

Adopted: \_\_\_\_\_

MSBA/MASA Model Policy 419

Orig. 1995

Revised: \_\_\_\_\_

Rev. 2009 2010

## 419 TOBACCO-FREE ENVIRONMENT

*[Note: School districts are not required by statute to have a policy addressing these issues. However, Minn. Stat. § 144.416 requires that entities that control public places must make reasonable efforts to prevent smoking in public places, including the posting of signs or any other means which may be appropriate.]*

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

- A. ~~It shall be a~~ A violation of this policy ~~for~~ occurs when any student, teacher, administrator, other school personnel of the school district, or person ~~to~~ smokes or uses tobacco, ~~or~~ tobacco-related devices, or electronic cigarettes 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. In addition, this prohibition includes vehicles used, in whole or in part, for work purposes, during hours of school operation, if more than one person is present. This prohibition includes all school district property and all off-campus events sponsored by the school district.
- B. ~~It shall be a~~ A violation of this policy ~~for~~ occurs when any elementary school, middle school, or secondary school student ~~to~~ possesses any type of tobacco, ~~or~~ tobacco-related device, or electronic cigarette 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 and includes vehicles used, in whole or in part, for work purposes, during hours of school operation, if more than one person is present. This prohibition includes all school district property and all off-campus events sponsored by the school district.
- C. 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.

*[Note: The following language is not required by law but is recommended by MSBA for inclusion in this policy.]*

- D. The school district will not solicit or accept any contributions or gifts of money, curricula, materials, or equipment from companies that directly manufacture and are identified with tobacco products, devices, or electronic cigarettes. The***



- C. School district administrators and other school personnel who violate this tobacco-free policy shall be subject to school district discipline procedures.
- D. 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.
- E. 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.
- F. 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/or the Freedom to Breathe Act of 2007 and is a petty misdemeanor. A court injunction may be instituted against a repeated violator.
- G. No persons shall be discharged, refused to be hired, penalized, discriminated against, or in any manner retaliated against for exercising any right to a smoke-free environment provided by the Freedom to Breathe Act of 2007 or other law.

## **VI. DISSEMINATION OF POLICY**

- A. This policy shall appear in the student handbook.
- B. The school district will develop a method of discussing this policy with students and employees.

**Legal References:** Minn. Stat. §§ 144.411-144.417 (Minnesota Clean Indoor Air Act)  
~~Minn. Stat. § 144.413, Subds. 1b and 4 (Definitions)~~  
~~Minn. Stat. § 144.416 (Responsibilities of Proprietors)~~  
~~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)  
2007 Minn. Laws Ch. 82 (Freedom to Breathe Act of 2007)

**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