



**TOBACCO-FREE ENVIRONMENT:
POSSESSION AND USE OF TOBACCO, TOBACCO-RELATED
DEVICES, AND ELECTRONIC DELIVERY DEVICES**

POLICY:	418
ADOPTED:	05/07/01
REVISED:	06/22/20

I. Purpose

The Inver Grove Heights School Board is dedicated to providing a healthy, comfortable and productive environment for staff, students and citizens. The School Board believes that education has a central role in establishing patterns of behavior related to good health and shall take measures to help its students to resist tobacco use. The School Board is concerned about the health of its employees and also recognizes the importance of adult role modeling for students during formative years. Therefore, the School Board shall promote a tobacco-free environment among its staff and students.

II. General Statement of Policy

- A. It shall be a violation of this policy for any student, teacher, administrator, other school personnel of the school district or person to smoke or use tobacco or tobacco-related devices, or carries or uses an activated electronic delivery device 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 privately owned 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. A violation of this policy occurs when any elementary school, middle school, or high school student possesses any type of tobacco, tobacco-related device, or electronic delivery device 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 school 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. As stated in Policy 504 Student Dress and Appearance, Section IV. B. 4., any clothing or accessories depicting images or language depicting or promoting products or activities that are illegal for use by minors are not to be worn at any school sponsored activity regardless of the age of the student.
- D. 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.

III. Tobacco and Tobacco Related Devices Defined

- A. "Electronic delivery device" means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that has been approved or certified by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is marketed and sold for such an approved purpose.
- B. "Tobacco" means cigarettes and any product containing, made or derived from tobacco that is intended for human consumptions, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, or any component, part, or accessory of a tobacco product, including but not limited to, cigarettes; cigars; cheroots; stogies; perique; 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, prepared in such manner as to be suitable for chewing or smoking in a pipe or other tobacco-related devices.
- C. "Tobacco-related devices" means cigarette papers or pipes for smoking or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.
- D. "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, weather natural or synthetic, that is intended for inhalation. Smoking includes carrying or using an activated electronic delivery device.

IV. Exceptions

- A. It shall not be a violation of this policy for an Indian adult to light tobacco on school district property as a part of a traditional Indian spiritual or cultural ceremony. An Indian is a person who is a member of an Indian tribe as defined under Minnesota law.
- B. It shall not be a violation of this policy when an adult non-student possesses a

tobacco or nicotine product that has been approved by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose. Nothing in this exception authorizes smoking or use of tobacco, tobacco-related devices, or electronic delivery devices on school property or at off-campus events sponsored by the school district.

V. Enforcement

- A. All individuals on school premises shall adhere to this policy.
- B. Students who violate this tobacco-free policy shall be subject to school district discipline procedures.
- 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 environment 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. School administrators may call the local law enforcement agency to assist with enforcement of this policy.
- F. Failure to meet these responsibilities will be cause for disciplinary action. Such disciplinary action may include a conference with the student, a warning, a call

to

the parent/guardian, monitoring, schedule adjustments, financial restitution, referral for in-school mediation, referral to outside agencies, removal from class, referral to police, detention, referral to the Dakota County Juvenile Tobacco Diversion Class, dismissal, suspension out of school, exclusions or expulsion. 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.

- 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.
- C. The school district will post signage on school district property informing visitors it is a tobacco-free property, vehicles and buildings.
- D. Upon hiring, all staff will sign the Tobacco-Free Environment Policy Acknowledgement.

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: Policy 403 - Discipline, Suspension and Dismissal of School District Employees
Policy 506 - Student Discipline
MSBA Service Manual, Chapter 2, Students; Rights Responsibilities and Behavior