

# ADC - Use of Tobacco Products and Electronic Nicotine Delivery Systems

## USE OF TOBACCO PRODUCTS AND ELECTRONIC NICOTINE DELIVERY SYSTEMS

The Cape Elizabeth School Department is a tobacco-free zone. The Board recognizes that research shows that tobacco continues to be the leading cause of preventable disease and death in Maine and the United States, for both users and those exposed to second-hand smoke. The Board is also aware that a growing body of evidence suggests that the chemicals present in the aerosols (“vapor”) produced by electronic smoking devices, may pose significant long-term risks to health, as well the risk of addiction to nicotine. The Board is committed to providing a safe and healthy environment for students, staff, and visitors to the schools, including members of the community who use school facilities for recreational and other purposes

In order to promote the health, welfare, and safety of students, staff, and visitors and to promote the cleanliness of all facilities, the board prohibits smoking and all other use of tobacco products and electronic vaporizers commonly used for the delivery of nicotine and other inhaled substances (including but not limited to e-cigarettes, e-hookahs, vape pens, or similar devices) in school buildings, on school property, at school functions, on school buses or in any other school department owned or leased vehicles, at all times including days and times when school is not in session (24 hours per day, 365 days a year) and by all persons. This policy reflects and emphasizes the hazards of tobacco use, will assure compliance with laws, protect school community members from secondhand smoke, and role model tobacco-free lifestyles.

## DEFINITIONS

For the purpose of this policy:

“Tobacco use” means smoking or the carrying or possession of a tobacco product (22 MRSA §1578-B (1)(D)).

“Smoking” includes carrying or having in one’s possession a lighted or heated cigarette, cigar or pipe or heated tobacco or plant product intended for human consumption through inhalation whether natural or synthetic in any manner or any form. “Smoking” includes the use of an electronic smoking device (22MRSA § 1541(6)).

“Tobacco product” means any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated chewed, absorbed, dissolved inhaled or ingested by any other means, including but not limited to, a, cigar, hookah, pipe tobacco, chewing tobacco, snuff or snus. “Tobacco product” also means an electronic smoking device and any component or accessory used in the consumption of a tobacco product such as filters, rolling papers, pipes and liquids used in electronic smoking devices whether or not they contain nicotine (22 MRSA § 1551(3)).

“Electronic smoking device” is defined as “a device used to deliver nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the device, including, without limitation a device manufactured, distributed, marketed or sold as an electronic cigarette, or so-called vape-pen”. (22 MRSA § 1541(1-A,))

Employees and all other persons (students, visitors, parents, and other adults) are also strictly prohibited, under law and Board policy, from selling, distributing or in any way dispensing tobacco products and electronic nicotine delivery systems to students in school buildings, on school grounds or at school-sponsored events at all times.

## CONSEQUENCES FOR VIOLATION

Students, all employees, parents, visitors, and other adults are required to comply with Cape Elizabeth Schools' tobacco-free policy. **STUDENTS:** The Superintendent/designee(s) shall be responsible for developing age-appropriate disciplinary guidelines for students violating this policy and for employing strategies, as possible, to address prevention, education and information about community programs for cessation assistance. The Superintendent or designee reserves the right to refer students to a law enforcement agency, on a case-by-case basis, as may be deemed necessary. However, the Superintendent/designee shall refer to a law enforcement agency any student reasonably suspected of selling, dispensing or distributing tobacco products or vaping devices/products. Parents/guardians will be notified of all violations involving their student and action taken by the school.

**STAFF:** School unit employees who violate this policy will be subject to appropriate disciplinary measures up to and including dismissal. Any school unit employee suspected of selling, distributing or in any way dispensing tobacco products or vaping devices/products to students shall be referred to a law enforcement agency.

**OTHER PERSONS IN VIOLATION:** All other persons violating this policy, including parents, vendors/contractors, spectators at school events and other visitors shall be asked to refrain from use and reminded of the Board's policy. Persons who do not comply will be asked to leave school grounds. Failure to leave school grounds will be treated as trespassing and law enforcement personnel may be contacted. Persons suspected of selling, distributing or in any way dispensing tobacco products or vaping devices/products to students shall be referred to an appropriate law enforcement agency.

Enforcement of this policy will follow the standard procedure of the school. All school staff are expected to enforce the policy under the direction of the principal or an administrator. Any violation of this policy should be reported to the school administration.

## RESPONSIBILITY FOR ENFORCEMENT

The building principal/designee will be responsible for enforcing this policy at the school level.

## COMMUNICATION OF THE POLICY

This policy will be communicated through a variety of efforts to educate students, school staff, parents, visitors and other adults. Tobacco-free signs will be posted in highly visible areas at facilities entrances and throughout the school property, including athletic facilities. The policy will be posted on the school website and in student handbooks or staff communications which will be made available to students, parents and staff on an annual basis.

## EDUCATION

Age-appropriate tobacco/"vaping" prevention and awareness instruction will be incorporated into the school unit's health curriculum, in alignment with Maine's system of Learning Results and in support of the school unit's wellness policy goals, to educate students about the dangers of tobacco and vapor products and to encourage a tobacco and "vape-free" lifestyle. As feasible, information regarding treatment and cessation resources will be made available to students and school unit employees who want to quit.

## ADVERTISING OF TOBACCO PRODUCTS

Advertising of tobacco products is prohibited in school buildings, on school property, and in school publications.

Information regarding tobacco treatment resources, such as onsite counseling and the Maine Tobacco Helpline (1-800-207-1230) will be available for tobacco users who are interested in quitting.

## Legal Reference:

- 22 MRSA §§ 1541, 1551, 1578-B

- Me. PL Ch.61 (2019)(An Act to Prohibit the Possession and Use of Electronic Smoking Devices on School Grounds)
- 20 USC § 4301 et seq. (Pro-Children Act of 2001)

## Cross Reference:

JL - Student Wellness

## Adopted:

May 13, 2003

## Revised:

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