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2 **RICHFIELD PUBLIC SCHOOLS**
3
4 **TOBACCO-FREE ENVIRONMENT**

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6 **I. PURPOSE**
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8 The purpose of this policy is to maintain a learning and working environment that
9 is tobacco free.

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11 A. The school board believes that accepting tobacco industry gifts or materials
12 will send an inconsistent message to students, staff, and visitors. RPS will not
13 accept funding, donations, or materials from the tobacco industry or electronic
14 cigarette industry. Any exceptions to this practice will be determined by RPS
15 leadership and will only be utilized for efforts related to anti-tobacco
16 initiatives.
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18 B. The school board recognizes that the use of tobacco products is a health,
19 safety, and environmental hazard for students, staff, visitors, and school
20 facilities. The board is acutely aware of the serious health risks associated
21 with the use of tobacco products, both to users and non-users. The board
22 believes that the use or promotion of tobacco products on school grounds and
23 at off-campus school-sponsored events is detrimental to the health and safety
24 of students, staff, and visitors.
- 25
26 C. The board acknowledges that adult staff and visitors serve as role models for
27 students. The board embraces its obligation to promote positive role models
28 in schools, and to provide an environment for learning and working that is
29 safe, healthy, and free from unwanted smoke and tobacco use for the
30 students, staff, and visitors. Therefore, the board has provided the following
31 tobacco-free policy.

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33 **II. GENERAL STATEMENT OF POLICY**
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- 35 A. It shall be a violation of this policy for any student, teacher, administrator,
36 other school personnel of Richfield Public Schools, or any other person to use
37 tobacco, tobacco-related devices, or use or carry an electronic delivery device
38 in a public school. This prohibition extends to all individuals on school
39 grounds. This prohibition extends to all facilities, whether owned, rented, or
40 leased, and all vehicles that a District owns, leases, rents, contracts for, or
41 controls. This prohibition includes all District property and all off-campus
42 events sponsored by the District.
- 43
44 B. It shall be a violation of this policy for any student to possess any type of
45 tobacco, tobacco-related device, or electronic delivery device in a public
46 school. This prohibition extends to all facilities, whether owned, rented, or

47 leased, and all vehicles that the District owns, leases, rents, contracts for, or
48 controls. This prohibition includes all District property and all off-campus
49 events sponsored by the District.

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51 C. It shall be a violation of this policy for any person to promote, or for Richfield
52 Public Schools to promote or allow promotion of tobacco products, tobacco-
53 related devices, or electronic delivery devices on the school property or at off-
54 campus, school-sponsored events. This includes promotion of these products
55 via gear, bags, clothing, any personal articles, signs, structures, vehicles,
56 flyers or any other materials.

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58 D. The District will act to enforce this policy and to discipline or take appropriate
59 action against any student, teacher, administrator, school personnel, or
60 person found to have violated this policy. Enforcement of this policy includes
61 all individuals on school grounds.
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63 III. DEFINITIONS

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65 A. "Electronic cigarette industry" means manufacturers, distributors or
66 wholesalers of e-cigarettes. This includes parent companies and
67 subsidiaries.
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69 B. "Electronic delivery device" means any product containing or delivering
70 nicotine, lobelia, or any other substance, whether natural or synthetic,
71 intended for human consumption that can be used by a person to simulate
72 smoking in the delivery of nicotine or any other substance through inhalation
73 of aerosol or vapor from the product. Electronic delivery devices includes but
74 is not limited to devices manufactured, marketed, or sold as electronic
75 cigarettes, electronic cigars, electronic pipe, vape pens, modes, tank
76 systems, or under any other product name or descriptor. Electronic delivery
77 device includes any component part of a product, whether or not marketed or
78 sold separately. Electronic delivery device excludes drugs, devices, or
79 combination products, as those terms are defined in the Federal Food, Drug,
80 and Cosmetic Act, that are authorized for sale by the United States Food and
81 Drug Administration.
82

83 C. "Tobacco" means cigarettes and any product containing, made, or derived
84 from tobacco that is intended for human consumption, whether chewed,
85 smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any
86 other means, or any component, part, or accessory of a tobacco product,
87 including, but not limited to, cigars; cheroots; stogies; perique; granulated,
88 plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff
89 flour; cavendish; plug and twist tobacco; fine cut and other chewing tobacco;
90 shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other
91 kinds and forms of tobacco. Tobacco excludes any drugs, devices, or
92 combination products, as those terms are defined in the Federal Food, Drug,

