

RICHFIELD PUBLIC SCHOOLS

POLICY ON TOBACCO-FREE ENVIRONMENT

I. PURPOSE

A comprehensive 100% tobacco-free policy designed to ensure a safe learning and work environment.

A. The Board believes that accepting tobacco industry gifts or materials will send an inconsistent message to students, staff, and visitors. RPS will not accept funding, donations, or materials from the tobacco industry. Any exceptions to this practice will be determined by RPS leadership and will only be utilized for efforts related to anti-tobacco initiatives.

B. The Richfield Board of Education recognizes that the use of tobacco products 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 tobacco products, both to users and non-users. The board believes that the use or promotion of tobacco products on school grounds and at off-campus school-sponsored events is detrimental to the health and safety of students, staff, and visitors.

C. The board acknowledges that adult staff and visitors serve as role models for students. 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 tobacco use for the students, staff, and visitors. Therefore, the Board adopts the following tobacco-free policy.

II. GENERAL STATEMENT OF POLICY

A. It shall be a violation of this policy for any student, teacher, administrator, other school personnel of the school district, or person to use tobacco, tobacco-related devices, or electronic cigarettes in a public school. This prohibition extends to all individuals on school grounds. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls. This prohibition includes all school district property and all off-campus school district-sponsored events.

B. It shall be a violation of this policy for any student to possess any type of tobacco, tobacco-related device, or electronic cigarette in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts

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for, or controls. This prohibition includes all school district property and all off-campus school district-sponsored events.

- C. It shall be a violation of this policy for any person to promote, or for Richfield Public Schools to promote or allow promotion of tobacco products, tobacco-related devices, or e-cigarettes on the school property or at off-campus, school-sponsored events. This includes promotion of these products via gear, bags, clothing, any personal articles, signs, structures, vehicles, flyers or any other materials.”
- D. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or person found to have violated this policy. Enforcement of this policy includes all individuals on school grounds.

63 **III. TOBACCO AND TOBACCO RELATED DEVICES DEFINED**

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- A. “Electronic cigarette industry” means manufacturers, distributors or wholesalers of e-cigarettes. This includes parent companies and subsidiaries.
- B. “Tobacco industry” means manufacturers, distributors or wholesalers of tobacco products. This includes parent companies and subsidiaries.
- C. “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.
- D. “Tobacco products shop” means a retail establishment with an entrance door opening directly to the outside that derives more than 90 percent of its gross revenue from the sale of loose tobacco, plants or herbs 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; 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. Tobacco products exclude any tobacco product that has been approved by the U.S .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.

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- 93 E. "Administrator" means any person who has disciplinary and managerial
94 authority to enforce school policies and penalties in Richfield Public Schools,
95 including but not limited to principals, assistant principals, or office personnel.
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- 97 F. "Any time" means 24 hours a day, seven days a week, 365 days a year,
98 regardless of whether or not school is in session.
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- 100 G. "Electronic cigarette" means any oral device that provides a vapor of liquid
101 nicotine, lobelia, and/or other similar substance, and the use or inhalation of
102 which simulates smoking. The term shall include any such devices, whether
103 they are manufactured, distributed, marketed, or sold as e-cigarettes, e-
104 cigars, e-pipes, or under another product name or descriptor.
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- 106 H. "Imitation tobacco product" means any non-tobacco product designed to
107 resemble a tobacco product including any edible or non-edible, non-tobacco
108 product designed to resemble a tobacco product that is intended to be used
109 by children as a toy. Examples of imitation tobacco products include but are
110 not limited to candy or chocolate cigarettes, bubble gum cigars, shredded
111 bubble gum resembling chewing tobacco, shredded beef jerky in containers
112 resembling snuff tins, plastic cigars, and puff cigarettes.
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- 114 I. "Tobacco product" means any products containing, made, or derived from
115 tobacco that are intended for human consumption, whether chewed, smoked,
116 absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other
117 means, or any component, part, or accessory of a tobacco product, including
118 but not limited to, cigarettes; cigars; little cigars; cheroots; stogies; periques;
119 granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco;
120 snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other
121 chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of
122 tobacco, and other kinds and forms of tobacco. Tobacco products exclude
123 any tobacco product that has been approved by the U.S .Food and Drug
124 Administration for sale as a tobacco cessation product, as a tobacco
125 dependence product, or for other medical purposes, and is being marketed
126 and sold solely for such an approved purpose.
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- 128 J. "Tobacco-related devices" means ashtrays, cigarette papers or pipes for
129 smoking or electronic cigarettes or any components, parts, or accessories of
130 electronic cigarettes, including cartridges.
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- 132 K. "Tobacco-related devices industry" means manufacturers, distributors or
133 wholesalers of tobacco-related devices. This includes parent companies and
134 subsidiaries.
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- 136 L. "Smoking" means inhaling or exhaling smoke from any lighted cigar, cigarette,
137 pipe, or any other lighted tobacco or plant product intended for inhalation, in

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139 any manner or in any form. "Smoking" also includes the use of an e-cigarette
140 that creates a vapor, in any manner or in any form, or the use of any oral
141 smoking device for the purpose of circumventing the prohibition of smoking.
142 Smoking also includes carrying a lighted cigar, cigarette, pipe, or any other
143 lighted tobacco or plant product intended for inhalation and the use of
144 electronic cigarettes, including the inhaling and exhaling of vapor from any
145 electronic delivery device.

