

Tobacco Use

TOBACCO POLICY - RATIONALE FOR REGULATING POSSESSION AND USE

The health hazards of tobacco use have been well established. This policy is established to:

- (1) reflect and emphasize the hazards of tobacco use;
- (2) be consistent with state and federal laws;
- (3) protect the health and safety of all students, employees and the public; and
- (4) set a non-tobacco use example by adults.

Tobacco is the number one killer and leading cause of preventable death in Nevada. To support and model a healthy lifestyle for our students the school board of Mineral County School District establishes the following tobacco-free policy.

TOBACCO POLICY-USE AND POSSESSION PROHIBITIONS

The Mineral County School District, inclusive of all its buildings and property, shall be tobacco free 24 hours a day, 365 days per year. This includes all days when school is not in session and all events and other activities not associated with, or sponsored by, the school.

Possession or use of tobacco products by students on district property, in district vehicles and at school-sponsored events (whether on or off district property) is prohibited at all times.

The use of tobacco products by all school employees on district property or in district vehicles and at school-sponsored events (whether on or off district property) is prohibited at all times.

The use of tobacco products by all visitors to the school district property is prohibited. This includes non-school hours and all events sponsored by the school or others. Advertising of tobacco products is prohibited in school buildings, on school property, at school functions and in all school publications. This includes clothing that advertises tobacco products.

TOBACCO POLICY - PREVENTION EDUCATION

The Superintendent will ensure that Tobacco prevention education will be in the District curriculum.

TOBACCO POLICY - COMMUNICATING TO STUDENTS, STAFF AND PUBLIC

This policy will be printed in the employee and the student handbooks. It will be posted in highly visible places in all schools of the district. Signs will be posted at all entrances of school buildings, school properties and athletic facilities. Parents and guardians shall be sent notification in writing, and the local media will be asked to communicate this tobacco-free policy community-wide.

TOBACCO POLICY - DEFINITIONS

For purposes of this policy, "tobacco" is defined to include any lit or unlit cigarette, cigar, pipe, [bidi](#), clove cigarette, and any other smoking product, and spit tobacco, also known as smokeless tobacco, dip, chew, and snuff, in any form.

For purposes of this policy, "tobacco use" includes smoking, which means carrying, or having in one's possession a lighted cigarette, cigar, pipe or other object giving off or containing any substance giving off smoke, and chewing spit tobacco, also known as smokeless tobacco, dip, chew, and snuff, in any form.

The term "use" means the chewing, lighting and smoking of any tobacco product.

END OF POLICY

Legal Reference(s):

Pro-Children Act of 1994, 20 U.S.C. Sections 6081-6084.

NRS 202.2485 Definitions. As used in [NRS 202.2485](#) to [202.2497](#), inclusive:

1. "Distribute" includes furnishing, giving away or providing products made from tobacco or samples thereof at no cost to promote the product, whether or not in combination with a sale.
2. "Health authority" means the district health officer in a district, or his designee, or, if none, the State Health Officer, or his designee.

(Added to NRS by 1993, 2843; A 1995, 2603; [2001, 2788](#))

NRS 202.249 Smoking tobacco: Declaration of public policy; enforcement; imposition of more stringent restrictions.

1. It is the public policy of the State of Nevada and the purpose of [NRS 202.2491](#), [202.24915](#) and [202.2492](#) to place restrictions on the smoking of tobacco in public places to protect human health and safety.
2. The quality of air is declared to be affected with the public interest and [NRS 202.2491](#), [202.24915](#) and [202.2492](#) are enacted in the exercise of the police power of this state to protect the health, peace, safety and general welfare of its people.
3. Health authorities, police officers of cities or towns, sheriffs and their deputies and other peace officers of this state shall, within their respective jurisdictions, enforce the provisions of [NRS 202.2491](#), [202.24915](#) and [202.2492](#). Police officers of cities or towns, sheriffs and their deputies and other peace officers of this state shall, within their respective jurisdictions, enforce the provisions of [NRS 202.2493](#), [202.24935](#) and [202.2494](#).
4. Except as otherwise provided in subsection 5, an agency, board, commission or political subdivision of this state, including, without limitation, any agency, board, commission or governing body of a local government, shall not impose more stringent restrictions on the smoking, use, sale, distribution, marketing, display or promotion of tobacco or products made from tobacco than are provided by [NRS 202.2491](#), [202.24915](#), [202.2492](#), [202.2493](#), [202.24935](#) and [202.2494](#).

