

5205 TOBACCO/NICOTINE POLICY

References:

UCA § 76-10-102 Advertising Restrictions
UCA § 76-10-101, 102, 104, 104.1, 105 Tobacco laws concerning minors
UCA § 26-38-1-9 Clean Air Act
WSD Student Discipline Policy (Including Safe School Policy) 5200
WSD Alcohol and Drug Abuse Policy 5210
Utah Administrative Rule R277-624

I. PHILOSOPHY AND PURPOSE

Weber School District strives to ensure a safe learning environment for its students and employees. Weber School District shall be tobacco-free in order to promote the academic, emotional, social, and physical well-being of all students. Cigarettes and electronic cigarettes on campus deter from the safe learning environment. The purpose of this policy is to establish prohibitions against tobacco and electronic cigarettes, and to clarify terminology and possible sanctions for failure to comply.

II. POLICY

This policy prohibits buying, attempting to buy or possessing electronic cigarettes and/or tobacco, tobacco/nicotine products, or paraphernalia in any form by students on school grounds, property and/or at school activities, whether or not school is in session. This policy also applies to students off-campus if the violation is occurring during school hours. This policy prohibits use of the same by employees and visitors

III. DEFINITIONS

- A. Confiscate: to take or seize
- B. Distribute: sharing or giving an e-cigarette or tobacco/nicotine product to another student in exchange for money, goods, or services; or sharing an e-cigarette or tobacco/nicotine product with three (3) or more students within 24 hours, even if no money, goods, or services are exchanged.
- C. Electronic Cigarette or E-cigarette: any electronic oral device that provides a vapor of nicotine or other substance and which simulates smoking through its use or through inhalation of the vapor through the device; and includes an oral device that is composed of a heating element, battery, or electronic circuit and marketed, manufactured, distributed, or sold as an e-cigarette, vapor sticks, e-cigar, e-pipe, or any other product name or descriptor, if the function of the product meets the definition of an electronic oral device.

- D. Intent to distribute: any documented indication, including written or verbal communication that a person possessing e-cigarettes or tobacco/nicotine products intends to distribute the e-cigarette or tobacco product.
- E. Paraphernalia: anything used in conjunction with an e-cigarette or tobacco product, including, but not limited to pouches, packaging, cylinders, cartridges, rolling papers, pipes, e-cigarettes, hookah, and/or any items used for the intention of delivering or disguising the product or device.
- F. Possession: having, owning, or controlling
- G. Tobacco/nicotine product: any product containing tobacco and/or nicotine, including cigarettes, cigars, blunts, bidis, clove cigarettes, pipes, spit tobacco, snuff, snus, e-cigarettes, vapor sticks, and/or any other items containing or reasonably resembling tobacco or tobacco/nicotine products.

IV. **PROCEDURES**

A. Confiscation

1. An administrator who finds an e-cigarette or tobacco/nicotine product on a student or in the student's possession shall confiscate the e-cigarette or tobacco product.
2. The administrator shall return the e-cigarette to the parent of the student who brought the e-cigarette to school. Or, if the parent doesn't collect the e-cigarette within two (2) weeks, the administrator shall take the e-cigarette to Student Services at the District Office, where the e-cigarette will be kept in a secure location until disposed of in accordance with generally accepted standards of e-cigarette disposal in Utah.
3. The administrator shall keep the e-cigarette in a secure location in the administrator's office while waiting for the parent to collect it.
4. Documentation will be maintained by anyone confiscating, storing, and/or disposing of electronic cigarettes that includes the date the e-cigarette was confiscated, the disposal method (eg, returned to parents, take to Student Services, disposed of by Student Services, etc.), and disposal date.

B. Referral to law enforcement

1. If a student is found in possession of a controlled substance, other than nicotine, in an e-cigarette device, the student will be referred to law enforcement, in addition to administrative discipline at the school level.
2. Distribution or intent to distribute an e-cigarette containing a controlled substance will be treated by the District as distribution or intent to distribute a controlled substance, and disciplinary action will follow, in accordance with Policy 5200 and the Administrator Student Discipline Handbook.

C. Student violations

1. Student violations of this policy will result in disciplinary interventions in accordance with Policy 5200 and the Administrator Student Discipline Handbook, including, but not limited to one or more of the following:

- a) Notification of parent(s) or guardian(s) by the school administrator
- b) Suspension
- c) Referral to substance abuse screening and/or treatment
- d) Requirement to take cessation classes
- e) Referral to law enforcement, if the e-cigarette contains a controlled substance, other than nicotine.

D. Visitor Violations

- 1. Visitors under 21 may receive a citation according to state law.
- 2. Any visitor found using e-cigarettes or tobacco/nicotine products will be informed of this policy and asked by a school official to refrain from using the tobacco/nicotine product or e-cigarette while on school property.
- 3. Any visitor who does not comply will be asked to leave. If a visitor refuses to leave, law enforcement may be called.

V. GENERAL GUIDELINES

A. Advertising Prohibited

- 1. Advertising tobacco/nicotine products and e-cigarettes is prohibited on school property, at school functions, and in school publications. This includes student clothing that advertises tobacco or tobacco/nicotine products, e-cigarettes, or paraphernalia.
- 2. Sponsors of school events may not promote tobacco use.

B. Sale, Delivery, Transfer, or Distribution Prohibited

Neither tobacco, tobacco/nicotine products, nor paraphernalia in any form may be sold, delivered, transferred or distributed to anyone under the age of 21 on or in Weber School District property or at any school function off school property.

C. Notice and Programs

- 1. The Tobacco Policy will be made available to all students, parents, and employees.
- 2. Reminders that Weber School District is a tobacco-free zone will be given to the community at large.
- 3. Students will participate in tobacco prevention programs and activities.
- 4. Families and community agencies will be invited to participate in tobacco prevention programs and activities.
- 5. Cessation information will be available to all students, employees, and community members.