

# SECTION 5: MODEL TOBACCO POLICY LANGUAGE

## MODEL POLICY - TOBACCO USE BY STUDENTS

### TOBACCO USE BY STUDENTS

The Board recognizes that the use of tobacco products is a health, safety, and environmental hazard for students, employees, visitors, and school facilities. The Board believes that the use of tobacco products on school grounds, in school buildings, on school property or at school-sponsored events is detrimental to the health and safety of students, staff and visitors.

The Board acknowledges that adult employees and visitors serve as role models for students. The Board recognizes it has an obligation to promote positive role models in schools and to promote a healthy learning and working environment, free from unwanted smoke and tobacco use, for students, employees, and visitors on the school campus.

The use, possession and distribution of tobacco products, e-cigarettes and nicotine liquid containers, alcoholic beverages, mood-altering substances and illicit drugs are prohibited in all district property and premises owned, leased or contracted by the district including:

- School grounds, including athletic fields and other outdoor property
- School buildings
- School parking lots
- School buses and other district vehicles
- Off-campus school sponsored-events.
- Administrative offices and other district owned, non-school sites These activities are prohibited at any time, including non-school hours (24/7).

The meaning of the terms included herein shall be as provided in New Mexico Administrative Code 6.12.4.1 through

6.12.4.9. In addition, products designed or manufactured to imitate the products included in the definitions are prohibited, regardless of whether they contain tobacco or nicotine.

### COMMUNICATION

The administration will develop a communication plan about the policy and enforcement procedures including information in student and employee handbooks, announcements at school-sponsored or school-related events, and appropriate signage that contains a listing of prohibited tobacco products posted in buildings and on school property in a manner and location that adequately notify students, staff and visitors including at the entrance to school buildings and athletic events.

### REPORTING AND ENFORCEMENT

The Superintendent may establish procedures necessary to implement this policy. Progressive and supportive disciplinary action will be used, beginning with supportive options to promote positive student outcomes such as tobacco education or referral to counseling, parent conferences and school or community service. Referrals to resources to help students overcome tobacco addictions shall be provided when developmentally appropriate. Disciplinary penalties may ultimately include suspension of the student from school or a recommendation for expulsion when there is evidence of repeated and continuous violation of this policy. Parents/guardians will be notified of all violations and actions taken by the school.

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All District employees are expected to cooperate in the enforcement of this policy. Student violations shall be reported to administrative personnel.

No school employee who in good faith reports any known or suspected use, possession or distribution of alcoholic beverages, mood-altering substances or illicit drugs shall be held liable for any civil damages as a result of such report or efforts to enforce this policy.

## PREVENTION EDUCATION

The administration will consult with appropriate health organizations to identify and provide annual programs or opportunities for students to gain a greater understanding of the health hazards of tobacco use and the impact of tobacco use as it relates to providing a safe, orderly, clean and inviting school environment.

## TRACKING AND EVALUATION

The district will monitor enforcement of the policy and the impact on student tobacco use by reviewing results of the biannual New Mexico Youth Risk and Resiliency Survey, tracking student violations and utilizing data to plan appropriate prevention and enforcement efforts. A review of the policy and related procedures will be conducted annually.

**EXCEPTION:** Lawful possession or use by a minor of a tobacco-cessation product approved by the United States food and drug administration shall be permitted by students following district policies for student self-administration of medications.

### LEGAL REF:

24-16-3 et seq. NMSA Dee Johnson Clean Air Act

6.12.4.8 NMAC

1994 Op. Att'y Gen. No. 94-03, 1994 N.M. AG LEXIS 4.

20 U.S.C. 6083 Pro-Children Act of 1994 (Environmental Tobacco Smoke). 34 C.F.R. Part 85 Drug Free Workplace Act

## MODEL POLICY - TOBACCO USE BY STAFF MEMBERS / SMOKING

### TOBACCO USE BY STAFF MEMBERS / SMOKING

The use, possession and distribution of tobacco products, e-cigarettes and nicotine liquid containers, alcoholic beverages, mood-altering substances and illicit drugs are prohibited in all district property and premises owned, leased or contracted by the district including:

- School grounds, including athletic fields and other outdoor property
- School buildings
- School parking lots
- School buses and other district vehicles
- Off-campus school sponsored-events.
- Administrative offices and other district owned, non-school sites These activities are prohibited at any time, including non-school hours (24/7).

