

SOUTHERN LEHIGH SCHOOL DISTRICT

SECTION: CLASSIFIED EMPLOYEES

TITLE: TOBACCO AND VAPING
PRODUCTS

ADOPTED: December 6, 2010

REVISED: September 23, 2013; June 22, 2020

<p><i>Replaces former Policy 1338</i></p> <p>1. Purpose</p> <p>2. Definition 18 Pa. C.S.A. 6305 18 Pa. C.S.A. 6306.1 Pol. 317 Pol. 351</p>	<p style="text-align: center;">523. TOBACCO AND VAPING PRODUCTS</p> <p>The Board recognizes that tobacco and vaping products, including the product marketed as Juul and other electronic cigarettes, presents a health and safety hazard that can have serious consequences for the 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.</p> <p>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]</p> <p>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.</p> <p>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.</p> <p>Any product containing, made or derived from either:</p> <p>Tobacco, whether in its natural or synthetic form; or</p> <p>Nicotine, whether in its natural or synthetic form, which is regulated by the United States Food and Drug Administration as a deemed tobacco product.</p> <p>Any component, part or accessory of the product or electronic device listed in this definition, whether or not sold separately.</p> <p>The term tobacco product does not include the following: [1][2]</p> <p>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</p>
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<p>3. Authority 18 Pa. C.S.A. 6305 18 Pa. C.S.A. 6306.1 20 U.S.C. 7973 Pol. 818</p> <p>4. Guidelines 18 Pa. C.S.A. 6305 18 Pa. C.S.A. 6306.1 Pol. 317 24 P.S. 1303-A Pol. 805.1 22 PA Code 10.2 22 PA Code 10.22 24 P.S. 1302.1-A</p>	<p>purposes where the product is marketed and sold solely for such approved purpose, as long as the product is not inhaled. NOTE: This exception shall be governed by Board policy relating to Medications. [3]</p> <p>A device, included under the definition of tobacco product above, if sold by a dispensary licensed in compliance with the Medical Marijuana Act. NOTE: Guidance issued by the PA Department of Health directs schools to prohibit possession of any form of medical marijuana by students at any time on school property or during any school activities on school property. This exception shall be governed by Board policy relating to Controlled Substances/Paraphernalia. [4]</p> <p>The Board prohibits use of tobacco and vaping products, including the product marketed as Juul and other e-cigarettes, by classified employees in a school building, and on property, 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]</p> <p>The board also prohibits use of tobacco and vaping products, including the product marketed as Juul and other e-cigarettes, by classified employees at any time while responsible for the supervision of students during school-sponsored activities that are held off school property. [2]</p> <p>This policy does not prohibit possession of tobacco and vaping products, including the product marketed as Juul and other e-cigarettes, by classified employees of legal age.</p> <p>The Board deems it to be a violation of this policy for any classified employee to furnish a tobacco or vaping product, including the product marketed as Juul or any other e-cigarette, to a student. [1]</p> <p>A violation of this policy may be punishable by a civil fine. The Superintendent or designee may report incidents involving the sale of tobacco and vaping products, including Juuls or other e-cigarettes, to minors 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 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.</p> <p>In accordance with state law, the Superintendent shall annually 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.</p>
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The Superintendent or designee may report incidents involving the sale of tobacco and vaping products, including Juuls or other e-cigarettes, to minors 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]

References:

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