

## Tobacco-Free Environment

Policy: Tobacco-Free Environment (419)  
Adopted 01/28/2020

### I. PURPOSE

The purpose of this policy is to maintain a learning and working environment that is tobacco free.

### 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 smokes or use tobacco, tobacco-related devices, or carries or uses an activated electronic delivery devices in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that the school owns, leases, rents, contracts for, or controls. In addition, this prohibition includes 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 property and all off-campus events sponsored by the school.
- 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 cigarette delivery devices in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school 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 property and all off-campus events sponsored by the school.
- C. The school 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 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, devices, or electronic delivery devices. The school will not promote or allow promotion of tobacco products or electronic delivery devices on school property or at school-sponsored events.

### III. TOBACCO AND TOBACCO-RELATED DEVICES DEFEND

- A. "Electronic delivery device" means any product containing or delivering nicotine, lobelia, or any other substance 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 vapor from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that has been approved or certified 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 marketed and sold for such an approved purpose.

## Tobacco-Free Environment

- B. “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.
- C. “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.
- D. “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 to tobacco-related devices which may be marketed or sold separately.

### IV. EXCEPTION

- A. A violation of this policy does not occur when an Indian adult lights tobacco on school property as a part of a traditional Indian spiritual or cultural ceremony. An Indian is a person who is a member of an Indian tribe as defined under Minnesota law.
- B. A violation of this policy 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.

### V. 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 discipline procedures.
- C. school administrators and other school personnel who violate this tobacco-free policy shall be subject to school discipline procedures.
- D. school action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota or federal law, and school policies.
- E. Persons who violate this tobacco-free policy may be referred to the building administration or other school supervisory personnel responsible for the area or program at which the violation occurred.

## Tobacco-Free Environment

- F. 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.
- G. No persons 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.

### VI. DISSEMINATION OF POLICY

- A. The school 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 building entrances and other highly visible locations.
- D. The school shall make tobacco-free reminder announcements at school events at appropriate intervals throughout the events, when possible.

### Legal References

- 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)