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| Northeast College Prep  **Policy # 419: TOBACCO-FREE ENVIRONMENT**  Adopted: 3/18/14  Revision Date: 12/19/17, 2/23/21, 12/14/21 |

1. **PURPOSE**

The purpose of this policy is to maintain a learning and working environment that is tobacco free.

1. **GENERAL STATEMENT OF POLICY**
   1. It shall be a violation of this policy for any student, teacher, administrator, other school personnel of the school district or person to use tobacco products or tobacco-related devices in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls. This prohibition includes all school district property and all off-campus events sponsored by the school district.
   2. It shall be a violation of this policy for any elementary school, middle school, or secondary school student to possess any type of tobacco products or tobacco-related device in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls. This prohibition includes all school district property and all off-campus events sponsored by the school district.
   3. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or person who is found to have violated this policy.
2. **TOBACCO AND TOBACCO RELATED DEVICES DEFINED**
   1. “Tobacco products” means
      1. any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes; cigars; cheroots; stogies; perique; 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, prepared in such manner as to be suitable for chewing or smoking in a pipe or other tobacco-related devices.
      2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling form the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah
      3. Any component, part, or accessory of a tobacco product, whether or not sold separately
   2. “Tobacco-related devices” means cigarette papers or pipes for smoking.
   3. “Smoking” includes carrying a lighted cigar, cigarette, pipe, or any other lighted smoking equipment.
3. **EXCEPTION**

Enrolled members and descendants of federally recognized Indian tribes may possess tobacco products on school district property for use in an indigenous spiritual or cultural ceremony. An adult enrolled member or descendant of a federally recognized Indian tribe who has advance permission from the Executive Director may light tobacco products on school district property as part of the performance of or education about an indigenous spiritual or cultural ceremony.

1. **ENFORCEMENT**
   1. All individuals on school premises shall adhere to this policy.
   2. Students who violate this tobacco-free policy shall be subject to school district discipline procedures.
   3. School district administrators and other school personnel who violate this tobacco-free policy shall be subject to school district discipline procedures.
   4. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota or federal law, and school district policies.
   5. Persons who violate this tobacco-free policy may be referred to the building administration or other school district supervisory personnel responsible for the area or program at which the violation occurred.
   6. School administrators may call the local law enforcement agency to assist with enforcement of this policy. Smoking or use of any tobacco product in a public school is a violation of the Minnesota Clean Indoor Air Act and is a petty misdemeanor. A court injunction may be instituted against a repeated violator.
2. **DISSEMINATION OF POLICY**
   1. This policy shall appear in the student handbook.
   2. The school district will develop a method of discussing this policy with students and employees.

***Legal References:*** Minn. Stat. § 144.413, Subd. 4 (Definitions)

Minn. Stat. § 144.4165 (Tobacco Products Prohibited in Public Schools)

Minn. Stat. § 144.417 (Commissioner of Health, Enforcement, Penalties)

Minn. Stat. § 609.685 (Sale of Tobacco to Children)

***Cross References:*** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)

MSBA/MASA Model Policy 506 (Student Discipline)

MSBA Service Manual, Chapter 2, Students; Rights, Responsibilities and Behavior

*MSBA/MASA Model Policy 419*

*Orig. 1995*

*Rev. 2000*