

PROHIBITION ON TOBACCO-DERIVED PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS AND VAPOR PRODUCTS

Purpose:

The Hampshire County Board of Education is committed to providing students, staff and visitors with a tobacco free environment, free of both smoke and smokeless products, including such items as vapor and e-cigarette products for which this policy is directed. Some such products allow students to inhale flavored vapor containing nicotine or other harmful substances, often without detection. The purpose of this policy is to provide measures for prohibiting the use or distribution of such products.

A “tobacco-derived product” includes electronic cigarettes or similar devices, alternative nicotine products and vapor products. “Tobacco-derived product” does not include any product that is regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

“Alternative nicotine product” means any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. “Alternative nicotine product” does not include any vapor product, or product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

“Vapor product” means any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape and size that can be used to produce vapor from nicotine in a solution or other form. “Vapor product” includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, Juul, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. “Vapor product” does not include any product that is regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

The Board does not condone, in the educational environment, the use of tobacco-derived products, alternative nicotine products, or vapor products. The Board prohibits student possession and/or use of all these products in school buildings, on school grounds, on school buses, at bus stops and at any school-sponsored function.

The Board prohibits employees, visitors and spectators from using any of these products while on school grounds.

This policy shall also apply at all times to any building, property or vehicle leased, owned or operated by the Board. This policy shall apply to any private building, or other property including automobiles or other vehicles used for school activities when students or staff are present.

An exception shall be made by the Superintendent to allow possession/use of approved nicotine replacement product for tobacco cessation. West Virginia State Board of Education Policy 2422.8 – Medication Administration must be followed in order for students to use such products on school property or at school sponsored events.

Individuals supervising students off school grounds, including employees and volunteers, are prohibited from distributing or using any such products while in the presence of students or at any time while engaged in any activities directly involving students.

If the Board discovers that an employee has sold or furnished such products to students, the Board may dismiss such employee for cause. Any such discharge shall be considered as “gross misconduct” for the purposes of determining the discharged employee’s eligibility for unemployment benefits. If the Board discovers that an employee has used such a product in violation of this policy, disciplinary action will be taken subject to due process.

Groups using areas described in this policy shall sign agreements with the Board agreeing to comply with this policy and to inform students, parents and spectators by public address systems, if available, that this policy remains in force on evenings, weekends and other times that school is not in session.

Enforcement provisions for the public may include, but are not limited to: request to stop use or leave premises, deny access to school property and/or police notification.

The Board reserves the right to have the vapor product tested by law enforcement to determine the actual contents. Therefore, consequences may be subject to change after the initial offense.

Preventative Education:

Age appropriate instructional goals and objectives included in Health Education for every grade level, K-12, with regard to tobacco, vapor products, alcohol and drug use, listed in WV State Board of Education Policy 2520, Health Education. Objectives contained in this policy address knowledge, skills and behaviors that related to preventing the use of tobacco, tobacco products and vapor products. Teachers in all

disciplines shall be encouraged and directed to include discussion of the social and physical risks associated with these substance abuses in appropriate classroom presentations.

Legislation passed in 2017 requires that school systems put more emphasis on their drug, alcohol and tobacco education programs. Everyone is sensitive to the opioid crisis in the state and the legislature recommends school systems make sure that students in grades 6-12 receive the attention required in the newer legislation.

AUTHORITY: WVBOE Policy 4373

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