

THE SCHOOL DISTRICT OF PHILADELPHIA

No. 323
SECTION: 300
Employees
TITLE: 323 Tobacco
Product, Alternative
Nicotine Product, and
Vapor Product Use by
Employees
ADOPTED: April 27,
1981
REVISED:

323 TOBACCO PRODUCT, ALTERNATIVE NICOTINE PRODUCT, AND VAPOR PRODUCT USE BY EMPLOYEES

Purpose

The **Board of Education (“Board”)** ~~School Reform Commission~~ recognizes that **the use of tobacco products, alternative nicotine products, and vapor products is a health, safety, and environmental hazard for students, employees, visitors, contractors, and school facilities.** ~~presents a health and safety hazard that can have serious consequences for the users and the nonusers and the safety of the schools.~~ **By adopting a tobacco policy that includes imitation tobacco products, the Board seeks to protect users and nonusers from the serious consequences of second and third hand smoke, reduce users’ tobacco and imitation tobacco product consumption, and minimize litter and the risk of fires. In addition, the Board acknowledges that adult staff and visitors serve as role models for students of the School District of Philadelphia (“District”) and seeks to discourage youth from tobacco or imitation tobacco product use.**

Definitions

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

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.)

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.

~~Tobacco: A lighted or unlighted cigarette, electronic cigarette, cigar, blunt, bidis, pipe, vapes or other smoking product or material and smokeless tobacco in any form.~~

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Tobacco product:

The term includes:

(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.

The term does not include a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such approved purpose, so long as the product is not inhaled.

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 ~~Board SRC~~ prohibits the use **and distribution** of tobacco, ~~imitation tobacco products, alternative nicotine products, and vapor products~~ by all employees, **contractors, and visitors** on any property owned, leased, or controlled by the School District of Philadelphia **and all vehicles owned, leased, rented, contracted for, or controlled by the District to transport students, employees, and visitors** unless the SRC has designated specific areas for tobacco use by employees where designated areas is at least fifty (50) feet from buildings, stadiums and bleachers. [\[1\]](#)[\[2\]](#)

The ~~Board SRC may establish policy to enforce the prohibition of~~ **prohibits the use and distribution** of tobacco **products, imitation tobacco products, and vapor products** at off-campus, District-sponsored events. [\[1\]](#)

The District may identify and offer smoking cessation programs and services for employees that use tobacco products, alternative nicotine products, or vapor products to support them in complying with this policy.

The Superintendent or designee may, but is not required to, designate certain areas on property owned by, leased by or under the control of the District where tobacco product use by persons other than pupils is permitted. [\[1\]](#)

The Superintendent or designee may create any exceptions to this policy for purposes allowable by

law. [1]

Delegation of Responsibility

The Superintendent or designee may report incidents involving the sale or distribution of tobacco **products**, **Vapor products or electronic cigarettes** to minors by employees on school property, at any school-sponsored activity, or on a conveyance providing transportation to or from a school or school-sponsored activity 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 **Board** ~~SR~~ policies. [\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)

Mandatory Regulatory Procedures:

The ~~D~~istrict shall notify employees about this policy by distributing information about it through handbooks, newsletters, posted notices **in highly visible areas at facilities entrances, and throughout school and District grounds.**[\[1\]](#)

In accordance with state law, the Superintendent or designee shall annually, by July 31, report incidents of possession, use, or sale of tobacco **products** on school property to the Office for Safe Schools on the required form. [\[4\]](#)[\[8\]](#)

Legal References:

1. ~~35 P.S. § 1223.5~~ [18 Pa. C.S.A. § 6306.1](#)
2. 20 U.S.C. § 7183
3. 24 P.S. § 1302.1-A
4. 24 P.S. § 1303-A
5. ~~22 P.A.~~ § Code 10.2
6. ~~22 P.A.~~ § Code 10.22
7. 18 Pa. C.S.A. § 6305
8. ~~Policy-~~ [805.1](#) - Relations With Law Enforcement Agencies

Administrative Procedures:

323 administrative procedure