- 93 and Cosmetic Act, that are authorized for sale by the United States Food and
94 Drug Administration.
95
- 96 D. "Tobacco industry" means manufacturers, distributors or wholesalers of
97 tobacco products. This includes parent companies and subsidiaries.
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- 99 E. "Tobacco-related devices" means cigarette papers or pipes for smoking or
100 other devices intentionally designed or intended to be used in a manner which
101 enables the chewing, sniffing, smoking, or inhalation of vapors aerosol or
102 vapor of tobacco or tobacco products. Tobacco-related devices include
103 components of tobacco-related devices which may be marketed or sold
104 separately.
105
- 106 F. "Smoking" means inhaling, exhaling, burning, or carrying any lighted or
107 heated cigar, cigarette, pipe, or any other lighted or heated product
108 containing, made, or derived from nicotine, tobacco, marijuana, or other plant,
109 whether natural or synthetic, that is intended for inhalation. Smoking includes
110 carrying or using an activated electronic delivery device.
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- 112 G. "Vaping" means using an activated electronic delivery device or heated
113 tobacco product.
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115 **IV. ENFORCEMENT**

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- 117 A. All individuals on school premises shall adhere to this policy.
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- 119 B. Students who violate this tobacco-free policy shall be subject to District
120 discipline procedures as outlined in Policy 541: Student Behavior.
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- 122 C. School personnel who violate this tobacco-free policy shall be subject to
123 District discipline procedures.
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- 125 D. District action taken for violation of this policy will be consistent with
126 requirements of applicable collective bargaining agreements, Minnesota or
127 federal law, and school district policies.
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- 129 E. Persons who violate this tobacco-free policy may be referred to the building
130 administration or other District supervisory personnel responsible for the area
131 or program at which the violation occurred.
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- 133 F. School administrators may call the local law enforcement agency to assist
134 with enforcement of this policy. Smoking or use of any tobacco product in a
135 public school is a violation of the Minnesota Clean Indoor Air Act and/or the
136 Freedom to Breathe Act of 2007 and is a petty misdemeanor. A court
137 injunction may be instituted against a repeated violator.
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139 G. No persons shall be discharged, refused to be hired, penalized, discriminated
140 against, or in any manner retaliated against for exercising any right to a
141 smoke-free environment provided by the Freedom to Breathe Act of 2007 or
142 other law.

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145 **V. EXCEPTIONS**

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A. It shall not be a violation of this policy for an adult Native American to use
148 tobacco as part of a traditional Native American spiritual or cultural
149 ceremony. A Native American student may carry a medicine pouch containing
150 loose tobacco intended as observance of traditional spiritual or cultural
151 practices. A Native American is a person who is a member of an Indian tribe
152 or a descendent of a member.

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B. It shall not be a violation of this policy for tobacco products, tobacco-related
155 devices, imitation tobacco products, lighters, or electronic delivery devices to
156 be included in instructional or work-related activities in Richfield Public
157 Schools buildings if the activity is conducted by a staff member or an
158 approved visitor and the activity does not include smoking, chewing, vaping,
159 or otherwise ingesting the product.

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C. It shall not be a violation of this policy to use a product that has been
162 approved by the U.S. Food and Drug Administration for sale as a tobacco
163 cessation product, as a tobacco dependence product, or for other medical
164 purposes, and is being marketed and sold solely for such an approved
165 purpose. Nothing in this exception authorizes smoking or use of tobacco,
166 tobacco-related devices, or electronic delivery devices on school property or
167 at off-campus events sponsored by the District.

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170 **VI. VAPING PREVENTION INSTRUCTION**

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The District provides vaping prevention instruction at least once to all students
173 during middle school and at least once during high school.

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176 **VII. DISSEMINATION OF POLICY**

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Appropriate signage shall be posted throughout the District at building entrances
179 and other highly visible locations on all school buildings, building entrances,
180 vehicles, vehicular entrances to school grounds, and all indoor and outdoor
181 athletic facilities indicating that Richfield Public Schools requires a tobacco-free
182 environment.

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- 184 A. The school shall notify students and parents/guardians of this policy through
185 student handbooks.
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187 B. The District shall provide notice of this policy through the District website.
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189 C. The school or District shall make tobacco-free reminder announcements at
190 school events at appropriate intervals throughout the events, when possible.

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192 ***Legal References:***

- 193 Minn. Stat. § 120B.238 (Vaping Awareness and Prevention)
194 Minn. Stat. § 114.411-144.417 (Minnesota Clean Indoor Air Act)
195 Minn. Stat. § 609.685 (Sale of Tobacco to Children)
196 2007 Minn. Laws Ch. 82 (Freedom to Breathe Act of 2007)

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198 ***Cross References:***

- 199 Board Policy 104: Drug-Free Workplace/Drug-Free School
200 Board Policy 110: Chemical Use/Abuse
201 Board Policy 413: Staff Use of School Facilities
202 Board Policy 541: Student Behavior
203 Board Policy 979: Community Use of School Facilities and Grounds

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