

Adopted: July 8, 2004
Reviewed: October 2021
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601 TOBACCO-FREE ENVIRONMENT

I. PURPOSE

The purpose of this policy is to maintain a learning and working environment that is tobacco free.

II. GENERAL STATEMENT OF POLICY

- a. It shall be a violation of this policy for any student, teacher, administrator, other school personnel of the school district or person to use tobacco or tobacco-related devices in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls. This prohibition includes all school district property and all off-campus events sponsored by the school district.
- b. It shall be a violation of this policy for any elementary school, middle school, or secondary school student to possess any type of tobacco or tobacco-related device in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls. This prohibition includes all school district property and all off-campus events sponsored by the school district.
- c. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or person who is found to have violated this policy.

III. TOBACCO AND TOBACCO RELATED DEVICES DEFINED

- a. "Tobacco" means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product including but not limited to cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any drugs, devices, or combination products, as those terms are defined in the

Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration..

- b. "Tobacco-related devices" means cigarette papers or pipes for smoking or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of aerosol or vapor of tobacco or tobacco products. Tobacco-related devices include components of tobacco related devices which may be marketed or sold separately.
- c. "Electronic Delivery Device" means any product containing or delivering nicotine, lobelia, or any other substance whether natural or synthetic, intended for human consumption through inhalation of aerosol or vapor from the product. Electronic delivery device includes but is not limited to devices manufactured, marketed, or sold as electronic cigarettes, electronic cigars, electronic pipe, vape pens, modes, tank systems or under any other product name or descriptor. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device excludes drugs, devices, or combination products as those terms are defined Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United State Food and Drug Administration.
- d. "Smoking" means inhaling, exhaling, burning or carrying and lighted or heated cigar, cigarette, pipe or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana,, or other plant, whether natural or synthetic, that is intended for smoking. Smoking includes carrying a or using an activated electronic delivery device , as defined in Minn. Stat. 609.685..

IV. EXCEPTION

It shall not be a violation of this policy for an Indian adult to light tobacco on school district property as a part of a traditional Indian spiritual or cultural ceremony. An Indian is a person who is a member of an Indian tribe as defined under Minnesota law.

V. ENFORCEMENT

- a. All individuals on school premises shall adhere to this policy.
- b. Students who violate this tobacco-free policy shall be subject to school district discipline procedures.
- c. School district administrators and other school personnel who violate this tobacco-free policy shall be subject to school district discipline procedures.

- d. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota or federal law, and school district policies.
- e. Persons who violate this tobacco-free policy may be referred to the building administration or other school district supervisory personnel responsible for the area or program at which the violation occurred.
- f. School administrators may call the local law enforcement agency to assist with enforcement of this policy. Smoking or use of any tobacco product in a public school is a violation of the Minnesota Clean Indoor Air Act and is a petty misdemeanor. A court injunction may be instituted against a repeated violator.

VI. DISSEMINATION OF POLICY

- a. This policy shall appear in the student handbook.
- b. The school district will develop a method of discussing this policy with students and employees.

Legal References:

Minn. Stat. § 144.413, Subd. 4 (Definitions)

Minn. Stat. § 144.4165 (Tobacco Products Prohibited in Public Schools)

Minn. Stat. § 144.417 (Commissioner of Health, Enforcement, Penalties)

Minn. Stat. § 609.685 (Sale of Tobacco to Children)

Cross References:

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)

MSBA/MASA Model Policy 506 (Student Discipline)

MSBA Service Manual, Chapter 2, Students; Rights, Responsibilities and Behavior