

Policy

COMMUNITY RELATIONS

2020

SMOKING PROHIBITION AND TOBACCO FREE POLICY

A. Purpose

1. BOCES recognizes that the use of commercial tobacco products, including electronic smoking devices, is a health, safety, and environmental hazard for students, staff, visitors, and school facilities. The board is acutely aware of the serious health risks associated with the use of commercial tobacco products, including electronic smoking devices, to users and non-users. The BOCES believes that the use or promotion of commercial tobacco products, including electronic smoking devices, on school grounds and at off-campus school-sponsored events is detrimental to the health and safety of students, staff, and visitors.
2. BOCES embraces that adult staff and visitors serve as role models for students. The board embraces its obligation to promote positive role models in schools and to provide an environment for learning and working that is safe, healthy, and free from unwanted smoke or aerosol and other commercial tobacco use for the students, staff, and visitors.

B. Prohibition

1. Students are prohibited from possessing, using, consuming, displaying, promoting, or selling any tobacco products, tobacco-related devices, imitation tobacco products, or lighters at any time on school property or at any off-campus, school-sponsored event.
2. Administrators, staff, or visitors are prohibited from using, consuming, displaying, activating, promoting, or selling any tobacco products, tobacco-related devices, imitation tobacco products, or lighters at any time on school property or at any off-campus, school-sponsored events. This includes products or paraphernalia displaying tobacco industry brands.

C. Definitions

1. **Electronic smoking device** means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. “Electronic smoking device” includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, Juul, Suorin, or under any other product name or descriptor. “Electronic smoking device” includes any component part of a product, whether or not marketed or sold separately, including but not limited to e-liquids, e-juice, cartridges, or pods.
2. **Imitation tobacco product** means any edible non-tobacco product designed to resemble a tobacco product, or any non-edible non-tobacco product designed to resemble a tobacco product and intended to be used by children as a toy. “Imitation tobacco product” includes, but is not limited to, candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, pouches containing flavored substances packaged similar to snus, and shredded beef jerky in containers resembling snuff tins.

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3. **Off-campus, school-sponsored event** means any event sponsored by the school or school district that is not on school property, including but not limited to, sporting events, day camps, field trips, dances, or theatrical productions.
4. **School property** means all facilities and property, including land, whether owned, rented, or leased by BOCES, and all vehicles owned, leased, rented, contracted for, or controlled by BOCES used for transporting students, staff, or visitors.
5. **Smoking** means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. “Smoking” also includes carrying or using an activated electronic smoking device.
6. **Tobacco product** means any product containing, made, or derived from tobacco or that contains nicotine, whether synthetic or natural, that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including but not limited to: cigarettes; electronic smoking devices; cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco.
7. **Tobacco-related device** means ashtrays, rolling papers, wraps, or pipes for smoking any components, parts, or accessories of electronic smoking devices.

D. Violations

1. It shall be a violation of this policy to solicit or accept any contributions, gifts, money, curricula, or materials from the tobacco industry or from any tobacco products shop. This includes, but is not limited to, donations, monies for sponsorship, advertising, alleged educational materials, promotions, loans, scholarships, or support for equipment, uniforms, and sports and/or training facilities. It shall also be a violation of this policy to participate in any type of service funded by the tobacco industry while in the scope of employment for BOCES.
2. It shall be a violation of this policy for any person to promote, or for BOCES to promote or allow promotion of tobacco products, tobacco-related devices, or imitation tobacco products on the school property or at off-campus, school-sponsored events. This includes promotion of these products via gear, technology accessories, bags, clothing, any personal articles, signs, structures, vehicles, flyers or any other materials.
3. BOCES shall act to enforce this policy and to take appropriate action against any student, staff, administrator, or visitor who is found to have violated this policy.

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Cross Ref: Formerly contained in Policy 4030 and 5231, policies consolidated on 06/XX/21 in this policy, Policy 2020.
Legal Ref: 20 U.S.C. § 6083(a); Pro-Children Act of 2001, 20 U.S.C. §§ 7181-7183 (2020) (facilities that provide federal services to children); N.Y. Public Health Law §§1399-o(5)(a), 1399-n(6); N.Y. Education Law § 409.
Adopted: 9/21/94
Revised: 05/12/21