



SECTION: STUDENTS

POLICY: 223

TITLE: TOBACCO PRODUCT AND VAPING PRODUCT USE

ORIGINAL: April 27, 2015

CURRENT REVISION: July 20, 2020

LAST REVIEWED BY THE COMMITTEE:

I. PURPOSE

The Board recognizes that tobacco products and vaping products, including, but not limited to, the product marketed as Juul and other electronic cigarettes, present a health and safety hazard, which can have serious consequences for users, nonusers, and the school environment. Therefore, student possession, use, purchase, and sale of tobacco products and vaping products is prohibited on school property and at school-sponsored events.

II. DEFINITIONS

A. 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. A **vaping product** is any electronic device that delivers nicotine or another substance to a person inhaling from the device, including, but not limited to, products marketed under the trade name "Juul," 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

B. The term **tobacco product** does not include the following

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.

2. A device, included under the definition of tobacco product above, if sold by a dispensary licensed in compliance with the Medical Marijuana Act.

III. POLICY

- A. The Board prohibits the possession, use, purchase, or sale of tobacco products and vaping products, regardless of whether such products contain nicotine or tobacco, by or to students at any time in a school building and on any property, buses, vans, and vehicles that are owned, leased, or controlled by the School District.
- B. The Board also prohibits the possession, use, or sale of tobacco products or vaping products by students at school-sponsored events and activities that are held off school property.
- C. 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.
- D. 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.
- E. The Board authorizes the confiscation and disposal of products prohibited by this policy.
- F. Students violating this policy shall be subject to progressive discipline, in accordance with Level III violations of the Wissahickon School District Discipline Code.
- C. In addition to the disciplinary action prescribed by the Wissahickon School District Disciplinary Code, the District may initiate prosecution of a student who possesses or uses tobacco products in violation of this Policy. If convicted, the student shall be required to pay a fine for the benefit of the District, plus court costs. In lieu of the imposition of a fine, the court may admit the student to an adjudication alternative.
- G. Tampering with devices installed to detect use of tobacco products shall be deemed a violation of this policy and shall subject the student to disciplinary action.
- H. 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 law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement, and Board policies.

IV. DELEGATION OF AUTHORITY

- A. The Superintendent or designee shall annually notify students, parents/guardians, and District staff about the District's Tobacco Product and Vaping Product Use Policy by publishing such policy in the student handbook, parent newsletter, posted notices, on the District's website, or through other efficient methods.
- B. The Superintendent or designee shall develop administrative guidelines to implement this policy.
- C. The Superintendent shall annually, by July 31, report all incidents of possession, use, or sale of tobacco products and vaping products, including Juuls or other e-cigarettes, by students to the Office for Safe Schools on the required form.

- D. The Superintendent or designee may report incidents of possession, use, or sale of tobacco products and vaping products, including Juuls or other e-cigarettes, 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 School Resource Officer (SRO) or to the local police department that has jurisdiction over the school's property, in accordance with (1) state law and regulations, (2) the procedures set forth in the memorandum of understanding with local law enforcement, and (3) Board policies.
- E. The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident involving the possession, use, or sale of a tobacco product or vaping product immediately or 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.
- F. The Principal of each school shall be responsible for implementing, monitoring, and ensuring compliance with the District's Tobacco Product and Vapor Product Use Policy and any related guidelines developed by the Superintendent or designee.

V. REFERENCES

35 P.S. 1223.5

18 Pa C.S.A. 6305, 6306.1

20 U.S.C. 7183, 7973

20 U.S.C. 1400 et seq

22 PA Code 10.2, 10.22, 10.25, 10.23

24 P.S. 1303-A, 1302.1-A

24 P.S. 510

U.S.C. 7114, 7118, 7181 et seq

CRF Part 300

34 CFR Part 300

Pennsylvania Department of Health Medical Marijuana Guidance for Schools and School Districts