LENAPE TECHNICAL SCHOOL

SECTION: PUPILS

TITLE: TOBACCO AND VAPING PRODUCTS

ADOPTED: June 17, 2004

REVISED: February 19, 2015; February 21, 2019; November 19, 2020; August 15, 2024; May 21, 2026

222. TOBACCO AND VAPING PRODUCTS

Purpose

The Joint Operating Committee recognizes that tobacco and vaping products, **including** electronic cigarettes, presents a health and safety hazard that can have serious consequences for users, nonusers, and the school environment. The purpose of this policy is to prohibit student possession, use, purchase and sale of **tobacco and vaping products**,

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 device 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.

5. Any non-nicotine product designed for oral use that resembles or is intended to be used in the same manner as a nicotine pouch (e.g., caffeine pouches), as determined by administration, in order to prevent

	circumvention of this policy and to ensure consistent enforcement. In the case of an initial determination, the pupil shall be warned prior to the imposition of any discipline. The term **tobacco product** does not include the following:[1][2] 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. *NOTE: This exception shall be governed by Joint Operating Committee policy relating to Medications.*[3] 2. A device, included under the definition of tobacco product above, if sold by a dispensary licensed in compliance with the Medical Marijuana Act. *NOTE: Guidance issued by the PA Department of Health directs schools to prohibit possession of any form of medical marijuana by students at any time on school property or during any school activities on school property. This exception shall be governed by Joint Operating Committee policy relating to Controlled Substances/Paraphernalia.*[4]
Authority	The Joint Operating Committee prohibits possession, use, purchase or sale of **tobacco products**, **regardless** of whether such products contain tobacco or nicotine by or to students at any time in a school building on, school buses or other vehicles that are owned, leased or controlled by the school; on property owned, leased or controlled by the school; or at school-sponsored activities that are held off school property.[1][2][5] The Joint Operating Committee prohibits student possession or use of products marketed and sold as tobacco cessation products or for other therapeutic purposes, except as authorized in the Joint Operating Committee's Medication policy.[3] The Joint Operating Committee prohibits student possession of any form of medical marijuana at any time in a school building; on school buses or other vehicles that are owned, leased or controlled by the school; on property owned, leased or controlled by the school; or at school-sponsored activities that are held off school property.[4] The Joint Operating Committee authorizes the confiscation and disposal of **tobacco** products prohibited by this policy. **In the case of a student with a disability, including a student for whom an evaluation is pending, the school shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the**

	memorandum of understanding with law enforcement and Joint Operating Committee policies.[6][7][8][9][10][11]
Delegation of Responsibility	The Administrative Director or designee shall develop administrative regulations to implement this policy. The Administrative Director or designee shall notify students, parents/guardians and staff about the Joint Operating Committee's tobacco and vaping products policy by publishing information in student handbooks, parental newsletters, posters, and by other efficient methods, such as posted notices, signs and on the school's website.[2] Code of Student Conduct **<u>Reporting</u>** ***Parental Report -*** The Administrative Director or designee shall notify the parent/guardian of any student directly involved in an incident involving possession, use, purchase or sale of a **tobacco product**, immediately, as soon as practicable. The Administrative Director or designee shall inform the parent/guardian whether the **law enforcement agency** that has jurisdiction over the school property has been or may be notified of the incident. The Administrative Director or designee shall document attempts made to reach the parent/guardian. [11][12][13] ***Annual School Safety and Security Incidents*** *Report -* The Administrative Director shall annually, by July 31, report all incidents of possession, use or sale of **tobacco products** by students to the **PA Department of Education** on the required form.[11][14][15] ***Law Enforcement Incident Report –*** The Administrative Director or designee may report incidents of possession, use or sale of **tobacco products** by students 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 and regulations, the procedures set forth in the memorandum of understanding with local **law enforcement** and Joint Operating Committee policies. [1][2][11][12][14][15][16]
Guidelines	A student who violates this policy shall be subject to prosecution initiated by the school and, if convicted, shall be required to pay a fine for the benefit of the school, plus court costs. In lieu of the imposition of a fine, the court may admit the student to an adjudication alternative.[2]

Tampering with devices installed to detect use of **tobacco products** shall be deemed a violation of this policy and subject to disciplinary action.[17]

Students with Disabilities

In the case of a student with a disability, including a student for whom an evaluation is pending, the school shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Joint Operating Committee policies. [8][13][14][15][16][17]

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Legal References

1. 18 Pa. C.S.A. 6305
2. 18 Pa. C.S.A. 6306.1
3. Pol. 210
4. Pol. 227
5. 20 U.S.C. 7973
6. 22 PA Code 10.23
7. 20 U.S.C. 1400 et seq
8. Pol. 103.1
9. Pol. 113.1
10. Pol. 113.2
11. Pol. 805.1
12. 22 PA Code 10.2
13. 22 PA Code 10.25
14. 24 P.S. 1306.2-B
15. 24 P.S. 1319-B
16. 22 PA Code 10.22
17. Pol. 218

24 P.S. 1850.1
20 U.S.C. 7114
20 U.S.C. 7118
20 U.S.C. 7971 et seq
34 CFR Part 300

Pennsylvania Department of Health Medical Marijuana Guidance for Schools and School Districts