



POLICY PERSPECTIVES

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DISTRICTS REVISE TOBACCO USE POLICIES TO ADDRESS THE GROWING USE OF E- CIGARETTES

School districts around the state are reviewing and updating their policies on the use of tobacco products on school premises in light of the growing use of electronic cigarettes (e-cigarettes), particularly by students. The term “electronic cigarettes” covers a wide variety of products now on the market, from those that look like cigarettes or pens to products that resemble a USB flash drive (e.g., JUUL) to somewhat larger products like “personal vaporizers” and “tank systems”. These products are battery-operated devices designed to deliver nicotine, flavorings and other chemicals in the form of an aerosol that users inhale.

E-cigarettes are now the most commonly used tobacco product among youth. In the 2017 Wisconsin Youth Risk Behavior Survey, 11.6% of students reported the use of electronic vaping products. Some district survey results showed higher usages. Vaping was highest among whites, males, and older students.

The use of products containing nicotine in any form among youth, including e-cigarettes, is unsafe as it can cause addiction and can harm the developing adolescent brain. Various e-cigarette and vaporizer brands are popular among youth due to their wide choice of flavorings and their small, easily-concealable size. As an example of the amount of nicotine that these products can deliver to the user, the manufacturer of JUUL indicates that a single JUUL “pod” contains as much nicotine as a pack of 20 regular cigarettes. Research shows that youth are up to seven times more likely to use other forms of tobacco if they use e-cigarettes.

Last month, U.S. Food and Drug Administration (FDA) Commissioner Dr. Scott Gottlieb called increasing e-cigarette use among youths as bordering on a national epidemic. Gottlieb said that while e-cigarettes may present an important opportunity for adult smokers to transition

off combustible tobacco products like cigarettes, the situation is not the same for teens. “The disturbing and accelerating trajectory of use we’re seeing in youth, and the resulting path to addiction, must end. . . The FDA won’t tolerate a whole generation of young people becoming addicted to nicotine as a tradeoff for enabling adults to have unfettered access to these same products,” emphasized Gottlieb.

To help deal with this problem, the FDA launched a Youth Tobacco Prevention Plan earlier this year that focuses on three key strategies: (1) prevent youth access to tobacco products, including e-cigarettes; (2) curb the marketing of tobacco products aimed at youth, and (3) educate teens about the dangers of using any tobacco products.

Wisconsin school districts should be aware that e-cigarettes and other vaping devices, which vaporize liquid nicotine, are illegal in Wisconsin for anyone under age 18 [sections 134.66 and 254.92 of the state statutes]. Specifically, it is illegal for retailers to sell nicotine products (e.g., e-cigarettes) to anyone under the age of 18 years old and it is illegal for anyone under the age of 18 to purchase or possess nicotine products. While these statutory prohibitions only apply to persons under the age of 18, nothing would preclude a school board from prohibiting the use and/or possession of nicotine products (including e-cigarettes) by other persons on school premises as a matter of local policy.

In addition to actions being taken by the FDA regarding the use of e-cigarettes by youth, there are also actions educators can take to help prevent and reduce the use of e-cigarettes by young people. According to the Centers for Disease Control and Prevention (CDC), educators can: (1) learn about the different shapes and types of e-cigarettes and the risks of all forms of e-cigarette use for young people, (2) **develop, implement and enforce tobacco-free school policies**, and (3) reject youth tobacco prevention programs sponsored by the tobacco industry. These programs have been found to be ineffective for preventing youth tobacco use.

The *Port Washington-Saukville School Board* recently revised board policy to specifically prohibit students from possessing or using cigarettes, nicotine, tobacco, tobacco products, tobacco look-alike products, vapor products, and/or paraphernalia on school property or during a school-sponsored activity. The purchase, selling or possession of vapor products is also now strictly prohibited by any person on school grounds or at a school-sponsored event.

According to board policy, "vapor products" shall mean noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form including, but not limited to an e-cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor products" shall include any vapor cartridge, solution, or other container, that may or may not contain nicotine, that is intended to be used with an e-cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor products" do not include any products regulated by the U.S. FDA under Chapter V of the Food, Drug and Cosmetic Act.

To reinforce the district's message to students, the Port Washington Common Council also recently adopted a city ordinance [Ordinance No. 2018-10] that prohibits, among other conduct, the possession of nicotine products, electronic smoking devices, and vapor products by people younger than 18 anywhere in the city, including on school grounds and at school events.

Students violating school board policy are subject to the following disciplinary actions, cumulative for an academic year:

First Offense: (1) contact parent/guardian; (2) police referral; (3) suspension up to three (3) days; and (4) contact appropriate student assistance services. (Student assistance services in grades 5-12 will provide violators the opportunity to attend a district-approved AODA program. This program is designed to educate students about the dangers of drugs, vapor products, alcohol, and tobacco usage and to assist students in efforts to stop smoking or using tobacco or vapor products.)

