



**SECTION: ADMINISTRATIVE
EMPLOYEES**

POLICY: 323

**TITLE: TOBACCO PRODUCT AND
VAPING PRODUCT USE**

ADOPTED: April 27, 2015

REVISED: July 20, 2020

LAST REVIEWED:

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 that can have serious consequences for users, nonusers, and the school environment. The purpose of this policy is to regulate the use of tobacco products and vaping products, including, but not limited to, Juuls and other electronic cigarettes, by District administrative employees.

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. 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 use of tobacco products and vaping products by administrative employees at any time in a school building; on any property, buses, vans, and vehicles that are owned, leased, or controlled by the District.
- B. The Board also prohibits the use of tobacco products and vaping products by administrative employees at any time while responsible for the supervision of students during school sponsored events and activities that are held off school property or on school property.
- C. This policy does not prohibit possession of tobacco products and vaping products by administrative employees of legal age.
- D. It is a violation of this policy for any administrative employee to furnish a tobacco product or vaping product to a student.
- E. Violations of this Tobacco Product and Vaping Product Use Policy are to be dealt with in a progressive manner using oral reprimands, written reprimands, suspensions from work, and further disciplinary actions in accordance with law and Board policy.
- F. Employees who are interested may partake of smoking cessation sessions through the Employee Assistance Program.

IV. DELEGATION OF AUTHORITY

- A. The Superintendent or designee shall annually notify employees about the District's Tobacco Product and Vaping Use Policy by publishing such in handbooks, newsletters, posted notices, on the District's website, or through other efficient methods.
- B. The Superintendent shall annually, by July 31, report all incidents of prohibited possession, use, or sale of tobacco products or vaping products by administrative employees on school property to the Office of Safe Schools on the required form.
- C. The Superintendent or designee may report incidents involving the sale of tobacco products and vaping products to minors by administrative employees on school property, at any school-sponsored activity, or on a conveyance providing transportation to or from 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 district's memorandum of understanding with local law enforcement, and Board policies.

- D. The Superintendent or designee shall develop administrative guidelines regulating the use of tobacco products and vaping products and ensuring the District's compliance with applicable law.

V. REFERENCES

35 P.S. 1223.5
20 U.S.C. 7183
24 P.S. 1302.1-A and 1303-A
Pol. 805.1
18 Pa. C.S.A. 6305
22 PA Code 10.2 and 10.22
24 P.S. 1302.1-A
20 U.S.C. 7973
20 U.S.C. 7971 et seq.