



Book	Policy Manual
Section	300 Employees
Title	Tobacco and Vaping Products
Code	323
Status	DRAFT - Under Construction
Adopted	January 28, 2019
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### **Purpose**

The Board recognizes that tobacco **and vaping products, including the product marketed as Juul and other electronic cigarettes**, present a health and safety hazard that can have serious consequences for users, nonusers and the **school** environment. **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.**

### **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 in this definition, whether or not sold separately.**

The term tobacco product does not include 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.[\[1\]](#)[\[2\]](#)

### Authority

The Board prohibits use of tobacco **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; on **school buses or other** vehicles that are owned, leased or controlled by the school district; **or on property owned, leased or controlled by the school district.**[\[2\]](#)[\[5\]](#)[\[6\]](#)

The Board also prohibits use of tobacco **and vaping** products, **including the product marketed as Juul and other e-cigarettes,** by district employees **at any time while responsible for the supervision of students during** school-sponsored activities that are held off school property.[\[2\]](#)

**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 or anyone under the age of 21. For purposes of this policy, furnish shall include, but not be limited to, the purchasing for, selling to, or giving of tobacco products to a person.**[\[1\]](#)

### Delegation of Responsibility

The Superintendent or designee shall notify employees **and contracted personnel** about the Board's tobacco **and vaping products** policy by publishing information in handbooks, newsletters, posters, and other efficient methods such as posted notices, signs and on the district website.[\[2\]](#)

### Reporting

#### ***Office for Safe Schools Report –***

The Superintendent shall annually, by July 31, report incidents of **prohibited** possession, use or sale of tobacco **and vaping** products, **including Juuls or other e-cigarettes,** on school property to the Office for Safe Schools on the required form.[\[7\]](#)[\[8\]](#)

#### ***Law Enforcement Incident Report –***

The Superintendent or designee may report incidents involving the sale of or furnishing of tobacco **and vaping products, including Juuls or other e-cigarettes,** to anyone under 21 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 school police, School Resource Officer (SRO) or 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.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)

## Legal

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. 24 P.S. 1303-A
8. Pol. 805.1
9. 22 PA Code 10.2
10. 22 PA Code 10.22
11. 24 P.S. 1302.1-A
- 20 U.S.C. 7971 et seq