

## ADC- PROHIBITIONS REGARDING USE AND POSSESSION OF TOBACCO PRODUCTS, E-CIGARETTES AND E-LIQUIDS IN AND ON SCHOOL FACILITIES AND GROUNDS

*Category: Priority/Required by Law*

*Related policy: IHAMA*

### USE OF TOBACCO PRODUCTS STRICTLY PROHIBITED IN/ON ALL SCHOOL FACILITIES AND/OR GROUNDS

In accordance with State law, no person shall use any tobacco product, E-cigarette, or liquid nicotine in any facility or upon any grounds maintained by the Wilton-Lyndeborough Cooperative School District. Students and minors are further prohibited from possessing such items in or upon any facility, school vehicle, or grounds owned or maintained by the District.

**A. Definitions.** *These definitions shall also include any amendments to the referenced statutes as the same may be amended or replaced from time to time.*

**"Tobacco product(s)"** means any product containing tobacco including, but not limited to, cigarettes, smoking tobacco, cigars, chewing tobacco, snuff, pipe tobacco, smokeless tobacco, and smokeless cigarettes, as well as any other product or item included in RSA 126-K:2, XI.

**"Device"** means any product composed of a mouthpiece, a heating element, a battery, and electronic circuits designed or used to deliver any aerosolized or vaporized substance including, but not limited to, nicotine or cannabis. Device may include, but is not limited to, hookah, e-cigarette, e-cigar, e-pipe, vape pen, e-hookah, as well as any other object or item defined in RSA 126-K:2, II-a.

**"E-cigarette"** means any electronic smoking device composed of a mouthpiece, a heating element, a battery, and electronic circuits that *may or may not contain* nicotine or *e-liquid*. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, or e-pipes, or under any other product name as well as any other product or item included in RSA 126-K:2, II-b.

**"E-liquid"** means any liquid, oil, or wax product containing, but not limited to, nicotine or cannabis intended for use in devices used for inhalation as well as any other substance included or defined in RSA 126-K:2, II-c.

**"Liquid nicotine"** means any liquid product composed either in whole or in part of pure nicotine and propylene glycol and manufactured for use with e-cigarettes, as well as any other product or item included in RSA 126-K:2, III-a.

**"Facility"** is any place which is supported by public funds and which is used for the instruction of students enrolled in preschool programs and in all grades maintained by the District. This definition shall include all administrative buildings and offices and areas within facilities supportive of instruction and subject to educational administration, including, but not limited to, lounge areas, passageways, rest rooms, laboratories, classrooms, study areas, cafeterias, gymnasiums, maintenance rooms, and storage areas.

It is the responsibility of the building principal(s), or designee, to initially enforce this policy by requesting that any person who is violating this policy to immediately cease the use of tobacco products. After this request is made, if any person refuses to refrain from using tobacco products in violation of this policy, the principal or designee may call the local police who shall then be responsible for all enforcement proceedings and applicable fines and penalties.

#### **B. Students**

No student shall purchase, attempt to purchase, possess or use any tobacco product, **device, E-cigarette, E-liquid, or liquid nicotine** in any facility, in any school vehicle or anywhere on school grounds maintained by the District.

Enforcement of this prohibition shall initially rest with building principals, or their designees, who may report any violation to the local police department. In accordance with state law, the police department shall be responsible for all proceedings and applicable fines and penalties.

The principal **and/or superintendent** will develop ~~regulations~~ procedures, which cover disciplinary action to be taken for violations of this policy. These regulations will be communicated to students by means deemed appropriate by the principal. In addition to disciplinary actions taken by the school, criminal penalties for fines may result from violations of this policy.

#### **C. Employees**

No employee shall use any tobacco product, **device, E-cigarette, E-liquid, or liquid nicotine, in any facility**, in any school vehicle or anywhere on school grounds maintained by the District.

Initial responsibility for enforcement of this prohibition shall rest with building principals, or their designees. The principal may report violations to the local police department. In accordance with state law, the police department shall be responsible for all proceedings and applicable fines and penalties.

The principal will develop and implement the appropriate means of notifying employees of the possible disciplinary consequences of violating this policy. Any employee(s) who violate(s) this policy is subject to disciplinary action which may include warning, suspension or dismissal. In addition, fines or other penalties may result from enforcement of these prohibitions by other law enforcement officials.

#### **D. All other persons**

No visitor, **contractor, vendor or other member of the public**, shall use any tobacco product, **device, E-cigarette, E-liquid, or liquid nicotine** in any facility, in any school vehicle, or anywhere on school grounds maintained by the District.

**The building principal(s), and where appropriate, other site supervisor (athletic director, vehicle driver, etc.), or their designee(s), shall have the initial responsibility to enforce this section, by requesting that any person who is violating this policy to immediately cease the use of tobacco products, E-cigarette or liquid nicotine. After this request is made, if any person refuses to refrain from using such products in violation of this policy, the principal,**

site supervisor, or designee may call contact the appropriate law enforcement agency(ies) for possible criminal or other proceedings as provided under state law.

~~Responsibility for enforcement of this prohibition shall rest with all School District employees who may report violations to the local police department. In accordance with state law, the police department shall be responsible for all proceedings and applicable fines and penalties.~~

#### **E. Implementation and Notice - Administrative Rules and Procedures.**

The Superintendent shall establish administrative rules and procedures to implement this policy, which rules and procedures may be building level and/or district-wide. Rules and procedures relating to student violations and resulting disciplinary consequences should be developed in consultation with building principal(s).

The Superintendent, working with the building principal(s), shall provide annual notice to employees, students and parents of the pertinent provisions of this policy (e.g., student or staff handbook) along with applicable administrative regulations and procedures, which may include prescribed consequences for violations of this policy. Such notice should include information that violation of this Policy could lead to criminal or other such proceedings.

Signs shall be placed by the District in all buildings, facilities and school vehicles stating that the use of tobacco products is prohibited.

#### **Legal References:**

*RSA 155:64 - 77, Indoor Smoking Act*

*RSA 126-K:2, Definitions*

*RSA 126-K:6, Possession and Use of Tobacco Products by Minors*

*RSA 126-K:7, Use of Tobacco Products on Public Educational Grounds Prohibited*

**Legal References Disclaimer:** *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

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