LENAPE TECHNICAL SCHOOL

SECTION: EMPLOYEES

TITLE: TOBACCO AND VAPING PRODUCTS

ADOPTED: December 21, 2006

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August 15, 2024

## 323. TOBACCO AND VAPING PRODUCTS

1. Purpose

The Joint Operating Committee recognizes that tobacco and vaping products, including electronic cigarettes, present a health and safety hazard that can have serious consequences for users, nonusers and the school environment. The purpose of this policy is to regulate use of tobacco and **vaping products** by school employees and contracted personnel.

2. Definition

For purposes of this policy, tobacco product encompasses not only tobacco but also vaping products including electronic cigarettes (e-cigarettes). **Tobacco products**, for purposes of this policy and in accordance with state law, shall be defined to include the following: [1][2]

1. Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to, a cigarette, cigar, little cigar, chewing tobacco, pipe tobacco, snuff and snus.

2. Any electronic devise that delivers nicotine or another substance to a person inhaling from the device, including, but not limited to, electronic nicotine delivery systems, an electronic cigarette, a cigar, a pipe and a hookah.

3. Any product containing, made or derived from either:

   a. Tobacco, whether in its natural or synthetic form; or

   b. Nicotine, whether in its natural or synthetic form, which is regulated by the United States Food and Drug Administration as a deemed tobacco product.

4. Any component, part or accessory of the product or electronic device listed in this definition, whether or not sold separately.

The term **tobacco product** does <u>not</u> include the following:[1][2]

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| | 1. A product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such approved purpose, as long as the product is not inhaled.<br><br>2. A device, included under the definition of tobacco product above, if sold by a dispensary licensed in compliance with the Medical Marijuana Act. *Federal law requires* the school to maintain a *drug-free workplace, at which marijuana of any kind is prohibited*.[3][4] |
| 3. Authority | The Joint Operating Committee prohibits use of **tobacco products** by school employees and contracted personnel at any time in a school building, on school buses or other vehicles that are owned, leased or controlled by the school. [2][5][6][7]<br><br>The Joint Operating Committee also prohibits use of **tobacco products** by school employees at any time while responsible for the supervision of students during school-sponsored activities that are held off school property. [2]<br><br>This policy does not prohibit possession of **tobacco products** by school employees and contracted personnel of legal age.<br><br>The Joint Operating Committee deems it to be a violation of this policy for any school or contracted personnel to furnish a **tobacco product** to a student.[1] |
| 4. Delegation of Responsibility | The Administrative Director or designee shall notify employees and contracted personnel about the Joint Operating Committee's tobacco and vaping products policy by publishing information in handbooks, newsletters, posters, and other efficient methods such as posted notices, signs and on the school website. [2]<br><br>This policy does not prohibit the use of a patch, gum or lozenge as a smoking cessation product by any employee who has a written order by a physician.<br><br>**<u>Reporting</u>**<br><br>*Annual School Safety and Security Incidents Report ~*<br><br>The Administrative Director shall annually, by July 31, report incidents of prohibited possession, use or sale of **tobacco products** on school property to the PA Department of Education on the required form [8][9][10]<br><br>*Law Enforcement Incident Report ~*<br><br>The Administrative Director or designee may report incidents involving the sale of **tobacco products** to minors by employees on school property, at any school-sponsored activity or on a conveyance providing transportation to or from the school or school-sponsored activity to the law enforcement agency that has jurisdiction over the school's property, in accordance with state law |

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| | and regulations, the procedures set forth in the memorandum of understanding with law enforcement and Joint Operating Committee policies. [1][2][3][8][9][10][11][12]<br><br>**PSBA Revision 5/24 © 2024 PSBA**<br><br>Legal References<br>1. 18 Pa. C.S.A. 6305<br>2. 18 Pa. C.S.A. 6306.1<br>3. Pol. 317<br>4. Pol. 351<br>5. 20 U.S.C. 7973<br>6. Pol. 818<br>7. 35 P.S. 637.1 et seq<br>8. 24 P.S. 1306.2-B<br>9. 24 P.S. 1319-B<br>10. Pol. 805.1<br>11. 22 PA Code 10.2<br>12. 22 PA Code 10.22<br>20 U.S.C. 7971 et seq |