Series 3000: Operations, Finance, and Property

3100 General Operations

3102 Smoking, Tobacco Products, Drugs, and Alcohol

A. Definitions

1. “Electronic nicotine delivery system” means any product containing or delivering nicotine, a nicotine analog, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. “Electronic nicotine delivery system” includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, e-hookah, vape pens, mods, and tank systems, regardless of any other product name or descriptor that is used. “Electronic nicotine delivery system” includes any component part of a product, whether marketed or sold separately, including but not limited to e-liquids, e-juice, cartridges, and pods.

2. “Illegal drugs” means “controlled substances” under federal or Michigan law, anabolic steroids, human growth hormones or other performance-enhancing drugs, substances purported to be illegal, abusive, or performance-enhancing (i.e., synthetic “look-alike”) drugs, or other drugs prohibited by law.

3. “Imitation tobacco product” means any edible non-tobacco product designed to resemble a commercial tobacco product, or any non-edible non-tobacco product designed to resemble a commercial tobacco product and intended to be used by children as a toy. “Imitation tobacco product” includes, but is not limited to, candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, pouches containing flavored substances packaged similar to snus, and shredded beef jerky in containers resembling snuff tins.

4. “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, cannabis, or other plant, whether natural or synthetic, that is intended for inhalation. “Smoking” also includes carrying or using an activated electronic nicotine delivery system.

5. “Tobacco-related devices” means ashtrays, rolling papers, wraps, or pipes for smoking and any components, parts, or accessories of electronic nicotine delivery systems.

6. “Tobacco product” means any product containing, made, or derived from tobacco or that contains nicotine, whether synthetic or natural, 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: cigarettes; electronic nicotine delivery systems; cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking

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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.

7. "Use of tobacco product" means any of the following:

   a. the carrying by a person of a lighted cigar, cigarette, pipe, other tobacco-related device, or electronic nicotine delivery system;

   b. the ingestion of a tobacco product, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means;

   c. the placing of a tobacco product within a person's mouth; or

   d. the smoking or use of an electronic nicotine delivery system, tobacco product, imitation tobacco product, or other substitute forms of cigarettes, clove cigarettes, or other lighted smoking devices for consuming or inhaling tobacco, nicotine, or any other substance.

B. Smoking and Tobacco Products

1. The District prohibits the sale, possession, distribution, dispensation, display, promotion, consumption or use of tobacco products, tobacco-related devices, electronic nicotine delivery systems, or imitation tobacco products on property owned or operated by the District.

2. The District may also prohibit the use of these products at District-related events.

3. This policy does not prohibit the use of nicotine replacement therapies for smoking cessation, such as Food and Drug Administration approved nicotine gum, patches, or lozenges.

C. Drugs

1. The District prohibits the sale, possession, distribution, dispensation, display, promotion, consumption, or use of illegal drugs on property owned or operated by the District and at any District-related event.

2. The District prohibits the sale, possession, distribution, dispensation, display, promotion, consumption, or use of any products containing cannabidiol (commonly referred to as CBD) on property owned or operated by the District and at any District-related event. The Superintendent or designee will consider exceptions to this prohibition.

3. District personnel should review Policy 4210 for the District's drug- and alcohol-free workplace policy. Students should review Policy 5206 for the student discipline policy.

D. Alcohol

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1. The District generally prohibits the sale, possession, distribution, dispensation, display, promotion, consumption, and use of alcohol on property owned or operated by the District and at any District-sponsored event, except as otherwise provided in this Policy.

2. With the written permission of the Superintendent or designee, the District may permit the lawful sale, possession, distribution, dispensation, display, promotion, consumption, and use of alcohol on school property if:

   a. the District building is used for adult education or college extension courses; or

   b. the use or possession of alcohol is part of a generally recognized religious service or ceremony or

   c. the use or possession is part of a non-school function. The District will require the entity utilizing school property to furnish evidence of insurance, satisfactory to the District, with the District identified as an additional insured on the policy.

3. Any person or entity with the Superintendent's or designee's permission in subsection D.2 must comply with and enforce all applicable laws and regulations and obtain any legally-required permits. See also Policy 3304.

4. District personnel should review Policy 4210 for the District's drug- and alcohol-free workplace policy.

E. It shall not be a violation of this policy:

1. for commercial tobacco products, tobacco-related devices, imitation tobacco products, or lighters to be included in an instructional or work-related activity in the District school buildings if the activity is conducted by a staff member or an approved visitor and the activity does not include smoking, chewing, or otherwise ingesting the product;

2. for a person to possess or provide tobacco, tobacco-related devices, imitation tobacco products, or lighters to any other person as part of an indigenous practice used by Native communities for spiritual and medicinal purposes. It shall not be a violation of this policy to use tobacco, tobacco-related devices, initiation tobacco products, or lighters as part of an educational experience related to traditional or sacred tobacco practices that has been approved by administrators;

3. to use or possess a product that has been approved by the U.S. Food and Drug Administration for sale as a tobacco cessation product, as a nicotine dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

4. Reserved

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Legal authority: 20 USC 6081 et seq.; 21 USC 812, 21 USC 860; 21 CFR 1100.3; MCL 333.7201 et seq., 333.7410, 333.12601 et seq.; MCL 436.1904; MCL 722.642; MCL 750.473; Mich Admin Code R 338.3101 et seq.

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