

## Model Comprehensive Commercial Tobacco-Free School Policy and Procedures

### **Purpose**

The [DISTRICT/SCHOOL NAME] Board of Education recognizes that the use of commercial tobacco products, including electronic smoking devices, is a health, safety, and environmental hazard for students, staff, visitors, and school facilities. The board is acutely aware of the serious health risks associated with the use of commercial tobacco products, both to users and non-users. The board believes that the use or promotion of commercial tobacco products, including electronic smoking devices, on school grounds and at off-campus school-sponsored events is detrimental to the health and safety of students, staff, and visitors. The Board also believes accepting tobacco industry gifts or materials will send an inconsistent message to students, staff and visitors. The Board embraces its obligation to promote positive role models in schools, and to provide an environment for learning and working that is safe, healthy, and free from unwanted smoke and commercial tobacco use for the students, staff, and visitors.

### **Policy**

It shall be a violation of this policy for any student of [DISTRICT/SCHOOL NAME] to possess, use, consume, display, promote, or sell any tobacco products, tobacco-related devices, imitation tobacco products, or electronic smoking devices at any time on school property or at off-campus, school-sponsored events.

It shall be a violation of this policy for any staff, administrator, or visitor of [DISTRICT/SCHOOL NAME] to use, consume, display, promote, or sell any commercial tobacco products, tobacco-related devices, imitation tobacco products, or electronic smoking devices at any time on school property or at off-campus, school-sponsored events.

It shall be a violation of this policy for [DISTRICT/SCHOOL NAME] to solicit or accept any contributions, gifts, money, curricula, or materials from the tobacco industry or from any tobacco products retailer. This includes, but is not limited to, donations, monies for sponsorship, advertising, promotions, loans, or support for equipment, uniforms, and sports and/or training facilities. It shall be a violation of this policy to participate in any type of service funded by the tobacco industry while in the scope of employment for [DISTRICT/SCHOOL NAME].

### **Exceptions**

It shall not be a violation of this policy for a person to possess or provide tobacco or tobacco-related devices to any other person as part of an indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice. It shall not be a violation of this policy for use of tobacco or tobacco-related devices as part of an educational experience related to indigenous tobacco practices that has been approved by school administrators.

It shall not be a violation of this policy for tobacco products, tobacco-related devices, imitation tobacco products, or lighters to be included in instructional or work-related activities in [DISTRICT/SCHOOL NAME] school buildings if the activity is conducted by a staff member or an approved visitor and the activity does not include smoking, chewing, or otherwise ingesting the product.

FDA approved cessation products or tobacco dependence products are exempt from this policy for adults and staff eighteen years and older.

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### **Recommended Handbook Procedures**

#### **Enforcement**

The success of this policy will depend upon the thoughtfulness, consideration, and cooperation of the whole [DISTRICT/SCHOOL NAME] community. All individuals on school premises, including students, staff, administrators, and visitors share the responsibility for adhering to and enforcing this policy. Members of the [DISTRICT/SCHOOL NAME] community are encouraged to communicate this policy with courtesy and diplomacy. Any person acting in violation of this policy will be informed or reminded of the policy and asked to comply.

#### **Students**

- A. The first violation shall result in confiscation of tobacco products, notification of parents and/or guardians, and at least one the following:
  1. A student meeting and individual student assessment with a chemical health educator or designated staff to discuss commercial tobacco use and the school policy.
  2. Student participation in tobacco education program.
  3. Offering student information about available cessation programs and resources.
- B. The second violation shall result in confiscation of tobacco products, notification of parents and/or guardians, and offering the student information about available cessation programs, as well as at least one of the following:
  1. A student meeting and individual student assessment with a chemical health educator or designated staff with parents and/or guardians to discuss commercial tobacco use and school policy.
  2. Student participation in a tobacco education program.
- C. The third and any subsequent violation shall result in confiscation of tobacco products, notification of parents and/or guardians, offering student information about available cessation programs, and student participation in a tobacco education program as well as at least one of the following:
  1. A student meeting and individual student assessment with a chemical health educator or designated staff with parents and/or guardians to discuss commercial tobacco use and school policy.
  2. Educational community service.

