

## TOBACCO-FREE SCHOOLS:USE AND POSSESSION OF TOBACCO AND ELECTRONIC SMOKING DEVICES

The Committee 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 Committee 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 Committee 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.

To that end, and in compliance with applicable state and federal laws, all persons are prohibited from smoking and tobacco use in school buildings, on any school grounds (including parking lots), on school buses and school-owned or leased vehicles, and at all school sponsored events at all times.

### **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 (22 MRSA § 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)) .

[NOTE: Under P.L. Chapter 61 (2019), “An Act to Prohibit the Possession and Use of Electronic Smoking Devices on School Grounds,” “tobacco use” includes “smoking” (as defined in 22 MRSA §1541(6)) and “carrying or having in one’s possession a tobacco product as defined in 22 MRSA § 1551(3).

“Electronic smoking device” is defined more directly elsewhere in Maine law (22 MRSA § 1541(1-A,) 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”].

In enacting P.L. Ch. 308 (2017), “An Act to Reduce Youth Access to Tobacco Products,” the Maine Legislature raised the age for sales of tobacco products (including electronic smoking devices) from 18 to 21 (with the exception of persons who had reached 18 years of age as of July 1, 2018).]

“At all times” means 24 hours per day, 354 days a year, including all days when school is not in session and at all functions taking place on school grounds, including organized non-school-sponsored activities and events and casual recreational uses.

All persons are prohibited from possessing, selling, distributing or dispensing tobacco products in school buildings, facilities and on school grounds and buses during school-sponsored events and at all other times.

### **CONSEQUENCES FOR VIOLATION**

#### **STUDENTS:**

The Executive Director/designee(s) shall be responsible for developing age-appropriate disciplinary guidelines for students violating this policy and for employing strategies, as practicable, to address prevention, education, and information about community programs for cessation assistance.

The Executive Director or their designee reserves the right to refer students to a law enforcement agency, on a case-by-case basis, as he/she may deem necessary.

Parents/guardians will be notified of all violations involving their student and action taken by the school.

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.

### **RESPONSIBILITY FOR ENFORCEMENT**

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

### **NOTICE**

Notice of this policy and disciplinary consequences for violations will be posted on the school unit’s website and included in the student code of conduct and/or student handbooks and in annual employee communications.

Parents/ guardians shall also be notified in writing of the Committee’s policy at the beginning of the school year.

“Tobacco-free campus” signage will be posted in highly visible areas at entrances and on school grounds, including entrances to athletic facilities.

## **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, including Maine QuitLink will be made available to students and school unit employees who want to quit.

## **ADVERTISING OF TOBACCO PRODUCTS**

Advertising of tobacco products or related products (including, but not limited to, those that simulate smoking) is prohibited, including the wearing of clothing advertising such products, in school buildings, on school property, at school functions and in school publications.

Information regarding this policy will be disseminated at least yearly to students/parents, staff and community through student handbooks, staff meetings, posted signs, facilities use contracts, announcements and other means as decided by the Executive director and/or administration.

Legal Reference: 22 MRSA §§ 1578(B), 1580(A)(3)  
Me. PL 470 (An Act to Reduce Tobacco Use By Minors)  
20 USC 6081-6084 (Pro-Children Act of 1994)

Cross Reference: JICA – Student Dress  
JL – Student Wellness  
KF – Community Use of School Facilities  
KHB – Advertising in the Schools

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