

# EAST STROUDSBURG AREA SCHOOL DISTRICT

SECTION: PUPILS

TITLE: TOBACCO AND VAPING PRODUCTS

ADOPTED: August 19, 2002

REVISED: August 19, 2013  
February 25, 2019

## 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, ~~nicotine and nicotine delivery products~~ present a health and safety hazard that can have serious consequences for both users and nonusers and the safety and environment of the schools. 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  
35 P.S.  
Sec. 1223.5

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:[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

<p><del>2. Definition</del>  <del>— 35 P.S.</del>  <del>— Sec. 1223.5</del></p> <p>3. Authority  18 Pa. C.S.A.  Sec. 6305  35 P.S.  Sec. 1223.5  20 U.S.C.  Sec. 7183,  Pol. 103.1, 113.1,  113.2, 805.1</p>	<p><u>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.[3]</u></p> <p><u>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.[4]</u></p> <p><del>For purposes of this policy, tobacco includes possession of a lighted or unlighted cigarette, cigar, cigarillo, little cigar, pipe, or other smoking product or material and smokeless tobacco in any form including chewing tobacco, snuff, dip, or dissolvable tobacco pieces.</del></p> <p><del>For purposes of this policy, nicotine shall mean a product that contains or consists of nicotine in a form that can be ingested by chewing, smoking, inhaling or through other means.</del></p> <p><del>For purposes of this policy, a nicotine delivery product shall mean a product or device used, intended for use or designed for the purpose of ingesting nicotine or another substance. This definition includes, but is not limited to, any device or associated product used for what is commonly referred to as vaping or juuling.</del></p> <p>The Board prohibits possession, use, <u>purchase</u> or sale of tobacco, <u>nicotine and nicotine delivery and vaping products, including the product market as Juul and other e-cigarettes, regardless of whether such products contain tobacco or nicotine,</u> by <u>or to</u> students at any time in a school building and on any property, <u>school buses, vans and vehicles that are owned, leased or controlled by the school district; or at school-sponsored activities that are held off school property.</u></p> <p><del>The Board prohibits possession, use or sale of tobacco, nicotine and nicotine delivery products by students at school sponsored activities that are held off school property.</del></p> <p><u>The Board prohibits student possession or use of products marketed and sold as tobacco cessation products or for other therapeutic purposes, except as authorized in the Board’s Medication policy.[3]</u></p> <p><u>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.[4]</u></p>
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<p><del>— Title 22</del>  <del>— Sec. 10.23</del>  <del>— 20 U.S.C.</del>  <del>— Sec. 1400 et seq</del>  <del>— Pol. 103.1, 113.1</del>  <del>— 113.2, 805.1</del></p> <p><del>— 18 Pa. C.S.A</del>  <del>— Sec. 6306.1</del></p>	<p><u>The Board authorizes the confiscation and disposal of products prohibited by this policy.</u></p> <p><del>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.</del></p> <p><del>The school district may initiate prosecution of a student who possesses, uses or sells tobacco in violation of this policy.</del></p>
<p>4. Delegation of Responsibility</p>	<p>The Superintendent or designee shall annually notify students, parents/guardians and staff about the school district's tobacco <del>policy</del> <u>and vaping products policy</u> by publishing such policy in the Code of Student Conduct, posted notices, district website and other efficient methods.</p>
<p><del>5. Guidelines</del></p> <p>Title 22          Sec. 10.2, 10.25          Pol. 805.1</p>	<p><b><u>Reporting</u></b></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, <u>purchase</u> or sale of tobacco <u>or vaping product, including a Juul or other e-cigarette, nicotine or nicotine delivery products</u> 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>In accordance with state law, the Superintendent shall annually, by July 31, report all -incidents of possession, use and sale of tobacco <u>and vaping product, including Juuls or other e-cigarettes, nicotine and nicotine delivery products</u> in violation of this policy by any student on school property to the Office of Safe Schools.</p>
<p>SC 1302.1-A,          SC 1303-A          Title 22          Sec. 10.2, 10.22,</p>	<p><b><u>Additional Provisions – Tobacco Only</u></b></p> <p><u>Law Enforcement Incident Report –</u></p> <p>The Superintendent or designee may report incidents of possession, use or sale of tobacco 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 local police department that has jurisdiction over the school’s</p>

<p>10.25 Pol. 805.1</p> <p>18 Pa. C.S.A Sec. 6306.1</p> <p>Title 22 Sec. 10.23 20 U.S.C. Sec. 1400 et seq Pol. 103.1, 113.1 113.2, 805.1</p>	<p>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>A student <u>who violates this policy shall be subject to prosecution initiated by the district and, if convicted, of possessing or using tobacco in violation of this policy may shall be required to pay a be fined</u> up to fifty dollars (\$50) plus court costs or admitted to alternative adjudication in lieu of imposition of a fine.</p> <p><u>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.</u></p> <p><b><u>Students with Disabilities</u></b></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: School Code – 24 P.S. Sec. 510, 1302.1-A, 1303-A</p> <p>State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.22, 10.23, 10.25,</p> <p>Sale of Tobacco – 18 Pa. C.S.A. Sec. 6305</p> <p>Tobacco Use Prohibition – 18 Pa. C.S.A. Sec. 6306.1</p> <p>School Tobacco Control – 35 P.S. Sec. 1223.5</p> <p>Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq. 20 U.S.C. Sec. 7114, 7118, 71781 et seq, 7183, <u>7973</u></p> <p>Individuals With Disabilities Education Act, Title 34, Code of Federal Regulations – 34 CFR Part 300</p> <p>Board Policy – 000, 103.1, 113.1, 113.2, <u>210, 218, 227</u>, 805.1</p> <p><u>Pennsylvania Department of Health Medical Marijuana Guidance for Schools and School Districts</u></p>
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