

## **Section A Foundations and Basic Commitments**

### **ADC Use and Possession of Tobacco and Electronic Smoking Devices**

The Region 8 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.

To that end, and in compliance with applicable state and federal laws, all persons are prohibited from smoking and tobacco use and possession 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.

All persons are prohibited from selling, distributing, or dispensing tobacco products or electronic smoking devices to students in school buildings, on school grounds or at school-sponsored events at all times.

#### **Definitions**

For the purpose of this policy:

"At all times" means 24 hours per day, 365 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.

"Tobacco use" means smoking (as defined in 22 MRS §1541(6) or the carrying or possession of a tobacco product as defined in 22 MRS §1551(3).

"Smoking" includes carrying or having in one's possession a lighted or heated cigarette, cigar, 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.

"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 cigarettes, cigar, hookah, pipe, chewing, 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 MRS §1551(3), 1541(1-A).

“Electronic smoking device” means 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, electronic cigar, electronic pipe, electronic hookah or so-called vape pen.

### **Consequences for Violation**

In order to enforce the tobacco and related products policy, the following guidelines shall be utilized by the Director/designee of a school in which prohibited conduct occurs. The staff shall report any violations of this policy/procedure, as promptly as practicable, to the Director/designee.

#### **A. Student Violations**

Disciplinary strategies will emphasize assisting the violator with smoking addiction recovery (cessation) to improve the student’s health and reduce future violations. Students in violation of this policy will be given a list of resources on a tobacco cessation program. Any costs for these programs will be the responsibility of the student and/or student’s family.

##### 1st Violation

1. Parents/legal guardians shall be contacted regarding the tobacco violation.
2. Up to three days suspension and the Assistant Director will contact the sending school administrator.
3. The student will not be allowed to participate in any extracurricular activity during the suspension period and for the next event that they are scheduled to participate in.
4. Students will be required to complete smoking/vaping prevention and awareness instruction provided by the school.

##### 2nd Violation

1. Parents/legal guardians shall be sent written notice regarding the tobacco violation which shall be signed by parent/legal guardian and returned to the school.
2. Up to five days suspension or potential dismissal from their program.

##### 3rd Violation

1. The student will be dismissed from their program.

#### **B. Student Referral to Law Enforcement Agency**

The Director/designee reserves the right to refer students to a law enforcement agency, on a case-by-case basis, as they may deem necessary. However, the Director/designee shall refer to a law enforcement agency any student reasonably suspected of selling, dispensing or distributing tobacco, electronic smoking devices or related products.

C. Employees and Other Persons in Violation

All other persons violating this policy, e.g., employees, visitors, shall be immediately directed to cease this behavior. In addition, all persons suspected of selling, distributing or in any way dispensing tobacco, electronic smoking devices or related products to students shall be referred to a law enforcement agency.

Any employee violating this policy shall be subject to appropriate disciplinary measures.

**Responsibility for Enforcement**

The Director/designee will be responsible for enforcing this policy at the school, on school grounds and school sponsored events.

**Notice**

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

Parents/guardians will be notified in writing of the Board'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.

**Education**

Information regarding no-cost tobacco treatment and recovery resources will be made available to those who use tobacco or vape products and are interested in quitting.

**Advertising for Tobacco Products**

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

Legal References: 22 MRS § 1541, 1551, 1578(B)  
ME Public Law 61 (2019)  
20 USC 6081-6084 (Pro-Children Act of 1994)

Cross-Reference: JIC – Student Code of Conduct  
JL – Student Wellness  
KF – Community Use of School Facilities

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