

Board Policy

Smoking, Tobacco, and Cannabis (Marijuana) Use

The following actions are prohibited on Eastern Suffolk BOCES property and at ESBOCES functions: smoking; vaping; using tobacco products; and/or using or ingesting any form of cannabis.

Smoking and vaping are prohibited within one hundred (100) feet of the entrances, exits, or outdoor areas of any ESBOCES facility. However, this prohibition does not apply to smoking or vaping in a residence, or within the real property boundary lines of residential real property. Exceptions may exist for authorized medical cannabis use.

Definitions

For purposes of this policy, the following definitions apply:

1. *Electronic cigarette (or e-cigarette)* means an electronic device delivering vapor inhaled by an individual user, and includes any refill, cartridge, and any other component of such a device;
2. *ESBOCES function* means an ESBOCES-sponsored or ESBOCES-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state;
3. *ESBOCES property* means any building, structure, and surrounding outdoor grounds, including entrances and exits, contained within the legally defined property boundaries (as registered in the County Clerk's Office) of all ESBOCES elementary and secondary facilities and administration buildings (whether owned or leased by ESBOCES), as well as any vehicles used to transport students or ESBOCES employees, whether the vehicles are owned or leased by ESBOCES;
4. *Smoking* means the burning of a lighted cigar, cigarette, pipe, or any other matter or substance containing tobacco, cannabis, or cannabinoid hemp;
5. *Tobacco products* means cigarettes or cigars, bidis, chewing tobacco, powdered tobacco, nicotine water, or any other tobacco products;
6. *Vaping* means the use of an electronic cigarette.

Notification

ESBOCES will prominently postsigns prohibiting smoking and vaping on ESBOCES property in accordance with applicable law. Each Building Principal will inform individuals found smoking or vaping in a non-smoking area that they are in violation of law and/or ESBOCES policy.

ESBOCES will communicate this policy to employees, students, parents/persons in parental relation, volunteers, visitors, contractors, and outside groups through means such as the ESBOCES *Code of Conduct*, student handbooks, newsletters, announcements, facilities use forms/agreements, and/or the prominent display of this policy in appropriate locations.

Prohibition of Tobacco Promotional Items/Tobacco Advertising

Tobacco promotional items (e.g., brand names, logos, and other identifiers) are prohibited:

1. on ESBOCES property;
2. in any vehicles used to transport ESBOCES students or employees;
3. at ESBOCES functions;
4. in ESBOCES publications;
5. on clothing, shoes, accessories, gear, and school supplies in accordance with the ESBOCES *Code of Conduct* and applicable collective bargaining agreements.

This prohibition of tobacco promotional items will be enforced in accordance with the ESBOCES *Code of Conduct* and applicable collective bargaining agreements.

ESBOCES will request, whenever possible, tobacco-free editions of periodical publications for classroom and library use.

References:

- 20 USC §§6081-6084 and 7971-7974
- 41 USC §8101 et seq.
- NYS Education Law §409
- NYS Penal Law §222.10
- NYS Public Health Law §§1399-n, 1399-o, 1399-p, and 1399-aa
- 8 NYCRR §§155.5 and 156.3
- Board Policy 2230 – Use of ESBOCES Facilities
- Board Policy 5161 – Alcohol, Drugs, and Other Substances (Employees)
- Board Policy 6220 – Student Alcohol and Substance Abuse
- Administrative Regulation 2410R.1 – Code of Conduct

First Adopted: 7/1/2003

Readopted: 7/11/2007

Readopted: 9/22/2010

Readopted: 6/26/2013

Readopted: 1/24/2018

Adopted as revised: 9/22/2021