

Book	Policy Manual
Section	Issue 3 of 2021 August PDQ (Revised)
Title	No Tobacco Use on District Property by Staff Members (Version 2)
Code	GBK
Status	From OSBA

No Tobacco Use on District Property by Staff Members
(Version 2)

The Board has a duty to protect and promote the health and well-being of all students and staff. The Board is acutely aware of the serious health risks associated with the use of tobacco products, both to users and nonusers, and that most tobacco use begins by the age of 18. The Board recognizes that staff and school visitors serve as role models to students and, therefore, adopts this 100% tobacco-free District policy to endorse a healthy lifestyle and prevent tobacco use.

Smoking is defined by State law as inhaling, exhaling, burning, or carrying any lighted or heated tobacco product or plant product intended for inhalation in any manner or in any form. Smoking also includes the use of an electronic smoking device and vapor products. For the purpose of this policy, "tobacco product" is defined to include any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, and spit tobacco, also known as smokeless, dip, chew and snuff, in any form.

~~(Permissive language)~~

~~For the purpose of this policy, electronic smoking devices and vapor products also are considered a "tobacco product."~~

Tobacco Use Prohibited

No staff member or volunteer is permitted to smoke, inhale, vape, dip or chew tobacco products at any time, including non-school hours:

1. in any building, facility or vehicle owned, leased, rented or chartered by the District or
2. on school grounds, athletic facilities or parking lots.

No staff member or volunteer is permitted to smoke, inhale, vape, dip or chew tobacco products at any time, including non-school hours, at any school-sponsored event off campus.

Tobacco Advertisements and Promotions

Tobacco advertising is prohibited on school grounds, in all school-sponsored publications and at all school-sponsored events. Tobacco promotional items that promote the use of tobacco products, including clothing, bags, lighters and other personal articles, are not permitted on school grounds, in school vehicles or at school-sponsored events.

Providing Notice to Staff

"No Tobacco" signs will be posted throughout the District at entrances and other appropriate locations in all academic buildings, administrative spaces and athletic fields. District staff will be provided notice of this policy through staff handbooks. District vehicles will display the international "No Smoking" insignia.

Enforcement

Disciplinary measures taken against staff for violations of this policy comply with the requirements of State law, related District policies and regulations and/or the staff negotiated agreements.

Educational Reinforcement

Tobacco use prevention education is closely coordinated with the other components of the school health program. Staff responsible for teaching tobacco use prevention education have adequate pre-service training and participate in ongoing professional development activities to effectively deliver the education program.

LEGAL REFS:

- Elementary and Secondary Education Act; 20 USC 1221 et seq.
- Goals 2000: Educate America Act; 20 USC 6081 through 6084
- ORC 3313.20
- ORC 3794.01
- ORC 3794.02
- ORC 3794.04
- ORC 3794.06
- OAC 3301-35-02
- OAC 3301-35-05

- CROSS REFS.: JFCG, Tobacco Use by Students
KGC, Smoking on District Property

NOTE: This policy and information is based on model policies for districts considering 100% tobacco-free campuses. It is provided for educational purposes only and is not to be construed as a legal opinion or as a substitute for obtaining legal advice from an attorney. Readers with questions about the application of the law to specific facts are encouraged to consult legal counsel familiar with the laws of their jurisdictions.

Districts are required to have smoke-free policies. This goes beyond what is required and may be helpful to those districts choosing to go tobacco-free.

When determining disciplinary measures, districts should check negotiated agreements and may need to seek the advice of legal counsel.

House Bill 110 (2021) updated the definition of smoking for Ohio's smoke-free workplace laws to include electronic smoking devices and vapor products in the definition, thereby prohibiting their use in the same manner as cigarettes. Districts may need to update postings to reflect these changes.

~~Electronic smoking devices and vaping have increased in popularity. While such devices are included as tobacco under Ohio's juvenile tobacco laws (under 21 years of age), these devices are not otherwise classified as tobacco and State and Federal law do not regulate their use. Districts who want to add electronic smoking devices and vaping to the definition of tobacco in this policy should review the provided permissive language. Districts may need to update postings to reflect the restrictions on the use of these devices.~~

THIS IS A REQUIRED POLICY

Legal

Elementary and Secondary Education Act; 20 USC 1221 et seq.

Goals 2000: Educate America Act; 20 USC 6081 through 6084

ORC 3313.20

ORC 3794.01

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