Subsequent Violations: (1) contact parent/guardian; (2) police referral; (3) suspension up to five (5) days; and

(4) contact appropriate student assistance services.

Repeated refusal or neglect to comply with board policy may result in a recommendation for expulsion.

The district also clarified in policy how violations during the summer session would be handled. According to policy, during the summer session, the first offense procedure will be followed. A second offense during the summer session will result in the student being removed from the summer session.

The *Waunakee Community School Board* also recently revised its policy on the use and possession of tobacco products to address e-cigarettes. The policy prohibits any student, staff member, or visitor from consuming, displaying, or selling any tobacco products, tobacco-related devices, or e-cigarettes at any time on school property or at off-campus, school-sponsored events. Students are also prohibited from possessing tobacco products, tobacco-related devices and e-cigarettes on school property and at off-campus, school-sponsored events. The board believes the success of this policy will depend upon "the thoughtfulness, consideration, and cooperation of both tobacco-users and non-users. All individuals on school premises including students, staff, administrators and visitors share in the responsibility for adhering to and enforcing the policy."

Board policy defines "electronic cigarette" as any oral device that provides a vapor of liquid nicotine, and/or other substance, and the use or inhalation of which simulates smoking, including e-cigarettes, e-cigars, e-pipes, e-hookahs, vaping devices or devices under any other product name or descriptor. A JUUL is one example of a vaping device specifically identified in the policy. The term "school property" means all property under control of the school district, whether owned, rented, or leased including but not limited to all vehicles. The term "tobacco product" means any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including but not limited to, cigarettes, cigars, little cigars, dry snuff, moist snuff/chewing tobacco, and snus. The term "tobacco-related devices" means ashtrays, cigarette papers or pipes for smoking, or any components, parts, or accessories of e-cigarettes, including cartridges. FDA-approved tobacco cessation products or tobacco dependence products are exempt from this policy. This would allow employees and visitors to use cessation products on school property or at school-sponsored events.

Students in the Waunakee Community School District who violate the provisions of this policy will be subject to disciplinary action up to and including suspension or expulsion. Any student in violation of this policy also will be referred to law enforcement officials for legal action and will be required to meet with the district ATODA prevention specialist.

Any employee violating board policy will be subject to disciplinary action in accordance with provisions of the current employment guidelines or other procedures established by the school board.

Visitors who are observed violating board policy will be asked to comply with the district's tobacco use policy. If the visitor fails to comply with the request, his/her violation of the policy may be referred to the building principal or other school district supervisory personnel available. The supervisor will make a decision on further action that may include a directive to leave school property. Repeated violation may result in a recommendation to the superintendent to prohibit the individual from entering school district property for a specified period of time. If he/she refuses to leave, the police may be called.

Like the Port Washington-Saukville and Waunakee school districts, the *River Valley School District* also recently revised its tobacco use policy to address electronic smoking devices and to provide further clarification on what products were included in the district's policy prohibition. According to board policy, the board prohibits the use of all tobacco products on all premises owned by, rented by, or under the control of the school district, at district-sponsored events, and in all school vehicles by all persons at all times with one exception. The one exception is that individuals who are of legal age may use tobacco products in the North Park ball diamond in Spring Green when the ball diamond

is rented to another person or organization for non-educational purposes. Board policy also prohibits students from possessing tobacco products in all of the before-mentioned circumstances and/or locations cited above.

For purposes of River Valley's policy, "use of all tobacco products" means to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco, as well as all uses of tobacco, including cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, any other matter or substances that contain tobacco. Also included are papers used to roll cigarettes and/or the possession or use of electronic smoking devices, defined as any electronic device containing or delivering nicotine or any other substance intended for human consumption that an individual may use to simulate smoking by inhaling vapor or aerosol from the device, regardless of whether the device is manufactured, distributed, marketed, or sold as an "e-cigarette," "e-cigar," "e-pipe," "e-hookah," or "vape pen" or under any other product name or descriptor, or other substitute forms of cigarettes, clove cigarettes and any other lighted smoking devices for burning tobacco or any other substance.

It is the responsibility of administrative staff in the district to inform students, staff and school visitors of the district's use of tobacco and electronic smoking device policy and of any actions that may be taken as a result of policy violations, including school disciplinary action and/or legal action in accordance with laws or ordinances.

Additional resources addressing the use of e-cigarettes and other tobacco products by students, including a sample policy, are available on DPI's website.

[PRG subscribers can find additional information regarding tobacco use on school premises, along with related sample policies, in the PRG under the policy codes 522.2 and 831.]

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