#### **Staff/Administrators**

First violation shall result in a verbal warning to the staff member and an offer of a referral to cessation services.

Second violation shall result in a written warning to the staff member with a copy placed in their district personnel file, and an offer of referral to cessation services.

Third violation shall be considered insubordination and shall be dealt with accordingly based on established policies and procedures for suspension and/or termination of staff pursuant to terms of the employee handbook.

#### **Visitors**

Visitors who are observed violating this policy shall be asked to comply with [DISTRICT/SCHOOL NAME] tobacco-free policy. If the visitor fails to comply with the request, their violation of the policy may be referred to the building principal or other school district supervisory personnel available. The supervisor shall make a decision on further action that may include a directive to leave school property. Repeated violation may result in a recommendation to the superintendent to prohibit the individual from entering school district property for a specified period of time.

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### **Definitions (page 1 of 2)**

The term “any time” means during normal school and non-school hours: 24 hours a day, seven days a week, 365 days a year.

The term “electronic smoking device” means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. The term electronic smoking device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, JUUL, or under any other product name or descriptor. The term electronic smoking device includes any component part of a product, whether or not marketed or sold separately, including but not limited to e-liquids, e-juice, cartridges, and pods.

The term “imitation tobacco product” means any edible non-tobacco product designed to resemble a tobacco product, 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, pouches containing flavored substances packaged similar to snus, shredded beef jerky in containers resembling snuff tins, plastic cigars, and puff cigarettes.

The term “off-campus, school-sponsored event” means any event sponsored by the school or school district that is not on school property, including but not limited to, sporting events, day camps, field trips, entertainment seminars, dances or theatrical productions.

The term “school property” means all facilities and property, including land, whether owned, rented, or leased by [DISTRICT/SCHOOL NAME], and all vehicles owned, leased, rented, contracted for, or controlled by [DISTRICT/SCHOOL NAME] used for transported students, staff and visitors.

The term “smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette or 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” also includes carrying or using an activated electronic smoking device.

The term “staff” means any person employed by [DISTRICT/SCHOOL NAME] as full or part-time, or any position contracted for or otherwise employed, with direct, or indirect monetary wages or profits paid by [DISTRICT/SCHOOL NAME] or anyone working on a volunteer basis. This term includes, but is not limited to: faculty, service personnel, volunteers, chaperones, and others who work for the [DISTRICT/SCHOOL NAME].

The term “student” means any person enrolled in [DISTRICT/SCHOOL NAME]’s education system.

The term “tobacco industry” means manufacturers, distributors or wholesalers of tobacco products, electronic smoking devices, or tobacco-related devices; this includes parent companies and subsidiaries.

The term “tobacco industry brand” means any corporate name, trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or any other indication of product identification identical or similar to those used for any brand of tobacco product, company, or manufacturer of tobacco products.

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### **Definitions (page 2 of 2)**

The term “tobacco product” means any product containing, made, or derived from tobacco or that contains nicotine, whether synthetic or natural, 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, including but not limited to, cigarettes; electronic smoking devices; cigars; little cigars; cheroots; stogies; periques; 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.

The term “tobacco products retailer” means a retail establishment that derives more than 90 percent of its gross revenue from the sale of tobacco products, as defined in this policy.

The term “tobacco-related devices” means ashtrays, rolling papers, wraps, or pipes for smoking or using tobacco products, or any components, parts, or accessories of electronic smoking devices, including cartridges.

