

5533 USE OF TOBACCO PRODUCTS, ELECTRONIC CIGARETTES OR OTHER VAPING PRODUCTS

The Board of Education recognizes that the use of tobacco presents a health hazard that can have serious implications both for the ~~user-smoker~~ and the non~~smoker-user~~, and that smoking habits ~~of tobacco use~~ 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 an electronic smoking device pursuant to N.J.S.A. 26:3D-57. For the purpose of this Policy, "smoking" also includes including the use of smokeless tobacco and snuff, ~~or the inhaling or exhaling of smoke or vapor from an electronic smoking device.~~

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 ~~d~~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 ~~the~~ athletic stadiums; swimming pools; any associated structures or related equipment tied to such 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 includes 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 ~~pupils-students~~ at any time in any school buildings and on any school grounds, at ~~events-school-sponsored~~ events by this Board away from school, ~~and on any~~

~~transportation vehicle supplied by the Board or on a school bus.~~

[Optional – Prohibited Items and Controlled Dangerous Substances

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 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.

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 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 Pupils~~ who violates the provisions of this Policy shall be subject to appropriate disciplinary measures in accordance with the ~~d~~District's ~~Pupil-Student~~ Discipline/Code of ~~Conduct~~ and may be subject to fines in accordance with law. In the event a pupil 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).]

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A ~~pupil-student~~ found to have violated this Policy and the law may be required to participate in additional educational programs to help the ~~pupil-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 ~~pupils-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-~~14~~.3

N.J.A.C. 8:6-7.2; 8:6-9.1 through 8:6-9.5

Cross References: 5530, 7434

~~Initial~~ ~~Previous~~ Adoptions: May 3, 2010 & [March 16, 2015](#)

First Reading: ~~February 23, 2015~~ [July 15, 2019](#)

Second Reading: ~~March 16, 2015~~ [August 19, 2019](#)

Latest Adoption: ~~March 16, 2015~~