

Tobacco Prohibition

**CODE B7
(formerlyE8)
(Required Policy)¹**

VSBA Model Updated 11/12/13

Policy

It is the policy of the Leland and Gray Union Middle/High School District to prohibit the use of tobacco on supervisory union or school grounds in accordance with state law. This ban extends to any student, employee or visitor to the school, and applies at all times, whether or not school is in session. Students are, furthermore, prohibited from possessing tobacco products, tobacco substitutes or tobacco paraphernalia at all times while under the supervision of school staff or at school sponsored activities. The Superintendent or his or her designee shall develop procedures, rules and regulations that are necessary to implement this policy and, at a minimum, will include provisions ensuring that tobacco products, tobacco substitutes or tobacco paraphernalia are confiscated when found in the possession of students and that referrals to law enforcement agencies are made when appropriate.

Definitions

For purposes of this policy and administrative rules and procedures developed pursuant to this policy:

1. **School grounds** means any property and facilities owned or leased by the school and used at any time for school related activities, including but not limited to school buildings, school buses, areas adjacent to school buildings, athletic fields and parking lots.²
2. **School sponsored activity** means activities including but not limited to field trips, project graduation events, sporting events, work internships and dances.
3. **Tobacco product** has the same meaning as set forth in 7 V.S.A. 1001(3), as amended from time to time.³
4. **Tobacco paraphernalia** has the same meaning as set forth in 7 V.S.A. 1001(7), as amended from time to time.⁴
5. **Tobacco substitutes** has the same meaning as set forth in 7 V.S.A. 1001(8), as amended from time to time.⁵

Date Warned: 5-13-2014

Date Adopted: 6-10-2014

Legal Reference(s):

16 V.S.A. §140 (Tobacco on school grounds)

18 V.S.A. §§1421 et seq. (Smoking in the workplace)

7 V.S.A. 1001 et seq.

¹ 18 V.S.A. 1422 requires all employers to “establish...or negotiate...a written smoking policy. For purposes of determining smoking policy for schools with school boards, the employer shall be the school board.” 16 V.S.A. 140 requires that school boards “...adopt policies prohibiting the possession and use of tobacco products by students at all times while under the supervision of school staff. These policies shall include confiscation and appropriate referrals to law enforcement authorities.”

² The definitions of “school grounds” and “school sponsored activity” used in this policy are the same as those found in the Department of Education model policy on Possession and Use of Tobacco Products.

³ The term “tobacco product” is defined in 7 V.S.A. 1001(3) as “cigarettes, little cigars, roll-your-own tobacco, snuff, cigars, new smokeless tobacco, and other tobacco products as defined in 32 V.S.A. § 7702.”

⁴ The term “tobacco paraphernalia” is defined in 7 V.S.A. 1001(7) as “any device used, intended for use, or designed for use in smoking, inhaling, ingesting, or otherwise introducing tobacco products into the human body, or for preparing tobacco for smoking, inhaling, ingesting, or otherwise introducing into the human body, including devices for holding tobacco, rolling paper, wraps, cigarette rolling machines, pipes, water pipes, carburetion devices, bongs, and hookahs.”

⁵ The term “tobacco substitute” is defined in 7 V.S.A. 1001(8) as “products including electronic cigarettes or other electronic or battery-powered devices that contain and are designed to deliver nicotine or other substances into the body through inhaling vapor and that have not been approved by the United States Food and Drug Administration for tobacco cessation or other medical purposes.”