

# NEW HEIGHTS SCHOOLS, INC.

## POLICY 419

### TOBACCO-FREE ENVIRONMENT; POSSESSION AND USE OF TOBACCO, TOBACCO-RELATED DEVICES, AND ELECTRONIC DELIVERY DEVICES

#### POLICY MANAGEMENT

*Adopted: 8/1997*

*Reviewed/ Revised\*: 3/11\*, 11/12\*, 10/13\*, 10/13\*, 10/16\*, 9/19\*,9/22*

*Mandatory: Yes*

*Frequency: Every 3 years*

*Distribution: Website, Handbook*

#### **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. A violation of this policy occurs when any student, teacher, principal, other school personnel of the school or person smokes or uses tobacco, tobacco-related devices, or carries or uses an activated electronic delivery device in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that the school owns, leases, rents, contracts for, or controls. In addition, this prohibition includes vehicles used, in whole or in part, for work purposes, during hours of school operation, if more than one person is present. This prohibition includes all school property and all off-campus school-sponsored events.
- B. A violation of this policy occurs when any elementary school, or secondary school student possesses any type of tobacco, tobacco-related device, or electronic delivery device in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that the school owns, leases, rents, contracts for, or controls and includes vehicles used, in whole or in part, for work purposes, during hours of school operation, if more than one person is present. This prohibition includes all school property and all off-campus school-sponsored events.
- C. The school will act to enforce this policy and to discipline or take appropriate action against any student, teacher, principal, school personnel, or person who is found to have violated this policy.
- D. The school will not solicit or accept any contributions or gifts of money, curricula, materials, or equipment from companies that directly manufacture and are identified with tobacco products, tobacco-related devices, or electronic delivery

devices. The school will not promote or allow promotion of tobacco products or electronic delivery devices on school property or at school-sponsored events.

### III. TOBACCO AND TOBACCO RELATED DEVICES DEFINED

- A. “Electronic delivery device” means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery devices include any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that has been approved or certified by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependent product, or for other medical purposes, and is marketed and sold for such an approved purpose. .
- B. “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; 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 tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco.
- C. “Tobacco-related device” means cigarette papers or pipes for smoking.
- D. “Smoking” means inhaling, exhaling, burning, or carrying any 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 inhalation. Smoking includes carrying or using an activated electronic delivery device

### IV. EXCEPTION

- A. A violation of this policy does not occur when a Native American adult lights tobacco on school property as a part of a traditional Native American spiritual or cultural ceremony. A Native American is a person who is a member of a Native American tribe as defined under Minnesota law.
- B. A violation of this policy does not occur when an adult non student possesses a tobacco or nicotine product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose. Nothing in this exception authorizes

smoking or use of tobacco, tobacco-related devices, or electronic delivery devices on school property or at off-campus events sponsored by the school district.

## 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 discipline procedures.
- C. School principals and other school personnel who violate this tobacco-free policy shall be subject to school discipline procedures.
- D. School action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota or federal law, and school policies.
- E. Persons who violate this tobacco-free policy may be referred to the building administration or other school supervisory personnel responsible for the area or program at which the violation occurred.
- F. School principals 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/or the Freedom to Breathe Act of 2007 and is a petty misdemeanor. A court injunction may be instituted against a repeated violator.
- G. No persons shall be discharged, refused to be hired, penalized, discriminated against, or in any manner retaliated against for exercising any right to a smoke-free environment provided by the Freedom to Breathe Act of 2007 or other law.

## VI. DISSEMINATION OF POLICY

- A Elements of this policy shall appear in the student handbook. A full copy of this policy can be found on the school's website or requested in the main office.
- B The school will develop a method of discussing this policy with students and employees.

**Legal References:** Minn. Stat. §§ 144.411-144.417 (Minnesota Clean Indoor Air Act)  
Minn. Stat. § 609.685 (Sale of Tobacco to Children)  
2007 Minn. Laws Ch. 82 (Freedom to Breathe Act of 2007)

**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