

NOTE: Colorado school districts are required by law to adopt a policy on this subject and the law contains some specific direction as to the content or language. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Tobacco-Free Schools

To promote the general health, welfare, and well-being of students and staff, smoking, chewing, or any other use of any tobacco product by staff, students, and members of the public is prohibited on all school property.

Possession of any tobacco product by students is also prohibited on school property.

For purposes of this policy, the following definitions apply:

1. "School property" means all property owned, leased, rented, or otherwise used or contracted for by a school, including but not limited to the following:
 - a. All indoor facilities and interior portions of any building or other structure used for students or children under the age of 21 for instruction, educational or library services, routine health care, daycare, or early childhood development services, as well as for administration, support services, maintenance, or storage. The term does not apply to buildings used primarily as residences, i.e., teacherages.
 - b. All school grounds over which the school exercises control including areas surrounding any building, playgrounds, athletic fields, recreation areas, and parking areas.
 - c. All vehicles used by the district for transporting students, staff, visitors, or other persons.
 - d. At a school-sanctioned activity or event.
2. "Tobacco product" means:
 - a. Any product that contains nicotine or tobacco or is derived from tobacco and is intended to be ingested or inhaled by or applied to the skin of an individual, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or liquid nicotine/e-liquids; and

- b. Any electronic device that can be used to deliver nicotine to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo, or pipe.
 - c. "Tobacco product" does not include any product that has been approved by the appropriate federal agency as a tobacco use cessation product.
3. "Use" means lighting, chewing, smoking, ingesting, inhaling, vaping, or application of any tobacco product.

Signs will be posted in prominent places on all school property to notify the public that smoking or other use of tobacco products is prohibited in accordance with state law and district policy. This policy will be published in all employee and student handbooks, posted on bulletin boards, and announced in staff meetings.

Any member of the general public considered by the superintendent or designee to be in violation of this policy will be instructed to leave school district property. Employees found to be in violation of this policy will be subject to appropriate disciplinary action.

Disciplinary measures for students who violate this policy will include in-house detention, revocation of privileges, and exclusion from extracurricular activities. Repeated violations may result in suspension from school. In accordance with state law, no student will be expelled solely for tobacco use.

(Adoption date)

LEGAL REFS.: 20 U.S.C. 7971 *et seq.* (prohibits smoking in any indoor facility used to provide educational services to children)
C.R.S. 18-13-121 (furnishing tobacco products to persons under 21 years old)
C.R.S. 22-32-109 (1)(bb) (policy required prohibiting use of tobacco products on school grounds)
C.R.S. 22-32-109.1 (2)(a)(I)(H) (policy required as part of safe schools plan)
C.R.S. 25-14-103.5 (tobacco use prohibited on school property)
C.R.S. 25-14-301 (Teen Tobacco Use Prevention Act)

CROSS REFS.: IHAMA, Teaching about Drugs, Alcohol and Tobacco
KFA, Public Conduct on District Property

[Revised July 2020]
COLORADO SAMPLE POLICY 1994©