

AFSA High School

Adopted: May 7, 2001

District # 4074

Revised: Dec. 17, 2024

Year Reviewed: 2024/2025

419 TOBACCO-FREE ENVIRONMENT: POSSESSION AND USE OF TOBACCO, TOBACCO-RELATED DEVICES, AND ELECTRONIC DELIVERY DEVICES, VAPING AND AWARENESS AND PREVENTION INSTRUCTIONS

I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment for employees and students by prohibiting the use of tobacco or any tobacco or any electronic nicotine delivery systems (ENDS), which includes e-cigarettes, personal vaporizers, vape pens, e- cigars, e-hookah, vaping devices, etc.

II. GENERAL STATEMENT OF POLICY

- A. A violation of this policy occurs when any student, teacher, administrator, other school personnel, or visitor to 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. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that the school district owns, leases, rents, contracts for, or controls. In addition, this prohibition includes any other vehicles, including personal vehicles, used, in whole or in part, for school purposes during hours of school operation if more than one person is present. This prohibition includes all school district property and all off-campus events sponsored by the school district.
- B. 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 device in a public school. This prohibition extends 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 operations, if more than one person is present. This prohibition includes all school district property and all off-campus events sponsored by the school district.
- C. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or visitor who is found to have violated this policy.
- D. The school 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, tobacco-related devices, or electronic delivery devices. The school district will not promote or allow promotion of tobacco products or electronic delivery devices on school property or at school-sponsored events.

III. DEFINITIONS

- A. "Electronic delivery device" means any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption through inhalation of aerosol or vapor from the product. Electronic delivery devices includes but is not limited to devices manufactured, marketed, or sold as electronic cigarettes, electronic cigars, electronic pipes, vape pens, mods, tank systems, or under any other product name or descriptor. Electronic delivery devices include any component part of a product, whether or not marketed or sold separately. Electronic delivery devices exclude 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.
- B. "Heated tobacco product" means a tobacco product that produces aerosols containing nicotine and other chemicals which are inhaled by users through the mouth.
- C. "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.
- 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. Tobacco 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.
- E. "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 of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.
- F. "Vaping" means using an activated electronic delivery device or heated tobacco product.

IV. EXCEPTIONS

- A. A violation of this policy does not occur when an American Indian or Alaskan Native adult/student lights tobacco, cedar, sweet grass, and/or sage on school district property as a part of a traditional American Indian or Alaskan Native spiritual or cultural ceremony, under the direct supervision of an appropriate staff member, as determined by the building or site administrator. An American Indian student may carry a medicine pouch containing loose tobacco intended as observance of traditional spiritual or cultural practices.

- B. A violation of this policy does not occur when an American Indian or Alaskan Native student possesses loose tobacco for personal spiritual/ceremonial purposes.
- C. 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 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.
- D. 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.

V. VAPING PREVENTION INSTRUCTIONS

- A. The school district must provide vaping prevention instruction at least once to students in grades 6 through 8.
- B. 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.

VI. ENFORCEMENT

- A. All individuals, including visitors on school premises, shall adhere to this policy.
- B. Students who violate this tobacco-free policy shall be subject to school district discipline procedures.
- C. A violation of this policy does not occur when an American Indian or Alaskan Native student possesses loose tobacco for personal spiritual/ceremonial purposes. A violation of this policy does occur when any student is found to be using tobacco for recreational purposes.
- D. School district administrators and other school personnel who violate this tobacco-free policy shall be subject to school district discipline procedures.
- E. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota or federal law, and school district policies.
- F. Persons who violate this tobacco-free policy may be referred to the building administration or other school district supervisory personnel responsible for the area or

program at which the violation occurred.

- G. School 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 the Minnesota Clean Indoor Air Act and/or the Freedom to Breathe Act of 2007 and is a petty misdemeanor. A court injunction may be instituted against a repeated violator.
- H. No person shall 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 the Freedom to Breathe Act of 2007 or other law.

VII. DISSEMINATION OF POLICY

- A. The school district will develop a method of discussing this policy with students and employees.
- B. This policy shall appear in the student and staff handbook.
- C. Appropriate signage shall be posted throughout the district and building entrances and other highly visible locations.
- D. The school or district shall make tobacco-free reminder announcements at school events at appropriate intervals throughout the events, when possible.

Legal References:

Minn. Stat. § 120B.38 (Vaping Awareness and Prevention)

Minn. Stat. § 121A.08 (Smudging Permitted)

Minn. Stat. § 144.411-144.417 (Minnesota Clean Indoor Air Act)

Minn. Stat. § 609.685 (Sale of Tobacco to Children)

2007 Minn. Laws Ch. 82 (Freedom to Breathe Act of 2007)

Cross References:

AFSA Policy 506 (Student Discipline)