

LODI UNIFIED SCHOOL DISTRICT

REVIEWED

Policy 3513.3

Business and Non-Instructional Operations

Tobacco-Free Schools

The Board of Education recognizes that smoking and other uses of tobacco and nicotine products constitute a serious public health hazard and are inconsistent with district goals to provide a healthy environment for students and staff.

The Board prohibits the use of tobacco products at any time in district-owned or leased buildings, on district property, and in district vehicles.

This prohibition applies to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. Any written joint use agreement governing community use of district facilities or grounds shall include notice of the district's tobacco-free schools policy and consequences for violations of the policy.

Smoking means inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, pipe, tobacco, or plant product intended for inhalation, whether natural or synthetic, in any manner or form, and includes the use of an electronic smoking device that creates aerosol or vapor or of any oral smoking device for the purpose of circumventing the prohibition of smoking.

Tobacco products include:

1. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff;
2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah;

3. Any component, part, or accessory of a tobacco product, whether or not sold separately.

This policy does not prohibit the use or possession of prescription products and other cessation aids that have been approved by the U.S. Department of Health and Human Services, Food and Drug Administration, such as nicotine patch or gum.

Smoking or use of any tobacco-related product or disposal of any tobacco-related waste is prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. In addition, any form of intimidation, threat, or retaliation against a person for attempting to enforce this policy is prohibited.

Legal References:

- EDUCATION CODE
 - 48900 Grounds for suspension/expulsion
 - 48901 Prohibition against tobacco use by students
- BUSINESS AND PROFESSIONS CODE
 - 22950.5 Stop Tobacco Access to Kids Enforcement Act; definitions
- HEALTH AND SAFETY CODE
 - 39002 Control of air pollution from non-vehicular sources
 - 104350-104495 Tobacco use prevention, especially:
 - 104495 Prohibition of smoking and tobacco waste on playgrounds
 - 104559 Tobacco use prohibition
 - 119405 Unlawful to sell or furnish electronic cigarettes to minors
- LABOR CODE
 - 3300 Employer, definition
 - 6304 Safe and healthful workplace
 - 6404.5 Occupational safety and health; use of tobacco products
- UNITED STATES CODE, TITLE 20
 - 6083 Nonsmoking policy for children's services
 - 7111-7122 Student Support and Academic Enrichment Grants
- CODE OF FEDERAL REGULATIONS, TITLE 21
 - 1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

PUBLIC EMPLOYMENT AND RELATIONS BOARD RULINGS
Eureka Teachers Assn. v. Eureka City School District (1992) PERB
Order #955 (16 PERC 23168)
CSEA #506 and Associated Teachers of Metropolitan Riverside v.
Riverside Unified School District (1989) PERB Order #750 (13 PERC
20147)

Policy

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