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147 M. "Lighter" means a mechanical or electrical device typically used for lighting
148 tobacco products.

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150 N. "Off-campus, school-sponsored event" means any event sponsored by the
151 school or school district that is not on school property, including but not
152 limited to, sporting events, day camps, field trips, entertainment seminars,
153 dances or theatrical productions.

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155 O. "Parent/Guardian" means any person that has legal guardian status over a
156 student enrolled in Richfield Public Schools.

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158 P. "School property" means all facilities and property, including land, whether
159 owned, rented, or leased by Richfield Public Schools and all vehicles owned,
160 leased, rented, contracted for, or controlled by Richfield Public Schools used
161 for transporting students, staff, or visitors.

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163 Q. "Signage" means signs declaring that all Richfield Public School property is
164 tobacco-free.

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166 R. "Staff" means any person employed by Richfield Public Schools as full or part-
167 time, or any position contracted for or otherwise employed, with direct or
168 indirect monetary wages or profits paid by Richfield Public Schools or anyone
169 working on a volunteer basis. This term includes, but is not limited to faculty,
170 service personnel, volunteers, chaperones, and others working for the
171 Richfield Public School district.

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173 S. "Student" means any person enrolled in Richfield Public School's educational
174 system.

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176 T. "Visitor" means any person subject to this policy that is not a student, staff, or
177 administrator as defined above.

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179 **IV. ENFORCEMENT**

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181 A. All individuals on school premises shall adhere to this policy.

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184 B. Students who violate this tobacco-free policy shall be subject to school district
185 discipline procedures.
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187 C. School personnel who violate this tobacco-free policy shall be subject to
188 school district discipline procedures.
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190 D. School district action taken for violation of this policy will be consistent with
191 requirements of applicable collective bargaining agreements, Minnesota or
192 federal law, and school district policies.
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194 E. Persons who violate this tobacco-free policy may be referred to the building
195 administration or other school district supervisory personnel responsible for
196 the area or program at which the violation occurred.
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198 F. School administrators may call the local law enforcement agency to assist
199 with enforcement of this policy. Smoking or use of any tobacco product in a
200 public school is a violation of the Minnesota Clean Indoor Air Act and is a
201 petty misdemeanor. A court injunction may be instituted against a repeated
202 violator.
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204 **V. Exceptions**
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- 206 A. It shall not be a violation of this policy for an adult Native American to use
207 tobacco as part of a traditional Native American spiritual or cultural
208 ceremony. A Native American is a person who is a member of a federally
209 recognized Indian tribe. Minn. Stat. § 144.4165
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211 B. It shall not be a violation of this policy for tobacco products, tobacco-related
212 devices, imitation tobacco products, lighters, or electronic cigarettes to be
213 included in instructional or work-related activities in Richfield Public Schools
214 buildings if the activity is conducted by a staff member or an approved visitor
215 and the activity does not include smoking, chewing, or otherwise ingesting the
216 product.
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218 C. It shall not be a violation of this policy to use a product that has been
219 approved by the U.S. Food and Drug Administration for sale as a tobacco
220 cessation product, as a tobacco dependence product, or for other medical
221 purposes, and is being marketed and sold solely for such an approved
222 purpose.
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224 **VI. Dissemination of Policy**
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- 226 A. Appropriate signage shall be posted throughout the district at building
227 entrances and other highly visible locations on all school buildings, building
228 entrances, vehicles, vehicular entrances to school grounds, and all indoor and

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230 outdoor athletic facilities indicating that Richfield Public Schools requires a
231 tobacco-free environment.
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233 B. The school shall notify students and parents/guardians of this policy through
234 student handbooks.
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236 C. The district shall provide notice of this policy through staff handbooks.
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238 D. The school or district shall make tobacco-free reminder announcements at
239 school events at appropriate intervals throughout the events, when possible.

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241 ***Legal References:***

242 Minn. Stat. §114.411-144.417, (Minnesota Clean Indoor Air Act)

243 Minn. Stat. §609.685, Subd. 1(a) and (b) (Sale of Tobacco to Children)

244 2007 Minn. Laws Ch. 82 (Freedom to Breathe Act of 2007)

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246 ***Cross References:***

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248 MSBA/MASA Model Policy 403 (Discipline, Suspension and Dismissal of School District
249 Employees)

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251 MSBA Service Manual, Chapter 6, District Education Program (A-11: Student
252 Suspension, Exclusion and Expulsion) (A-12: Student Removal from Class and Adoption
253 of Local Discipline Policies)

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255 MSBA Service Manual, Chapter 7, School Facilities, (W: Tobacco Products Prohibited in
256 Public Schools)

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