

# THE SCHOOL DISTRICT OF PHILADELPHIA

No. 222

SECTION: 200 Pupils

TITLE: 222 Tobacco  
Product, Alternative  
Nicotine Product, and  
Vapor Product Use by  
Students

ADOPTED: August 24,  
2011

REVISED: September  
14, 2017

## 222 TOBACCO PRODUCT, ALTERNATIVE NICOTINE PRODUCT, AND VAPOR PRODUCT USE BY STUDENTS

### Purpose

~~The School Reform Commission~~ Board of Education (“Board”) recognizes that tobacco, ~~products,~~ **alternative nicotine products, and vapor products** presents a health and safety hazard that can have serious consequences for both users and nonusers and the safety and environment of the **School District of Philadelphia (“District”)** schools. **The purpose of this policy is to assure a healthy environment for the wellbeing of our students and staff.**

### Definitions

~~For purposes of this policy,~~ **The following words and phrases, when used in this policy, shall have the meaning given to them in this section:**

**Administrator:** Any person who has disciplinary and managerial authority to enforce school policies and penalties in the District, including but not limited to, principals, vice-principals, or office personnel.

**Alternative nicotine product:** A product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting or sniffing, or by any other means. The term does not include a tobacco product, vapor product, or a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301 et seq.)

**Any time:** During normal school and non-school hours, during any district-sponsored event or any conveyance to and from school. ~~24 hours a day, seven days a week, 365 days a year.~~

**Imitation tobacco product:** Any non-tobacco product designed to resemble a tobacco product including any edible or non-edible, non-tobacco product designed to resemble a tobacco product that is intended to be used by children as a toy. Examples of imitation tobacco products include, but are not limited to: candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, shredded beef jerky in containers resembling snuff tins, plastic cigars, and puff cigarettes.

**Lighter:** A mechanical or electrical device typically used for lighting tobacco products.

**Nicotine product:** A product that contains or consists of nicotine in a form that can be ingested by chewing, smoking, inhaling or any other means.

**Off-campus, District-sponsored event:** Any event sponsored by the school or District that is not on District property, including but not limited to, sporting events, day camps, field trips, entertainment seminars, dances, or theatrical productions.

**Parent/Guardian:** Any person that has legal guardian status over a student enrolled in the District.

**Tobacco product:**

- (i) 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, a cigarette, a cigar, a little cigar, chewing tobacco, pipe tobacco, snuff and snus;
- (ii) any electronic device that delivers nicotine or another substance to a person inhaling from the device, including, but not limited to, electronic nicotine delivery systems, an electronic cigarette, a cigar, a pipe and a hookah;
- (iii) any product containing, made or derived from either.
  - (a) tobacco, whether in its natural or synthetic form; or
  - (b) nicotine, whether in its natural or synthetic form, which is regulated by the United States Food and Drug Administration as a deemed tobacco product; and
- (iv) any component, part or accessory of the product or electronic device under subparagraphs (i), (ii) and (iii), whether or not sold separately.

**Vapor product:** A noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. The term includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a 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. The term does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.[\[1\]](#)

**Visitor:** A parent/guardian, educator, official or other individual who is not a school employee or independent contractor, and who visits a school or attends or participates in an event or activity at a school.

### Authority

The **SRC Board** prohibits possession, use or sale of tobacco **products, alternative nicotine or vapor products** by students at any time in a school building and on any property, buses, vans, and vehicles that are owned, leased, or controlled by the school District.[\[1\]\[2\]\[3\]](#)

The **SRC Board** prohibits possession, use, or sale of tobacco **products, alternative nicotine or vapor products** by students at **off-campus, District-sponsored events**. ~~school-sponsored activities that are held off school property.~~ [\[1\]](#)

The **SRC Board** also prohibits the possession of paraphernalia associated with tobacco-**products, alternative nicotine or vapor products, including but not limited to** rolling papers, matches, and lighters.

In the case of a student with a disability, including a student for whom an evaluation is pending, the ~~d~~**District** shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and **SRC Board** policies.[\[4\]\[5\]\[6\]\[7\]\[8\]\[9\]](#)

### Delegation of Responsibility

The Superintendent or designee shall annually notify students, parents/guardians and staff about the ~~District's tobacco product~~ **this policy** by publishing ~~such~~ **this policy** in the student handbook, parent newsletters, posted notices, Code of Student Conduct, ~~District~~ website, and other efficient methods. [\[1\]](#)

The Superintendent or designee shall develop administrative procedures to implement this policy.

### **Mandatory Regulatory Procedures:**

All tobacco **products, alternative nicotine, or vapor products** and/or paraphernalia discovered in the possession of students shall be confiscated and not returned.<sup>[1]</sup>

The Superintendent or designee may report incidents of possession, use or sale of tobacco **products, alternative nicotine or vapor products** by students on school property, at any ~~school-off-campus, District-sponsored activity event~~ or on a conveyance providing transportation to or from a school or ~~school-off-campus, District-sponsored activity event~~ to the local police department that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and ~~SRC~~ **Board** policies.<sup>[9][10][11][12][13]</sup>

The ~~Superintendent~~ **Administrator** or designee shall notify the parent/guardian of any student directly involved in an incident involving possession, use, or sale of tobacco **products, alternative nicotine or vapor products** immediately, **or as soon as practicable**. The ~~Superintendent~~ **Administrator** or designee shall inform the parent/guardian whether or not the local police department that has jurisdiction over the school property has been or may be notified of the incident. The ~~Superintendent~~ **Administrator** or designee shall document attempts made to reach the parent/guardian.<sup>[9][12][14]</sup>

In accordance with state law, the Superintendent **or designee** shall annually, by July 31, **submit all required reports of all** incidents of possession, use or sale of tobacco **products, alternative nicotine or vapor products** by students to the Office for Safe Schools on the required form. <sup>[9][11]</sup>

~~A student convicted of possessing or using tobacco in violation of this policy may be fined up to fifty dollars (\$50) plus court costs or admitted to alternative adjudication in lieu of imposition of a fine.~~<sup>[15]</sup>

### **Legal References:**

1. ~~35 P.S. § 1223.5~~ **18 Pa. C.S.A. § 6306.1**

2. 18 Pa. C.S.A. § 6305

3. 20 U.S.C. § 7183

4. 22 Pa. Code 10.23

5. 20 U.S.C. §§ 1400, *et seq.*

6. ~~Policy: 103.1~~ - Nondiscrimination - Qualified Students With Disabilities/Protected Handicapped Students

7. ~~Policy: 113.1~~ - Discipline of Students With Disabilities

8. ~~Policy: 113.2~~ - Behavior Support

9. ~~Policy: 805.1~~ - Relations With Law Enforcement Agencies

10. 24 P.S. § 1302.1-A

11. 24 P.S. § 1303-A

12. 22 Pa. Code § 10.2

13. 22 Pa. Code § 10.22

14. 22 Pa. Code § 10.25

### **Administrative Procedures:**

222 administrative procedure