5. A school district may, with respect to the property, buildings, facilities and vehicles of the school district, impose more stringent restrictions on the smoking, use, sale, distribution, marketing, display or promotion of tobacco or products made from tobacco than are provided by [NRS 202.2491](#), [202.24915](#), [202.2492](#), [202.2493](#), [202.24935](#) and [202.2494](#).

(Added to NRS by 1975, 462; A 1991, 644; 1993, 2843; 1995, 2603; [1999, 1692](#); [2001, 2788](#); [2003, 1007](#))

NRS 202.2491 Smoking tobacco: Unlawful in certain public places; posting signs; designation of areas for smoking.

1. Except as otherwise provided in subsections 5 and 6 and [NRS 202.24915](#), the smoking of tobacco in any form is prohibited if done in any:
 - (a) Public elevator.
 - (b) Public building.
 - (c) Public waiting room, lobby or hallway of any:

- (1) Medical facility or facility for the dependent as defined in [chapter 449](#) of NRS; or
 - (2) Office of any chiropractor, dentist, physical therapist, physician, podiatric physician, psychologist, optician, optometrist or doctor of Oriental medicine.
 - (d) Hotel or motel when so designated by the operator thereof.
 - (e) Public area of a store principally devoted to the sale of food for human consumption off the premises.
 - (f) Child care facility.
 - (g) Bus used by the general public, other than a chartered bus, or in any maintenance facility or office associated with a bus system operated by any regional transportation commission.
 - (h) School bus.
2. The person in control of an area listed in paragraph (c), (d), (e), (f) or (g) of subsection 1:
- (a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).
 - (b) May designate separate rooms or portions of the area which may be used for smoking, except for a room or portion of the area of a store described in paragraph (e) of subsection 1 if the room or portion of the area:
 - (1) Is leased to or operated by a person licensed pursuant to [NRS 463.160](#); and
 - (2) Does not otherwise qualify for an exemption set forth in [NRS 202.24915](#).
3. The person in control of a public building:
- (a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).
 - (b) Shall, except as otherwise provided in this subsection, designate a separate area which may be used for smoking.
 - ↪ A school district which prohibits the use of tobacco by pupils need not designate an area which may be used by the pupils to smoke.
4. The operator of a restaurant with a seating capacity of 50 or more shall maintain a flexible nonsmoking area within the restaurant and offer each patron the opportunity to be seated in a smoking or nonsmoking area.
5. A business which derives more than 50 percent of its gross receipts from the sale of alcoholic beverages or 50 percent of its gross receipts from gaming operations may be designated as a smoking area in its entirety by the operator of the business.
6. The smoking of tobacco is not prohibited in:
- (a) Any room or area designated for smoking pursuant to paragraph (b) of subsection 2 or paragraph (b) of subsection 3.
 - (b) A licensed gaming establishment. A licensed gaming establishment may designate separate rooms or areas within the establishment which may or may not be used for smoking.
7. The person in control of a child care facility shall not allow children in any room or area he designates for smoking pursuant to paragraph (b) of subsection 2. Any such room or area must be sufficiently separate or ventilated so that there are no irritating or toxic effects of smoke in the other areas of the facility.
8. As used in this section:
- (a) "Child care facility" means an establishment licensed pursuant to [chapter 432A](#) of NRS to provide care for 13 or more children.
 - (b) "Licensed gaming establishment" has the meaning ascribed to it in [NRS 463.0169](#).
 - (c) "Public building" means any building or office space owned or occupied by:
 - (1) Any component of the University and Community College System of Nevada and used for any purpose related to the System.
 - (2) The State of Nevada and used for any public purpose, other than that used by the Department of Corrections to house or provide other services to offenders.
 - (3) Any county, city, school district or other political subdivision of the State and used for any public purpose.
 - ↪ If only part of a building is owned or occupied by an entity described in this paragraph, the term means only that portion of the building which is so owned or occupied.
 - (d) "School bus" has the meaning ascribed to it in [NRS 483.160](#).
- (Added to NRS by 1975, 462; A 1977, 649, 958; 1985, 1755; 1987, 428; 1989, 870, 1626; 1991, 591, 644, 1132, 1695; 1993, 363, 2227; [1999, 1692](#); [2001, 1108](#); [2001 Special Session, 230](#); [2003, 289](#))