

5533 USE OF TOBACCO PRODUCTS

The Board of Education recognizes that the use of tobacco presents a health hazard that can have serious implications both for the smoker and the nonsmoker, and that smoking habits developed by the young may have lifelong harmful consequences.

For the purposes of this Policy, "smoking" means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe, or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from, or the possession of lighted cigar, an electronic smoking device, or pipe pursuant to N.J.S.A. 26:3D-57. For the purpose of this Policy, "smoking" also includes ~~the use of smokeless tobacco and snuff.~~

For the purpose of this Policy, "electronic smoking device" means an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe, or any cartridge or other component of the device or related product pursuant to N.J.S.A. 2A:170-51.4.

For the purposes of this Policy, "school buildings" and "school grounds" means and includes land, portions of land, structures, buildings, and vehicles owned, operated or used for the provision of academic or extracurricular programs sponsored by the District or community provider and structures that support these buildings, such as school wastewater treatment facilities, generating facilities, and any other central facilities including, but not limited to, kitchens and maintenance shops. "School buildings" and "school grounds" also include athletic stadiums; swimming pools; ~~any associated structures or related equipment tied to such facilities~~ including, but not limited to, grandstands and night field lights; greenhouses; garages; facilities used for non-instructional or non-educational purposes; and any structure, building, or facility used solely for school administration. "School buildings" and "school grounds" also include other facilities as defined in N.J.A.C. 6A:26-1.2; playgrounds; and other recreational places owned by local municipalities, private entities, or other individuals during those times when the school district has exclusive use of a portion of such land.

N.J.S.A. 2A:170-51.4 prohibits the sale or distribution to any person under twenty-one years old of any cigarettes made of tobacco or any other matter or substance which can be smoked, or any cigarette paper or tobacco in any form, including smokeless tobacco; and any electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, pipe, or any cartridge or other component of the device or related product. Consequences for a student possessing such an item will be in accordance with the Student Code of Conduct.

The Board prohibits smoking by students at any time in any school buildings or and ~~on any~~ school grounds, at school-sponsored events away from school, or on a school bus.

The Board also prohibits the possession of any item listed in N.J.S.A. 2A:170-51.4 at any time in school buildings or on school grounds, at school-sponsored events away from school, or on a school bus. Such items will be confiscated and may be returned to the parent/guardian, upon request.

If it appears to an educational staff member or other professional, upon confiscating such item(s), that the student may currently be under the influence of alcohol or other drugs, the staff member

shall inform the Principal or designee. The Principal or designee will immediately notify the parent/guardian and the Superintendent or designee. The Principal or designee ~~will arrange for an immediate medical examination of the student and~~ shall comply with all of the provisions of N.J.A.C. 6A:16-4.3 and Policy and Regulation 5530 – Substance Abuse.

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In the event the Principal or designee, after inspection of the confiscated item(s), has reason to believe the item(s) may have contained or may contain a controlled dangerous substance or a controlled dangerous analog pursuant to N.J.S.A. 2C:35-2, the Principal or designee will immediately notify the parent/guardian and the Superintendent or designee. The Principal or designee ~~will arrange for an immediate medical examination of the student and~~ shall comply with all of the provisions of N.J.A.C. 6A:16-4.3 and Policy and Regulation 5530 – Substance Abuse. Principals and designees will be trained to identify controlled dangerous substances in electronic smoking devices.

A sign indicating smoking is prohibited in school buildings and on school grounds will be posted at each public entrance of a school building in accordance with law. The sign shall also indicate violators are subject to a fine.

A student who violates the provisions of this Policy shall be subject to appropriate disciplinary measures in accordance with the District’s Student Discipline/Code of Conduct and may be subject to fines in accordance with law. In the event a pupil-student is found to have violated this Policy and the law, the Principal or designee may file a complaint with the appropriate Municipal Court or other agency with jurisdiction as defined in N.J.A.C. 8:6-9.1(c).

A student found to have violated this Policy and the law may be required to participate in additional educational programs to help the student understand the harmful effects of smoking and to discourage the use of tobacco products. These programs may include, but are not limited to, counseling, smoking information programs, and/or smoking cessation programs sponsored by this school district or available through approved outside agencies.

The Board directs that the health curriculum include instruction in the potential hazards of the use of tobacco. All school staff members shall make every reasonable effort to discourage students from developing the habit of smoking.

The Board of Education will comply with any provisions of a municipal ordinance which provides restrictions on or prohibitions against smoking equivalent to, or greater than, those provided in N.J.S.A. 26:3D-55 through N.J.S.A. 26:3D-63.

N.J.S.A. 2A:170-51.4  
N.J.S.A. 2C:35-2  
N.J.S.A. 18A:40A-1  
N.J.S.A. 26:3D-55 through 26:3D-63  
N.J.A.C. 6A:16-4.3  
N.J.A.C. 8:6-7.2; 8:6-9.1 through 8:6-9.5

Cross References: 5530, 7434

Previous Adoptions: May 3, 2010, ~~March 16, 2015~~ & August 19, 2019

First Reading: ~~July 15, 2019~~ April 19, 2021

Second Reading: ~~August 19, 2019~~ May 17, 2021  
Latest Adoption: ~~August 19, 2019~~