

Book	Policy Manual
Section	200 Pupils
Title	Tobacco/Nicotine
Code	222 Vol V 2018 - RETIRE New Volume 2020
Status	Administrative Review
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Purpose

The Joint Operating Committee recognizes that tobacco, **nicotine and nicotine delivery products** present a health and safety hazard that can have serious consequences for both users and nonusers and the safety and environment of the center (school).

Definitions

For purposes of this policy, **tobacco** includes a lighted or unlighted cigarette, cigar, **cigarillo, little cigar**, pipe or other smoking product or material and smokeless tobacco in any form **including chewing tobacco, snuff, dip or dissolvable tobacco pieces**.[\[1\]](#)

For purposes of this policy, nicotine shall mean a product that contains or consists of nicotine in a form that can be ingested by chewing, smoking, inhaling or through other means.

For purposes of this policy, a nicotine delivery product shall mean a product or device used, intended for use or designed for the purpose of ingesting nicotine or another substance. This definition includes, but is not limited to, any device or associated product used for what is commonly referred to as vaping or juuling.

Authority

The Joint Operating Committee prohibits possession, use or sale of tobacco, **nicotine and nicotine delivery products** by students at any time in a center (school) building and on any property, buses, vans and vehicles that are owned, leased or controlled by the center (school).[\[1\]](#)[\[2\]](#)[\[3\]](#)

The Joint Operating Committee **also** prohibits possession, use or sale of tobacco, **nicotine and nicotine delivery products** by students at center (school)-sponsored activities that are held off center (school) property.

In the case of a student with a disability, including a student for whom an evaluation is pending, the center (school) shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Joint Operating Committee policies.[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)

Delegation of Responsibility

The Administrative Director or designee shall notify students, parents/guardians and staff about the **Joint Operating Committee’s** tobacco/**nicotine** policy by publishing **information** in the student handbook, parental newsletters, **posters**, and **by** other efficient methods, **such as posted notices, signs and on the center (school) website**.[\[1\]](#)

{X } Code of Student Conduct

{ } center (school) newsletter

The Administrative Director or designee shall develop administrative regulations to implement this policy.

Guidelines

Reporting

The Administrative Director or designee shall notify the parent/guardian of any student directly involved in an incident involving possession, use or sale of tobacco, **nicotine or nicotine delivery products** immediately, as soon as practicable. The Administrative Director or designee shall inform the parent/guardian whether or not the local police department that has jurisdiction over the center (school) property has been or may be notified of the incident. The Administrative Director or designee shall document attempts made to reach the parent/guardian.[\[9\]](#)[\[10\]](#)[\[11\]](#)

The Administrative Director shall annually, by July 31, report all incidents of possession, use or sale of tobacco, **nicotine and nicotine delivery products** by students to the Office for Safe Schools on the required form.[\[9\]](#)[\[12\]](#)

Additional Provisions - Tobacco Only

The Administrative Director or designee may report incidents of possession, use or sale of tobacco by students on center (school) property, at any center (school)-sponsored activity or on a conveyance providing transportation to or from the center (school) or a center (school)-sponsored activity to the **school police, school resource officer (SRO) or to the** local police department that has jurisdiction over the center’s (school’s) property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Joint Operating Committee policies.[\[9\]](#)[\[10\]](#)[\[12\]](#)[\[13\]](#)[\[14\]](#)

A student convicted of possessing or using tobacco in violation of this policy may be fined up to fifty dollars (\$50) plus court costs, or admitted **by the court** to alternative adjudication in lieu of imposition of a fine.[\[15\]](#)

1. 35 P.S. 1223.5
2. 18 Pa. C.S.A. 6305
3. 20 U.S.C. 7183
4. 22 PA Code 10.23
5. 20 U.S.C. 1400 et seq
6. Pol. 103.1
7. Pol. 113.1
8. Pol. 113.2
9. Pol. 805.1
10. 22 PA Code 10.2
11. 22 PA Code 10.25
12. 24 P.S. 1303-A
13. 24 P.S. 1302.1-A
14. 22 PA Code 10.22
15. 18 Pa. C.S.A. 6306.1
- 24 P.S. 1850.1
- 20 U.S.C. 7114
- 20 U.S.C. 7118
- 20 U.S.C. 7181 et seq
- 34 CFR Part 300