

Policy ~~7434~~ 661 – Use of Tobacco on School Premises

Revised policy effective upon passage

1st reading April 11, 2019

2nd reading

3rd reading

Statutory authority West Virginia Code 16-9A-4

Administrative Guidelines

(none)

The Board of Education is committed to providing students, staff, and visitors with a tobacco and smoke-free environment. The negative health effects of tobacco use for both users and nonusers, particularly in connection with second hand smoke, are well established. Further, providing a non-smoking and tobacco-free environment is consistent with the responsibilities of teachers and staff to be positive role models for our students.

"Tobacco product" and "tobacco-derived product" means any product, containing, made or derived from tobacco, or containing nicotine derived from tobacco that is intended for human consumption whether smoked, breathed, chewed, absorbed, dissolved, inhaled, vaporized, snorted, sniffed, or ingested by any other means.

A "tobacco-derived product" includes electronic cigarettes or similar devices, alternative nicotine products, and vapor products. "Tobacco product" or "tobacco-derived product" does not include any product that is regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

"Alternative nicotine product" means any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. "Alternative nicotine product" does not include any tobacco product, vapor product, or product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

"Vapor product" means any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape and size, that can be used to produce vapor from nicotine in a solution or other form. "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor product" does not include any product that is regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

For purposes of this policy, "use of tobacco" means to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco, as well as all uses of tobacco, including cigars, cigarillos, little cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, snus, or any other matter or substances that contain tobacco. In addition, it shall include the smoking of electronic, "vapor," or other substitute forms of cigarettes, clove cigarettes, and any other lighted smoking devices for burning tobacco or any other substance.

In order to protect students and staff who choose not to use tobacco from an environment noxious to them, and because the Board does not condone smoking and/or the use of tobacco, tobacco-derived products, the Board prohibits

the use of tobacco or tobacco substitute products in school buildings, on school grounds, and at any school-sponsored function.

This policy shall apply at all times to any building, property or vehicle leased, owned or operated by the Board. This policy shall apply to any private building, or other property including automobiles or other vehicles used for school activities when students or staff is present.

No person shall distribute or use any tobacco product in any area described above at any time. ~~Any individual who knowingly and intentionally sells, gives, or furnishes or causes to be sold, given, or furnished to any person under the age of eighteen (18) years any cigar, cigarette, snuff, chewing tobacco, tobacco product, or tobacco-derived product, in any form, is guilty of a misdemeanor and, upon conviction thereof, for the first offense shall be fined not more than \$100; upon conviction thereof for a second or subsequent offense, is guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500.~~

In no case shall any student possess any tobacco or tobacco-derived product while on school grounds, in any County-owned vehicle, or at any school-sponsored function.

An exception shall be made by the Superintendent to allow possession/use of approved nicotine replacement product for tobacco cessation. West Virginia State Board of Education Policy ~~2422.8 – Medication Administration~~ 2422.7 must be followed in order for students to use such products on school property or at school sponsored events.

Individuals supervising students off school grounds are prohibited from distributing or using any tobacco product while in the presence of students or at any time while engaged in any activities directly involving students.

If the Board discovers that an employee has sold or furnished tobacco products or tobacco-derived products to minors, the Board may dismiss such employee for cause. Any such discharge shall be considered as "gross misconduct" for the purposes of determining the discharged employee's eligibility for unemployment benefits if the employer has provided the employee with prior written notice in the workplace that such act or acts may result in termination from employment.

No school or Board property, as defined in this policy, or school, county, publication may be used for advertising of any tobacco product.

Groups using areas described in this policy shall sign agreements with the Board agreeing to comply with this policy and to inform students, parents, and spectators by public address systems, if available, that this policy remains in force on evenings, weekends, and other times that school is not in session. A summary or copy of this policy shall be attached to all requests for use of school facilities.

Enforcement provisions for the public may include, but are not limited to: request to stop use or leave premises, deny access to school property and/or police notification. Additionally, this policy shall be available to the public in written and/or electronic format.

~~The County shall review this policy in accordance with West Virginia State Board of Education policy and State law. The administrator holding the position of Director of Student Services shall be responsible for instituting such review and reporting to the Superintendent within five (5) days of instituting such review.~~

The County will assess the effectiveness of this policy annually. Such review shall occur in the month of August each year. ~~The administrator holding the position of Director of Student~~ Support Services shall be responsible for instituting such review and reporting to the Superintendent within five (5) days of instituting such review. Data to be considered in the review include:

- A. supervisor conferences
- B. disciplinary referrals
- C. disciplinary actions
- D. referrals to support programs

- E. referrals for criminal prosecution
- F. criminal convictions

This policy, along with all other policies that encompass the requirements of West Virginia ~~State~~ Board of Education Policy 4373, shall be submitted to the State Superintendent of Schools. Any revision must also be submitted to the State Superintendent of Schools.