

TOBACCO-FREE SCHOOLS: USE AND POSSESSION OF TOBACCO AND ELECTRONIC SMOKING DEVICES		File: ADC
Section A: Foundations and Basic Commitments	Adopted: 3/11/1999	Last Revised: 12/2020

MECDHH/GBSD is dedicated to providing its students, staff, and visitors with a safe and healthy environment to learn, work, and play. To support and model healthy, tobacco-free lifestyles and to create an environment free of tobacco smoke, MECDHH/GBSD has adopted the following tobacco-free policy, effective immediately. The Board recognizes that research shows that tobacco continues to be the leading cause of preventable disease and death in Maine and the United States, for both users and those exposed to second-hand smoke. The Board is also aware that a growing body of evidence suggests that the chemicals present in the aerosols (“vapor”) produced by electronic smoking devices, may pose significant long-term risks to health, as well the risk of addiction to nicotine.

This policy reflects and emphasizes the hazards of tobacco use, will assure compliance with laws, protect school community members from secondhand smoke, and role model tobacco-free lifestyles. This includes all days when school is not in session and all functions taking place on school grounds, such as athletic events or other activities not associated with, or sponsored by, the school. The policy applies to everyone on school grounds, including students, school staff, parents, and visitors. Possession and use of any tobacco products is prohibited by anyone (adult or minor) on district property, in school vehicles, and at school-sponsored functions at any time.

To that end, and in compliance with applicable state and federal laws, all persons are prohibited from smoking and tobacco use in school buildings, on any school grounds (including parking lots), on school buses and school-owned or leased vehicles, and at all school sponsored events at all times.

POLICY COMMUNICATION

This policy will be communicated through a variety of efforts to educate students, school staff, parents, and visitors. Tobacco-free signs will be posted in highly visible areas at facility entrances and throughout the school property, including athletic facilities. Verbal announcements at school events or functions will remind attendees of the tobacco-free policy. The policy will be listed on the school website and printed in employee and student booklets on an annual basis. Each year, all school staff, parents, and guardians will receive written information regarding the policy in either hard copy or electronic formats.

DEFINITIONS

For the purpose of this policy:

“Tobacco use” means smoking or the carrying or possession a tobacco product (22 MRSA §1578-B (1)(D).

“Smoking” includes carrying or having in one’s possession a lighted or heated cigarette, cigar or pipe or heated tobacco or plant product intended for human consumption through inhalation whether natural or synthetic in any manner or any form. “Smoking” includes the use of an electronic smoking device (22 MRSA § 1541(6)).

“Tobacco product” means any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated chewed, absorbed, dissolved inhaled or ingested by any other means, including but not limited to, a cigar, hookah, pipe tobacco, chewing tobacco, snuff or snus. “Tobacco product” also means an electronic smoking device and any component or accessory used in the consumption of a tobacco product such as filters, rolling papers, pipes and liquids used in electronic smoking devices whether or not they contain nicotine (22 MRSA § 1551(3)) .

Under P.L. Chapter 61 (2019), “*An Act to Prohibit the Possession and Use of Electronic Smoking Devices on School Grounds*,” “tobacco use” includes “smoking” (as defined in 22 MRSA §1541(6)) and “carrying or having in one’s possession a tobacco product as defined in 22 MRSA § 1551(3).

“Electronic smoking device” is defined more directly elsewhere in Maine law (22 MRSA § 1541(1-A,) as “a device used to deliver nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the device, including, without limitation a device manufactured, distributed, marketed or sold as an electronic cigarette, [] or so-called vape-pen”.

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In enacting P.L. Ch. 308 (2017), “*An Act to Reduce Youth Access to Tobacco Products*,” the Maine Legislature raised the age for sales of tobacco products (including electronic smoking devices) from 18 to 21. This legislation, (known as “Tobacco 21” or “T21”) is effective immediately, and it is now illegal for a retailer to sell any tobacco product—including cigarettes, cigars, and e-cigarettes—to anyone under 21. The new federal minimum age of sale and use applies to all retail establishments and persons with no exceptions.