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### **Best Practice Sample Cover Page for Tobacco-Free Policy Change Resolution, if Needed**

#### **Findings**

- a) Commercial tobacco use is the single most preventable cause of death in the United States<sup>1</sup>
- b) The use of commercial tobacco products by the nation's children is a pediatric disease of considerable proportions that results in new generations of tobacco-dependent children and adults.<sup>2</sup>
- c) In Wisconsin, smoking causes 7,356 deaths annually, costs \$3 billion in health care costs and \$1.6 billion in lost productivity.<sup>3</sup>
- d) Children are exposed to substantial and unavoidable tobacco industry advertising that leads to favorable beliefs about tobacco use, plays a role in leading young people to overestimate the prevalence of commercial tobacco use, and increases the number of young people who begin to use tobacco.<sup>4</sup>
- e) Electronic cigarettes can increase nicotine addiction among young people and may lead children to try other commercial tobacco products that are known to cause disease and lead to premature death.<sup>5</sup>
- f) Imitation tobacco products may lead children to use commercial tobacco by desensitizing them to the dangers of commercial tobacco and advancing the false idea of commercial tobacco-use as socially acceptable.<sup>6</sup>
- g) Evidence has shown anti-commercial tobacco use campaigns sponsored by the tobacco industry do not prevent youth from using commercial tobacco products, and may encourage youth to smoke and create positive associations with the tobacco industry.<sup>7</sup>

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1. Centers for Disease Control and Prevention, Tobacco Control State Highlights 2010,1-2 (2010), available at [http://www.cdc.gov/tobacco/data\\_statistics/state\\_data/state\\_highlights/2010/pdfs/highlights2010.pdf](http://www.cdc.gov/tobacco/data_statistics/state_data/state_highlights/2010/pdfs/highlights2010.pdf).

2. Substance Abuse and Mental Health Services Administration (SAMHSA), Results from the 2008 National Survey on Drug Use and Health: Detailed Tables (2008), available at <http://www.oas.samhsa.gov/NSDUH/2K8NSDUH/tabs/Sect4peTabs10to11.pdf>.

3. Centers for Disease Control and Prevention, *State-Specific Smoking-Attributable Mortality and Years of Potential Life Lost – United States, 2000-2004*, 58 Morbidity and Mortality Wkly. Rep 29 (2009), available at <http://www.cdc.gov/mmwr/pdf/wk/mm5802.pdf>; Centers for Disease Control and Prevention Sustaining State Programs for Tobacco Control, Data Highlights, 2006 (2006), available at [http://www.cdc.gov/tobacco/data\\_statistics/state\\_data/data\\_highlights/2006/sections/index.htm](http://www.cdc.gov/tobacco/data_statistics/state_data/data_highlights/2006/sections/index.htm).

4. Joseph R. DiFranza et al., *Tobacco Promotion and the Initiation of Tobacco Use: Assessing the Evidence for Causality*, 117 Pediatrics e1237 (2006) available at <http://pediatrics.aappublications.org/cgi/reprint/117/6/e1237>.

5. U.S. Food and Drug Administration, FDA Warns of Health Risks Posed by E-Cigarettes (2009), available at <http://www.fda.gov/ForConsumers/ConsumerUpdates/ucm173401.htm>.

6. Jonathan D. Klein & Steve St. Clair, Do Candy Cigarettes Encourage Young People to Smoke?, 321 Brit. Med. J. 362 (2000), available at <http://www.bmj.com/cgi/content/full/321/7257/362>.

7. National Cancer Institute, Tobacco Control Monograph No. 19: The Role of the Media in Promoting and Reducing Tobacco Use (2008), available at [http://cancercontrol.cancer.gov/tcrb/monographs/19/m19\\_complete.pdf](http://cancercontrol.cancer.gov/tcrb/monographs/19/m19_complete.pdf); AMERICAN LEGACY FOUNDATION, FIRST LOOK REPORT 9: GETTING TO THE TRUTH: ASSESSING YOUTHS "REACTIONS TO THE TRUTH" AND "THINK. DON'T SMOKE" TOBACCO COUNTERMARKETING CAMPAIGNS (2002), available at [http://www.legacyforhealth.org/PDFPublications/fl\\_9.pdf](http://www.legacyforhealth.org/PDFPublications/fl_9.pdf).