits use of tobacco and vaping products by employees at school sponsored activities that are held off school property.

This policy does not prohibit possession of tobacco and vaping 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 or vaping product to a student.

### **DELEGATION OF RESPONSIBILITY**

The school district shall annually notify employees and contracted personnel about the school district's tobacco and vaping products use policy by publishing such in handbooks, posted notices, district website and other efficient methods.

This policy does not prohibit the use of a patch, gum or lozenge as a smoking cessation product by any employee who has a written order by a physician.

### **Reporting**

***Annual School Safety and Security Incidents Report-*** In accordance with state law, the Superintendent shall annually, by July 31, report incidents of prohibited possession, use or sale of tobacco and vaping products by any person on school property to the PA Department of Education.

***Law Enforcement Incident Report-*** The Superintendent or designee may report incidents involving the sale of tobacco and vaping 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 local law enforcement 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.