

REFERENCE COPY

FILE: AH
Critical

EXPLANATION: USE OF TOBACCO AND VAPING PRODUCTS

MSBA has significantly modified this policy due to House Bill 1682 (2020) and at the suggestion of the Department of Health and Senior Services' Tobacco Prevention and Control Program. That program strives to create tobacco- and vape-free schools as that is the best approach from a public health perspective and is definitely the best for students.

Missouri law does not require a complete ban on tobacco or vaping products on school property but does require districts to ban smoking and vaping in school buildings. Section 191.775, RSMo., as amended by House Bill 1682 (2020), states:

No person shall smoke or otherwise use tobacco, tobacco products, or vapor products, as such term is defined in section 407.925, in any indoor area of a public elementary or secondary school building or educational facility, excluding institutions of higher education, or on buses used solely to transport students to or from school or to transport students to or from any place for educational purposes. *Any school board of any school district may set policy on the permissible uses of tobacco products or vapor products in any other nonclassroom or nonstudent occupant facility, and on the school grounds or outdoor facility areas as the school board deems proper [emphasis added].*

If your district does allow adults to use tobacco or vaping products in designated locations outside school buildings, this policy should be modified accordingly.

The proposed changes to this policy are not required by law. The current policy already meets the requirements of § 191.775, RSMo., and House Bill 1682 (2020). However, MSBA is providing additional language because many school districts want to take a stronger stance due to increased information on the dangers of vaping. In fact, some Missouri districts have signed onto class action lawsuits regarding the impacts of vaping products in the school environment.

Finally, the definitions in this version are based on definitions found in Missouri law and are much more comprehensive than the previous definitions. MSBA has added this language for clarity and to address the many phone calls we receive regarding the wide variety of tobacco or tobacco-like products in the market.

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USE OF TOBACCO ~~AND VAPING~~ PRODUCTS ~~AND IMITATION TOBACCO PRODUCTS~~

Policy Application

To promote the health and safety of all students and staff, set a good example for students and to promote the cleanliness of district property, the district prohibits all employees, students and patrons visitors from using, possessing, smoking, vaping, consuming, displaying, promoting or using selling any tobacco products, electronic cigarettes or imitation tobacco or cigarette products, vaping products or tobacco-related devices in all district facilities, on district transportation, on all district grounds at all times and at any district-sponsored event or activity while off campus. This prohibition extends to all facilities the district owns, contracts for or leases to provide educational services, routine healthcare, daycare or early childhood development services to children. This prohibition does not apply to any private residence or any portion of a facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol in which the district provides services.

Definitions

Imitation Tobacco Product - Any edible or nonedible nontobacco product designed to resemble a tobacco product intended to be used by children as a toy. Imitation tobacco products include, but are not limited to, chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, pouches containing flavored substances packaged similarly to snuff, and shredded beef jerky in containers resembling snuff tins.

Smoking/Vaping - Inhaling, exhaling, burning or carrying any lit or heated cigar, cigarette, pipe or any other lighted or heated product that contains, is made of, or is derived from a natural or synthetic form of nicotine, tobacco or other plants and that is intended for inhalation. Smoking/Vaping also includes carrying or using an activated electronic smoking device.

Tobacco Product - 1) Any product, whether synthetic or natural, that contains, is made of, or is derived from tobacco or nicotine that is intended for human consumption by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing or ingesting by any other means. 2) 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.

Tobacco-Related Devices - Ash trays, rolling papers, wraps or pipes for smoking and any components, parts or accessories of electronic smoking devices.

Vapor Product - Any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit or electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. Vapor product includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic pipe or similar product or device. Vapor product does not include any alternative nicotine product.

Smoking Cessation Products

This policy does not prohibit adults from possessing and using products approved by the U.S. Food and Drug Administration for smoking cessation. Students may possess and use those products as allowed under policy JHCD.

Signage

Appropriate signage reflecting the content of this policy will be posted throughout the district at building entrances and other highly visible locations in all school buildings, indoor and outdoor athletic facilities and district-owned transportation.

Consequences

Students and employees who violate this policy will be disciplined in accordance with applicable Board policies and may be offered referrals to smoking cessation programs. Employees may be disciplined or terminated for repeated violations. Visitors who violate this policy may be asked to leave or may face other consequences in accordance with district policies and procedures be excluded from district property.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 01/08/2007, eff. 07/01/2007

Revised: 08/11/2014;

Cross Refs: IGAEA, Teaching about Drugs, Alcohol and Tobacco
JG, Student Discipline
JHCD, Administration of Medications to Students

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KG, Community Use of District Facilities
KK, Visitors to District Property/Events

Legal Refs: §§ 191.765 - .777, 290.145, 407.925, RSMo.
Pro-Children Act of 2001, 20 U.S.C. §§ ~~7182 - 7184~~ 7971 - 7974

Raytown C-2 School District, Raytown, Missouri