

1 **TOBACCO AND NICOTINE VAPOR PRODUCTS REGULATIONS**

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3 **I. GOVERNING POLICY: GBEC/JFCH/KGC: *TOBACCO PRODUCTS AND***
4 ***NICOTINE VAPOR PRODUCTS***

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6 **II. PROCEDURES**

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8 To preserve a safe, nondisruptive environment for effective teaching and learning and as
9 required by the Code of Virginia:

- 10 • Students may not possess, use or distribute any tobacco product or nicotine vapor
11 product on a school bus, on school property, or at an on-site or off-site school
12 sponsored activity; and
13 • All other persons may not use or distribute any tobacco product or nicotine vapor
14 product on a school bus, on school property, or at an on-site or off-site school-
15 sponsored activity.

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17 **III. ENFORCEMENT**

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19 Failure to comply with the provisions of Policy GBEC/JFCH/KGC or the relevant
20 provisions of Regulation JFCF-R/JFCI-R: *Alcohol and Other Drugs (AOD) Abuse* by:

- 21 • Students, may result in corrective action in accordance with the provisions of
22 Regulation JFC-R: *Standards of Student Conduct*;
23 • Employees, may result in disciplinary action, in accordance with the *Standards of*
24 *Conduct* in the ACPS Employee Handbook; and
25 • Visitors, may result in being directed to leave school property, in accordance with
26 Policy KK: *School Visitors*.

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28 **IV. RESOURCES**

29 A. Students

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32 To help students overcome tobacco and nicotine vapor addiction, ACPS employs
33 the **Multi-Tiered System of Supports (MTSS)**: a problem solving model
34 designed to address the needs of all students that is intended as an early
35 intervention to prevent long-term academic failure. It is a multi-step process of
36 providing instruction and support to promote the academic and behavioral success
37 of all students. An individual student’s progress is monitored regularly by the
38 MTSS Team and results are used to make decisions about further instruction
39 and intervention.

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41 When addressing potential tobacco and nicotine vapor addiction, it is a tiered
42 system of early identification, data-based decision making, and implementation
43 of evidence-based practices of appropriate intensity and duration.

- 44 • Tier 1: Universal Prevention
45 • Tier 2: Selective Prevention/ Intervention
46 • Tier 3: Targeted Intervention
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48 B. Employees

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50 ACPS supports employees struggling with tobacco and nicotine vapor addiction,
51 with resources such as smoking cessation programs through the following
52 services found on the ACPS Human Resources web page:

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- 54 • ACPS Finding Fit Employee Wellness Program (an Employee Wellness
- 55 Program that provides resources and encourages employees to live a
- 56 healthy and active lifestyle);
- 57 • (EAP) Employee Assistance Program (offers immediate, no-cost
- 58 assistance for emotional or work-life counseling, financial information,
- 59 and legal support and resources); and
- 60 • Health Insurance Carrier Wellness Resources (such as Total Health
- 61 Assessment Surveys, health guides on fitness, nutrition and recipes,
- 62 preventive care, weight management, and more).
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64 V. DEFINITIONS

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66 **"Tobacco product"** means any product made of tobacco and includes cigarettes, cigars,
67 smokeless tobacco, pipe tobacco, bidis, and wrappings as defined in Va. Code § 18.2-
68 371.2. "Tobacco product" does not include any nicotine vapor product, alternative
69 nicotine product, or product that is regulated by the FDA under Chapter V (21 U.S.C. §
70 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

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72 **"Nicotine vapor product"** means any noncombustible product containing nicotine that
73 employs a heating element, power source, electronic circuit, or other electronic, chemical,
74 or mechanical means, regardless of shape or size, that can be used to produce vapor from
75 nicotine in a solution or other form. "Nicotine vapor product" includes any electronic
76 cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or
77 device and any cartridge or other container of nicotine in a solution or other form that is
78 intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo,
79 electronic pipe, or similar product or device, as defined in Va. Code_§ 18.2-371.2.
80 "Nicotine vapor product" does not include any product regulated by the FDA under
81 Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

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83 **"School property"** means all property owned, leased, rented or otherwise used by a
84 school, including but not limited to the following:

- 85 • All interior portions of any building or other structure used for instruction,
- 86 administration, support services, maintenance, or storage;
- 87 • Any indoor facility or portion of such facility owned or leased or contracted for
- 88 and used for the provision of regular or routine health care, day care, or early
- 89 childhood development (Head Start) services;
- 90 • All vehicles used by the Division for transporting students, staff, visitors or other
- 91 persons; and
- 92 • The grounds of any building or other structure used for instruction,
- 93 administration, sporting events, support services, maintenance, or storage.
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95 Established: December 16, 2021

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97	Legal Refs.:	20 U.S.C. §§ 6083, 7183.
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99		Code of Virginia, 1950, as amended, §§ 18.2-371.2, 22.1-79.5, 22.1-279.6.
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101		<i>Standards of Conduct</i> , ACPS Employee Handbook.
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103	Cross Refs.:	CLA Reporting Acts of Violence and Substance Abuse
104		JFC Student Conduct
105		JFCF/JFCI Alcohol and Other Drugs (AOD) in Schools
106		JFCF-R/JFCI-R Alcohol and Other Drugs (AOD) Abuse: Regulations
107		GBEC/JFCH/KGC Tobacco Products and Nicotine Vapor Products
108		JHCF Student Wellness
109		JHCF-R Student Wellness Guidelines
110		KG Community Use of School Facilities
111		KGB Public Conduct on School Property
112		KK School Visitors