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**POLICY 419 TOBACCO-FREE ENVIRONMENT; POSSESSION AND USE OF TOBACCO, TOBACCO-RELATED DEVICES, AND ELECTRONIC DELIVERY DEVICES**

I. PURPOSE

To maintain a learning and working environment that is free of tobacco, tobacco-related devices and electronic delivery devices.

II. GENERAL STATEMENT OF POLICY

- A. No one is permitted to smoke or use tobacco, tobacco-related devices, or electronic delivery devices on or in District facilities or District property. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that the District owns, leases, rents, contracts for, or controls. In addition, this prohibition includes vehicles used, in whole or in part, for work purposes, during the hours of school operation, if another district employee or student is present. This prohibition includes all District facilities, District property and all off-campus events sponsored by the District.
- B. No elementary, or secondary school student may possess any type of tobacco, tobacco-related device, or electronic delivery devices on or in District facilities or District property during school hours or at any off-campus District sponsored events during or outside of the school day.
- C. The District will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or a person who is found to have violated this policy.
- D. The District 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, devices, or electronic delivery devices. The District will not promote or allow promotion of tobacco products devices, or electronic delivery devices on or in District facilities or District property or at District sponsored events.

III. TOBACCO, TOBACCO-RELATED DEVICES AND ELECTRONIC DELIVERY DEVICES DEFINED

- A. "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.

- B. “Tobacco-related devices” means cigarette papers, ash trays or pipes for smoking or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.
- C. “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 device includes 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-dependence product, or for other medical purposes, and is marketed and sold for such an approved purpose.
- 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.
- E. “Imitation tobacco product” means any non-tobacco product designed to resemble a tobacco product including any edible or non-edible, non-tobacco product designed to resemble a tobacco product that is intended to be used by children as a toy. Examples of imitation tobacco products include but are not limited to: candy or chocolate cigarettes bubble gum cigars, shredded bubble gum resembling chewing tobacco, shredded beef jerky in containers resembling snuff tins, plastic cigars, and puff cigarettes.

#### IV. EXCEPTIONS

- A. A violation of this policy does not occur when an American Indian adult lights tobacco on or in District facilities or District property as a part of a traditional American Indian spiritual or cultural ceremony. An American Indian is a person who is a member of an American Indian 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.

V. ENFORCEMENT

- A. All individuals on or in District facilities or District property shall adhere to this policy.
- B. Students who violate this policy shall be subject to District discipline procedures.
- C. District administrators and other school personnel who violate this policy shall be subject to District discipline procedures.
- D. District action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements, Minnesota or federal law, and school district policies.
- E. Persons who violate this policy may be referred to the building administration or other District supervisory personnel responsible for the area or program at which the violation occurred.
- F. School administrators 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. This policy shall appear in the student handbook.
- B. The District will develop a method of discussing this policy with students and employees.