

EAST  
STROUDSBURG  
AREA  
SCHOOL DISTRICT

SECTION: EMPLOYEES  
TITLE: TOBACCO AND VAPING PRODUCTS  
ADOPTED: August 19, 2002  
REVISED: August 19, 2013  
February 25, 2019  
December 21, 2020

323. TOBACCO AND VAPING PRODUCTS

~~1. Purpose~~

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The Board recognizes that tobacco 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 school~~ 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~~

2. Definition

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

<p><del>3. Authority</del></p> <p><del>4. Delegation of Responsibility</del></p>	<p>in this definition, whether or not sold separately.</p> <p>The term <b>tobacco product</b> does <u>not</u> include the following:[1][2]</p> <ol style="list-style-type: none"><li>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.</li><li>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][4]</li></ol> <p><b><u>3. Authority</u></b></p> <p>The Board prohibits use of tobacco and vaping products, <del>including the product marketed as Juul and other e-cigarettes</del> 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.[2][5][6][7]</p> <p>The Board also prohibits use of tobacco and vaping products, <del>including the product marketed as Juul and other e-cigarettes</del> by employees at school sponsored activities that are held off school property.[2]</p> <p>This policy does not prohibit possession of tobacco and vaping products, <del>including the product marketed as Juul and other e-cigarettes</del>, by district employees and contracted personnel of legal age.</p> <p>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, <del>including the product marketed as Juul or any other e-cigarette</del>, to a student.[1]</p> <p><b><u>4. Delegation of Responsibility</u></b></p> <p>The school district shall annually notify employees <u>and contracted personnel</u> about the school district's tobacco <del>nicotine</del> <u>and vaping products</u> use policy by publishing such in handbooks, posted notices, district website and other efficient methods.[2]</p> <p>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.</p>
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**Reporting****~~Office of Safe Schools~~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, ~~including the product marketed as Juul and other e-cigarettes products~~ by any person on school property to the ~~Office of Safe Schools~~PA Department of Education.~~[7]~~[8][9][10]

**Law Enforcement Incident Report-**

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~~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.[1][2][3]~~[7]~~[8][9][10][11][12]

## Legal References

1. 18 Pa. C.S.A. 6305
2. 18 Pa. C.S.A. 6306.1
3. Pol. 317
4. Pol. 351
5. 20 U.S.C. 7973
6. Pol. 818
7. 35 P.S. 637.1 et seq
8. 24 P.S. 1306.2-B
9. 24 P.S. 1319-B
10. Pol. 805.1
11. 22 PA Code 10.2
12. 22 PA Code 10.22
- 20 U.S.C. 7971 et seq

- ~~1. 18 Pa. C.S.A. 6305~~
- ~~2. 18 Pa. C.S.A. 6306.1~~
- ~~3. Pol. 317~~

	<p><del>4. Pol. 351</del></p> <p><del>5. 20 U.S.C. 7973</del></p> <p><del>6. Pol. 818</del></p> <p><del>7. 24 P.S. 1303-A</del></p> <p><del>8. Pol. 805.1</del></p> <p><del>9. 22 PA Code 10.2</del></p> <p><del>10. 22 PA Code 10.22</del></p> <p><del>11. 24 P.S. 1302.1-A</del></p> <p><del>20 U.S.C. 7971 et seq</del></p>
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