The meaning of the terms included herein shall be as provided in New Mexico Administrative Code 6.12.4.1 through 6.12.4.9. In addition, products designed or manufactured to imitate the products included in the definitions are prohibited, regardless of whether they contain tobacco or nicotine.

# SECTION 5: MODEL TOBACCO POLICY LANGUAGE

The administration will develop a communication plan including information in student and employee handbooks, announcements at school-sponsored or school-related events, and appropriate signage that contains a listing of prohibited items posted in buildings and on school property in a manner and location that adequately notify students, staff and visitors including at the entrance to school buildings and athletic events

The Superintendent may establish procedures necessary to implement this policy. Disciplinary penalties may be imposed in accord with policies of the District regarding employee conduct and disciplinary actions.

Referrals to resources to help staff overcome tobacco addictions shall be provided to staff who are found to be in violation of this policy.

The Superintendent may establish procedures for employees to receive training in the provisions of this policy, existing and emerging tobacco products, trends in youth tobacco use, prevention education and cessation support on an annual basis.

The prohibitions do not apply to an adult when possession or use of the tobacco products are for demonstration purposes as a necessary instructional component of a tobacco prevention or cessation program that is:

- Approved by the school.
- Established in accord with the New Mexico Revised Statute.

#### LEGAL REF.:

*24-16-3 et seq. NMSA Dee Johnson Clean Air Act*

*6.12.4.8 NMAC*

*1994 Op. Att'y Gen. No. 94-03, 1994 N.M. AG LEXIS 4.*

*20 U.S.C. 6083 Pro-Children Act of 1994 (Environmental Tobacco Smoke). 34 C.F.R. Part 85 Drug Free Workplace Act*

## MODEL POLICY - TOBACCO USE / SMOKING ON SCHOOL PREMISES

### TOBACCO USE / SMOKING ON SCHOOL PREMISES

The use, possession and distribution of tobacco products, e-cigarettes and nicotine liquid containers, alcoholic beverages, mood-altering substances and illicit drugs are prohibited in all district property and premises owned, leased or contracted by the district including:

- School grounds, including athletic fields and other outdoor property
- School buildings
- School parking lots
- School buses and other district vehicles
- Off-campus school sponsored-events
- Administrative offices and other district owned, non-school sites.

These activities are prohibited at any time, including non-school hours (24/7).

The meaning of the terms included herein shall be as provided in New Mexico Administrative Code 6.12.4.1 through 6.12.4.9. In addition, products designed or manufactured to imitate the products included in the definitions are prohibited, regardless of whether they contain tobacco or nicotine.

# SECTION 5: MODEL TOBACCO POLICY LANGUAGE

The administration will develop a communication plan including information in student and employee handbooks, announcements at school-sponsored or school-related events, and appropriate signage that contains a listing of prohibited items posted in buildings and on school property in a manner and location that adequately notify students, staff and visitors including at the entrance to school buildings and athletic events. Students, parents/guardians, staff, contractors and school volunteers will be notified annually of this policy in written materials, including but not limited to handbooks, manuals, contracts, newspapers and newsletters.

All District employees are expected to cooperate in the enforcement of this policy. Members of the public using or blatantly flaunting prohibited products on school premises and failing to respond to a verbal warning shall be requested to leave the premises by school supervisory personnel in accord with laws on trespass. Law enforcement may be notified to assist with enforcement.

No school employee who in good faith reports any known or suspected use, possession or distribution of alcoholic beverages, mood-altering substances or illicit drugs shall be held liable for any civil damages as a result of such report or efforts to enforce this policy.

The prohibitions do not apply to an adult when possession or use of the prohibited products are for demonstration purposes as a necessary instructional component of a tobacco prevention or cessation program that is approved by the school.

Tobacco advertising is prohibited anywhere on school grounds.

#### *LEGAL REF.:*

*24-16-3 et seq. NMSA Deed Johnson Clean Air Act*

*6.11.2.9 NMAC*

*6.12.4.8 NMAC*

*1994 Op. Att'y Gen. No. 94-03, 1994 N.M. AG LEXIS 4.20 U.S.C. 6083 Pro-Children Act of 1994 (Environmental Tobacco Smoke). 34 C.F.R. Part 85 Drug Free Workplace Act*