

Tobacco-Free Schools: Use and Possession of Tobacco and Electronic Smoking Devices

The RSU 40 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 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 to students in school building, 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 (22 MRS § 1541(6)).

“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 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)).

Consequences for Violation

Students

The Superintendent/designee(s) will be responsible for developing age-appropriate disciplinary guidelines for students violating this policy and for employing strategies, as practicable, to address prevention, education, and information about community programs for cessation assistance.

The Superintendent /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 Superintendent/designee will refer to a law enforcement agency any student reasonably suspected of selling, dispensing, or distributing tobacco products, or vaping devices/products.

Parents/guardians will be notified of all violations involving their student and action taken by the school.

Staff

RSU 40 employees who violate this policy will be subject to appropriate disciplinary measures up to and including dismissal.

Any RSU 40 employee suspected of selling, distributing or in any way dispensing tobacco products or vaping devices/products to students will be referred to a law enforcement agency.

Other Persons in Violation

All other persons violating this policy, including parents, vendors/contractors, spectators at school events and other visitors will be asked to refrain from use and reminded of the Board's policy. Persons who do not comply will be asked to leave school grounds. Failure to leave school grounds will be treated as trespassing and law enforcement personnel may be contacted.

Persons suspected of selling, distributing or in any way dispensing tobacco products or vaping devices/products to students will be referred to an appropriate law enforcement agency.

Responsibility for Enforcement

The building principal/designee will be responsible for enforcing this policy at the school level.

Notice

Notice of this policy and disciplinary consequences for violations will be posted on the RSU 40's website and included in the student code of conduct and/or student handbooks and in annual employee communications.

Parents/ guardians will also 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, including entrances to athletic facilities.

Education

Age-appropriate tobacco/"vaping" prevention and awareness instruction will be incorporated into the RSU 40's health curriculum, in alignment with Maine's system of Learning Results and in support of the RSU 40's wellness policy goals, to educate students about the dangers of tobacco and vapor products and to encourage a tobacco and "vape-free" lifestyle.

As feasible, information regarding treatment and cessation resources will be made available to students and RSU 40 employees who want to quit.

Advertising for Tobacco Products

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

Legal Reference: 22 MRS §§ 1541, 1551, 1578-B
Me. PL Ch. 61 (2019) (An Act to Prohibit the Possession and Use of Electronic Smoking Devices on School Grounds)
20 USC 6081-6084 (Pro-Children Act of 1994)

Cross Reference: JIC – Student Code of Conduct
 JICA – Student Dress
 JL – Student Wellness
 KF – Community Use of School Facilities
 KHB – Advertising in the Schools

This is a required policy.

Adopted: March 6, 1984

Revised: July 16, 2015
 July 12, 2018
 April 16, 2020