EAST STROUDSBURG AREA SCHOOL DISTRICT

SECTION: EMPLOYEES TITLE: TOBACCO<u>AND VAPING</u> PRODUCTS ADOPTED: August 19, 2002 REVISED: August 19, 2013 February 25, 2019

	323. TOBACCO AND VAPING PRODUCTS
1. Purpose	The Board recognizes that tobacco, nicotine and nicotine delivery and vaping products, including the product marketed as Juul and other electronic cigarettes, during school hours and on school property presents a health and safety hazard that can have serious consequences for the user and the nonuser and the safety and environment of the schools. The purpose of this policy is to regulate use of tobacco and vaping products, including Juuls and other electronic cigarettes, by district employees and contracted personnel.
2. Definition 35 P.S. Sec.	For purposes of this policy, tobacco shall mean all use of tobacco, including lighted or unlighted cigarettes, cigars, cigarillo, little cigar, pipes or other smoking product or material and smokeless tobacco in any form including chewing tobacco, snuff,
<u> </u>	dip, or dissolvable tobacco pieces.
18 Pa. C.S.A.	
6305, 6306.1	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.
	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.
	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. 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

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	delivery systems, an electronic cigarette, a cigar, a pipe and a hookah.
	denvery systems, an electronic cigarette, a cigar, a pipe and a nookan.
	3. Any product containing, made or derived from either:
	a. Tobacco, whether in its natural or synthetic form; or
	 <u>b.</u> 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.
<u>18 Pa. C.S.A.</u> 6305, 6306.1	The term tobacco product does not include the following:
0303, 0300.1	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.
<u>Pol. 317, 351</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. <i>Federal law requires the district to maintain a drug-free workplace, at which marijuana of any kind is prohibited.</i>
3. Authority <u>35 P.S.</u> <u>Sec. 1223.5</u> <u>18 Pa. C.S.A.</u> <u>6306.1</u> <u>20 U.S.C.</u> <u>Sec. 71837973</u> Pol. 818	The Board prohibits use of tobacco, nicotine and nicotine delivery and vaping products, including the product marketed as Juul and other e-cigarettes 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.
<u> </u>	The Board <u>also</u> prohibits use of tobacco, <u>nicotine and nicotine delivery</u> and vaping products, <u>including the product marketed as Juul and other e-cigarettes</u> by employees at school sponsored activities that are held off school property.
	This policy does not prohibit possession of tobacco and vaping products, including the product marketed as Juul and other e-cigarettes, 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, including the product marketed as Juul or any other e-cigarette, to a student.

4.	Delegation of Responsibility 35 P.S. Sec. 1223.5	The school district shall annually notify employees about the school district's tobacco/nicotine use policy by publishing such in handbooks, posted notices, district website and other efficient methods.
5	Guidelines	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.
		<u>Reporting</u>
		Office of Safe Schools Report-
	SC 1303-A Pol. 805.1	In accordance with state law, the Superintendent shall annually, by July 31, report incidents of possession, use and sale of tobacco , nicotine and nicotine delivery and vaping products, including the product marketed as Juli and other e-cigarettes products by any person on school property to the Office of Safe Schools.
		<u>Additional Provisions – Tobacco Only</u> <u>Law Enforcement Incident Report-</u>
	SC 1302.1-A, 1303-A Title 22 Sec. 10.2, 10.22 18 Pa. C.S.A. Sec. 6305, <u>6306.1</u> Pol. <u>317,</u> 805.1	The Superintendent or designee may report incidents involving the sale of tobacco and vaping products, including the product marketed as Juul and other electronic cigarettes, 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 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.
		References:
		School Code – 24 P.S. Sec. 1302.1-A, 1303-A
		State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.22
		Sale of Tobacco – 18 Pa. C.S.A. Sec. 6305 <u>, 6306.1</u>
		School Tobacco Control – 35 P.S. Sec. 1223.5
		Pro-Children Act of 2001 – 20 U.S.C. Sec. 71817971 et seq., 7183, 7973
		Board Policy – <u>317, 351, 805.1, 818</u>