

## Personnel

### Tobacco-Free Environment

#### I. Purpose

Recognizing that the health and well-being of employees and students are vitally important, the school district strives to provide a tobacco-free environment.

#### II. General Statement of Policy

- A. The school district will be free from tobacco use.
- B. A violation of this policy occurs when any student, district employee, or person smokes or uses tobacco, tobacco-related devices, or electronic cigarettes on district property.
- C. A violation of this policy occurs when any district student possesses any type of tobacco, tobacco-related device, or electronic cigarette on district property.
- D. The district will enforce this policy by taking appropriate action against any student, employee, or person who is found to have violated this policy.
- E. The district will not solicit or accept any contributions or gifts of money, curricula, materials, or equipment from companies that directly manufacture and are identified with tobacco products, devices, or electronic cigarettes. The district will not promote or allow promotion of tobacco products or e-cigarettes on district property or at district-sponsored events.

#### III. Definitions

- A. "District property" includes any school district building or on any district premises; in any district-owned vehicle or in any other district-approved vehicle; at district-activities; off-district property at any district-sponsored or district-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the district; or during any period of time an employee is supervising students on behalf of the district or otherwise engaged in district business.
- B. "Electronic delivery device" means any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption that can be used by a person to simulate smoking. The term will include any such devices, whether they are manufactured, distributed,

marketed, or sold as electronic cigarettes, electronic cigars, electronic pipes, vape pens or under another product name or descriptor.

- C. "Heated tobacco product" means a tobacco product that produces aerosols containing nicotine and other chemicals which are inhaled by users through the mouth.
- D. "Smoking" means inhaling, or exhaling, burning, or carrying any lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. Smoking includes carrying or using an activated electronic delivery device.
- D. "Tobacco" means cigarettes and any product containing, made, or derived from tobacco that is 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; cigars; cheroots; stogies; perique; 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.
- E. "Tobacco-related devices" includes but is not limited to items like cigarette papers or pipes for smoking or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of aerosol vapors or the vapor of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.
- G. "Vaping" means using an activated electronic delivery device or heated tobacco product.

#### IV. Exception

- A. This policy does not prohibit the lighting of tobacco by an adult who is a member of an Indian tribe as part of a traditional Indian spiritual or cultural ceremony. A student who is a member of an Indian tribe will notify the district of their intent to carry a medicine pouch containing loose tobacco intended as observance of a traditional spiritual or cultural practice. For purposes of this section, a member of an Indian tribe is defined by Minnesota law.
- B. A violation of this policy does not occur when an adult non-student possesses a tobacco or nicotine product that has been approved by the United States Food and Drug Administration for use 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.

#### V. Vaping Prevention Instruction

- A. The school district must provide vaping prevention instruction at least once to students in grades 6 through 8.
- B. The district may use instructional materials based upon the Minnesota Department of Health's school e-cigarette toolkit or may use other smoking prevention instructional materials with a focus on vaping and the use of electronic delivery devices and heated tobacco products. The instruction may be provided as part of the district's locally developed health standards.

#### VI. Enforcement

- A. All persons on school district property will adhere to this policy.
- B. Students who violate this tobacco-free policy will be subject to district discipline procedures.
- C. Employees who violate this tobacco-free policy will be subject to district discipline procedures.
- D. Persons who violate this tobacco-free policy may be referred to the building administration.
- E. District administrators may call the local law enforcement agency to assist with enforcement of this policy. Smoking or use of any tobacco product in a public school is a violation of state law and is a petty misdemeanor.
- F. No persons will be discharged, refused to be hired, penalized, discriminated against, or in any manner retaliated against for exercising any right to a smoke-free environment provided by state law.

#### VII. Dissemination of Policy

This policy will be summarized in the student handbook and posted on the district website.

#### Legal Reference:

Minn. Stat. § 120B.238 (Vaping Awareness and Prevention)  
Minn. Stat. §§ 144.411-144.412 (Minnesota Clean Indoor Air Act)  
Minn. Stat. § 260.755 (Definitions)  
Minn. Stat. § 609.685 (Sale of Tobacco to Persons Under Age 21)  
2007 Minn. Laws Ch. 82 (Freedom to Breathe Act of 2007)

#### Cross Reference:

Policy 403 (Discipline of School District Employees)  
Policy 506 (Student Conduct and Discipline)

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