

INDEPENDENT SCHOOL DISTRICT 196  
Rosemount-Apple Valley-Eagan Public Schools  
*Educating, developing, and inspiring our students for lifelong success.*

Series Number 406.5AR Adopted August 1988 Revised September 2024

Title Tobacco-Free and Electronic Delivery Device-Free Environment

1. The purpose of this regulation is to establish a tobacco-free environment, describe prohibitions on the use and possession of tobacco, tobacco-related devices, and electronic delivery devices in the school district and establish permitted exceptions. The success of this regulation depends on the cooperation of all employees, students and visitors. All people on district property shall be responsible for complying with this regulation.
  - 1.1 A violation of this policy occurs when any student, teacher, administrator, other school personnel of the school district, or person smokes or uses tobacco, tobacco-related devices, or carries or uses an activated electronic delivery device in a public school.
  - 1.2 A violation of this policy occurs when any elementary school, middle school, or secondary school student possesses any type of tobacco, tobacco-related devices, or electronic delivery devices in a public school.
  - 1.3 Paragraphs 1.1 and 1.2 applies to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls and includes vehicles used, in whole or in part, for school purposes, during hours of school operation, if more than one person is present. The prohibitions in paragraphs 1.1 and 1.2 include all school district property and all off-campus events sponsored by the school district.
  - 1.4 Nothing in this regulation shall prohibit tobacco as a part of a traditional Indian spiritual or cultural ceremony as described below:
    - 1.4.1 An adult may light tobacco as part of a traditional American Indian spiritual or cultural ceremony, and an American Indian may furnish tobacco to an American Indian under the age of 18 as part of a traditional American Indian spiritual or cultural ceremony.
    - 1.4.2 An American Indian student may carry a medicine pouch containing loose tobacco intended as observance of traditional spiritual or cultural practices.
    - 1.4.3 An American Indian student or staff member may use tobacco, sage, sweetgrass, and cedar to conduct individual or group smudging in a public school. The process for conducting smudging is determined by the building or site administrator. Smudging must be conducted under the direct supervision of an appropriate staff member, as determined by the building or site administrator.
  - 1.5 A violation of this regulation does not occur when an adult nonstudent possesses a tobacco or nicotine product that has been approved by the United States Food and Drug Administration for sale 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. Nothing in this exception authorizes smoking or use of tobacco, tobacco-related devices, or electronic delivery devices on school property or at off-campus events sponsored by the school district.
2. Definitions –The following definitions apply for purposes of this regulation.
  - 2.1 “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 including but not limited to 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 tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any drugs, devices, or combination products, as those terms are defined in

the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.

- 2.2 "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 in the delivery of nicotine or any other substance through inhalation of aerosol or vapor from the product. Electronic delivery devices includes, but is not limited to devices manufactured or sold as electronic cigarettes, electronic cigars, electronic pipe, vape pens, modes, tank systems, or under any other product name or description. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device excludes drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.
  - 2.3 Heated tobacco product" means a tobacco product that produces aerosols containing nicotine and other chemicals which are inhaled by users through the mouth.
  - 2.4 "Tobacco-related devices" means 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 vapors aerosol or vapor of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.
  - 2.5 "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other 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.
  - 2.6 "Vaping" means using an activated electronic delivery device or heated tobacco product.
  - 2.7 "American Indian" is a person who is a member of an Indian Tribe as under Minnesota law.
3. The following steps shall be taken if this regulation is violated.
    - 3.1 Employees
      - 3.1.1 First violation – The appropriate supervisor shall give informal verbal notice to the employee and remind the employee about the district's regulation and the availability of tobacco cessation programs. The district may impose additional consequences, including discipline, if the violation is connected to other misconduct.
      - 3.1.2 Further violations – The employee shall be subject to school district discipline procedures.
    - 3.2 Students
      - 3.2.1 In accordance with Administrative Regulation 503.3AR, Student Behavior Expectations and Consequences for Misbehavior, students are expected to comply with laws and regulations pertaining to the possession and use of tobacco and electronic delivery devices.
      - 3.2.2 Violations should be reported to the building principal or his/her designee.
      - 3.2.3 The building principal or his/her designee shall respond to violations in accordance with school discipline procedures and, when applicable, as required by Minnesota State High School League bylaws. When appropriate, the building principal or designee will use non-exclusionary discipline or other educational approaches to student violations of this regulation.
    - 3.3 Visitors
      - 3.3.1 Visitors are defined as parents, community residents, students and staff from other school districts, and all other persons on or in district property.
      - 3.3.2 Visitors observed violating this regulation on district property should be asked to refrain from doing so.

- 3.3.2.1 A visitor who continues to violate this regulation on school property should be reported to the supervisory personnel present.
- 3.3.2.2 The supervisor shall take action which may include asking the person to refrain from violating this regulation or directing the person to leave district property.
- 3.3.3 Repeated violations may result in a recommendation to the superintendent that the person be prohibited from entering district property for a specified period of time.
- 3.4 Involvement of law enforcement officials
  - 3.4.1 The administration may call in the local law enforcement agency to help enforce this regulation.
  - 3.4.2 Violation of the Minnesota Clean Indoor Air Act, by smoking in a designated non-smoking area, is a petty misdemeanor and a court injunction can be instituted against a repeated violator.
- 4. Vaping Prevention Instruction. The school district must provide vaping prevention instruction at least once to students in grades 6 through 8. The school 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 school district's locally developed health standards.

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- Reference:**
- Minnesota Statute 120B.238, Vaping Awareness and Prevention
  - Minnesota Statute 121A.08, Smudging Permitted
  - Minnesota Statute 144.4165, Tobacco Products Prohibited in Public Schools
  - Minnesota Statute 609.685, Sale of Tobacco to Persons Under Age 21
  - MSBA/MASA Model Policy 419