Technical Academies of Minnesota

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419 TOBACCO-FREE ENVIRONMENT; POSSESSION AND USE OF TOBACCO, TOBACCO-RELATED DEVICES, AND ELECTRONIC DELIVERY DEVICES; VAPING AWARENESS AND PREVENTION INSTRUCTION

I. PURPOSE

The purpose of this policy is to maintain a learning and working environment that is tobacco-free.

II. GENERAL STATEMENT OF POLICY

A. A violation of this policy occurs when any student, teacher, support staff, other school personnel of the charter school, or person smokes or uses tobacco, or tobacco-related devices, or carries or uses an activated electronic delivery device in a charter school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a charter school owns, leases, rents, contracts for, or controls. In addition, this prohibition includes vehicles used, in whole or in part, for work purposes, during hours of charter school operation, if more than one person is present. This prohibition includes all charter school property and all off-campus events sponsored by the charter school.

B. A violation of this policy occurs when any charter school student possesses any type of tobacco, tobacco-related device, or electronic delivery device in school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a charter school owns, leases, rents, contracts for, or controls and includes vehicles used, in whole or in part, for charter school purposes, during hours of charter school operation, if more than one person is present. This prohibition includes all charter school property and all off-campus events sponsored by the charter school.

C. The charter school will act to enforce this policy and to discipline or take appropriate action against any student, teacher, school personnel, or person who is found to have violated this policy.

D. The charter school will not solicit or accept any contributions or gifts of money, curricula, materials, or equipment from companies that directly manufacture and are identified with tobacco products, tobacco-related devices, or electronic delivery devices. The charter school will not promote or allow the promotion of tobacco products or electronic delivery devices on charter school property or at charter school-sponsored events.

III. DEFINITIONS

A. “Electronic delivery device” means any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, 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 aerosol or vapor from the product. Electronic delivery devices include but are not limited to devices manufactured, marketed, or sold as electronic cigarettes, electronic cigars, electronic pipes, vape pens, modes, tank systems, or under any other product name or descriptor. Electronic delivery devices include any component part of a product, whether or not marketed or sold separately. Electronic delivery devices exclude drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, and are authorized for sale by the United States Food and Drug Administration.

B. “Heated tobacco product” means a tobacco product that produces aerosols containing nicotine and other chemicals that are inhaled by users through the mouth.

C. “Tobacco” means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, 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, 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. Tobacco excludes any drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, and are authorized for sale by the United States Food and Drug Administration.

D. “Tobacco-related devices” means cigarette papers or pipes for smoking or other devices intentionally designed or intended to be used in a manner that enables the chewing, sniffing, smoking, or inhalation of vapor aerosol or vapor of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.

E. “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, whether natural or synthetic, that is intended for inhalation. Smoking includes carrying or using an activated electronic delivery device.

F. “Vaping” means using an activated electronic delivery device or heated tobacco product.

IV. EXCEPTIONS

A. A violation of this policy does not occur when an Indian adult lights tobacco on charter school property as a part of a traditional Indian spiritual or cultural ceremony. An American Indian student may carry a medicine pouch containing loose tobacco intended as the observance of traditional spiritual or cultural practices. An Indian is a person who is a member of an Indian tribe as defined under Minnesota law.

B. A violation of this policy does not occur when an adult nonstudent 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 charter school property or at off-campus events sponsored by the charter school.

C. An American Indian student or staff member may use tobacco, sage, sweetgrass, and cedar to conduct individual or group smudging in a public school. The process for conducting smudging is determined by the Personnel Committee. Smudging must be conducted under the direct supervision of an appropriate staff member, as determined by the Personnel Committee.

V. VAPING PREVENTION INSTRUCTION

A. The charter school must provide vaping prevention instruction at least once to students in grades 6 through 8.

B. The charter school may use instructional materials based upon the Minnesota Department of Health’s school e-cigarette toolkit or may use other smoking prevention instructional materials with a focus on vaping and the use of electronic delivery devices and heated tobacco products. The instruction may be provided as part of the school’s locally developed health standards.

VI. ENFORCEMENT

A. All individuals on charter school premises shall adhere to this policy.

B. Students who violate this tobacco-free policy shall be subject to charter school discipline procedures.

C. Charter school personnel who violate this tobacco-free policy shall be subject to charter school discipline procedures.

D. Charter school action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota or federal law, and charter school policies.

E. Persons who violate this tobacco-free policy may be referred to the charter school personnel responsible for the area or program at which the violation occurred.

F. Charter school staff may call the local law enforcement agency to assist with the enforcement of this policy. Smoking or use of any tobacco product in the charter school is a violation of the Minnesota Clean Indoor Air Act and/or the Freedom to Breathe Act of 2007 and is a petty misdemeanor. A court injunction may be instituted against a repeated violator.

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 laws.

VII. DISSEMINATION OF POLICY

A. This policy shall appear in the student handbook.

B. The charter school will develop a method of discussing this policy with students and employees.

Legal References: Minn. Stat. § 120B.238 (Vaping Awareness and Prevention)
Minn. Stat. § 121A.08 (Smudging Permitted)
Minn. Stat. §§ 144.411-144.417 (Minnesota Clean Indoor Air Act)
Minn. Stat. § 609.685 (Sale of Tobacco to Persons Under Age 21)
2007 Minn. Laws Ch. 82 (Freedom to Breathe Act of 2007)

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School Employees)
MSBA/MASA Model Policy 506 (Student Discipline)