“At all times” means 24 hours per day, 365 days a year, including all days when school is not in session and at all functions taking place on school grounds, including organized non-school-sponsored activities and events and casual recreational uses.

Persons are prohibited from selling, distributing, or dispensing tobacco products to students in school building, on school grounds or at school-sponsored events at all times.

CONSEQUENCES FOR VIOLATION

Everyone is required to comply with MECDHH/GBSD’s tobacco-free policy. Enforcement of this policy will follow the standard procedures of the school for each audience as laid out below. All school staff are expected to enforce the policy under the direction of the Executive Director.

STUDENTS

The Executive Director/designee(s) shall be responsible for developing age-appropriate disciplinary guidelines for students violating this policy and for employing strategies, as practicable, to address prevention, education, and information about community programs for cessation assistance.

The Executive Director or their designee reserves the right to refer students to a law enforcement agency, on a case-by-case basis, as they may deem necessary. However, the Executive Director/designee shall refer to a law enforcement agency any student reasonably suspected of selling, dispensing or distributing tobacco products or vaping devices/products. The Executive Director will confiscate tobacco materials and paraphernalia, and recommend tobacco education and a referral to a tobacco treatment program.

Parents/guardians will be notified of all violations involving their student and action taken by the school.

STAFF

Staff, including administrators, teachers, custodians, maintenance workers, aides, secretaries, teacher assistants, food service personal, etc. may not use or possess tobacco products during work hours or at any time on school grounds or at school-sponsored events. School unit employees who violate this policy will be subject to appropriate disciplinary measures up to and including dismissal. Strategies may include progressive discipline, written warnings, formal reprimand, and referral to tobacco treatment.

Any school unit employee or persons suspected of selling, distributing or in any way dispensing tobacco products or vaping devices/products to students shall be referred to a law enforcement agency.

All other persons violating this policy, including parents, vendors/contractors, spectators at school events and other visitors, shall be asked to refrain from possession and use and will be reminded of the Board’s policy. Persons who do not comply will be asked to leave school grounds. Failure to leave school grounds will be treated as trespassing and law enforcement personnel may be contacted.

RESPONSIBILITY FOR ENFORCEMENT

The Executive Director or designee will be responsible for enforcing this policy at the school level.

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EDUCATION

Students and appropriate student groups will be supported to participate in the tobacco-free school initiative, including but not limited to, increasing policy awareness, implementing policy compliance strategies, and educating students on the dangers of tobacco use and secondhand smoke exposure. Age-appropriate tobacco prevention, use, and exposure education will be incorporated into the comprehensive health education curriculum in alignment with the Maine Learning Results’ Health Education Standards and will include awareness of the tobacco-free policy.

As feasible, information regarding treatment and cessation resources will be made available to students and school unit employees who want to quit.

Tobacco Treatment Support

Information regarding tobacco treatment resources such as onsite counseling and the Maine QuitLink (1-800-207-1230 and MaineQuitLink.com) will be made available to those who use tobacco products and are interested in quitting. Students who repeatedly violate the tobacco-free policy will be referred to a program that will incorporate positive and restorative practices to promote behavior change, and support tobacco/nicotine use education without further isolating the student.

ADVERTISING OF TOBACCO PRODUCTS

Advertising tobacco products is prohibited in school buildings, on school property, and in all school publications. MECDHH/GBSD prohibits sponsorship of school activities and functions by the tobacco industry or retailers and prohibits students from wearing clothing or gear with tobacco branding.

Legal Reference: 22 MRSA §§ 1541, 1551, 1578-B
 Me. PL Ch. 61 (2019) (*An Act to Prohibit the Possession and Use of Electronic Smoking Devices on School Grounds*)
 20 USC 6081-6084 (*Pro-Children Act of 1994*)

Cross Reference: JICA – Student Dress
 JL – Student Wellness
 KF – Community Use of School Facilities
 KHB – Advertising in the Schools

Adopted: March 11, 1999
Amended and Adopted: March 6, 2008
Amended and Adopted: August 20, 2015
Amended and Adopted: February 6, 2020
Amended and Adopted: December 2020