

York Adams Academy

Title: Tobacco/Nicotine

Number: 323

Status: Active

Legal References

20 U.S.C. 7971 et seq

20 U.S.C. 7973

18 Pa. C.S.A. 6305

18 Pa. C.S.A. 6306.1

24 P.S. 1302.1-A

24 P.S. 1303-A

22 PA Code 10.2

22 PA Code 10.22

Pol. 317

Pol. 351

Pol. 818

Purpose

The Joint Board of Directors (“Board”) of the York Adams Academy (“Academy”) recognizes that tobacco, including the product marketed electronic cigarettes, present a health and safety hazard that can have serious consequences for users, nonusers and the school environment. The purpose of this policy is to regulate use of tobacco, electronic cigarettes, by district employees and contracted personnel.

Definition

State law defines the term **tobacco product** to broadly encompass 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. 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.

The term **tobacco product** does not include the following:

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.
2. A device, included under the definition of tobacco product above, if sold by a dispensary licensed in compliance with the Medical Marijuana Act. Federal law requires the district to maintain a drug-free workplace, at which marijuana of any kind is prohibited.

Authority

The Board prohibits use of tobacco, including e-cigarettes, by Academy employees and contracted personnel at any time in an Academy building; on school buses or other vehicles that are owned, leased or controlled by the Academy; or on property owned, leased or controlled by the Academy.

The Board also prohibits use of tobacco, including the product marketed as Juul and other e-cigarettes, by Academy employees at any time while responsible for the supervision of students during school-sponsored activities that are held off school property.

This policy does not prohibit possession of tobacco, including e-cigarettes, by Academy employees and contracted personnel over the age of twenty-one (21). If an employee is under twenty-one (21) years of age, and is not legally allowed to purchase tobacco products, including e-cigarettes, is found to possess tobacco products on Academy property, the Academy reserves the right to cite said employee.

The Board deems it to be a violation of this policy for any Academy employee or contracted personnel to furnish a tobacco, including e-cigarette, to a student or anyone under the age of twenty-one (21). For purposes of this policy, furnish shall include, but not be limited to, the purchasing for, selling to, or giving of tobacco products to a person.

Violations of this policy will result in appropriate disciplinary action up to and including termination.

Tampering with devices installed to detect the use of tobacco products shall be deemed a violation of this policy and the employee shall be subject to disciplinary action up to and including termination.

Delegation of Responsibility

The Superintendent of Record or designee shall notify employees and contracted personnel about this policy by publishing information in handbooks, newsletters, posters, or other efficient methods such as posted notices, signs and on the district website.

Reporting

Office for Safe Schools Report –

The Superintendent of Record shall annually, by July 31, report incidents of prohibited possession, use or sale of tobacco, including e-cigarettes, on Academy property to the Office for Safe Schools on the required form.

Law Enforcement Incident Report –

The Superintendent of Record or designee may report incidents involving the sale or furnishing of tobacco, including e-cigarettes, to anyone under twenty-one (21) by employees on Academy property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or Academy-sponsored activity to the school police, School Resource Officer (SRO) or to the local police department that has jurisdiction over the Academy's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.