

**LUZERNE
INTERMEDIATE
UNIT #18**

**SECTION: LUZERNE INTERMEDIATE
UNIT EMPLOYEES
TITLE: TOBACCO AND VAPING
PRODUCTS
ADOPTED: NOVEMBER 20, 2002
REVISED: MAY, 20, 2020**

	323. TOBACCO AND VAPING PRODUCTS
1. Purpose	<p>The Board recognizes that tobacco and vaping products, including the product marketed as Juul and other electronic cigarettes, present a health and safety hazard that can have serious consequences for users, nonusers and the school environment. The purpose of this policy is to regulate use of tobacco and vaping products, including Juuls and other electronic cigarettes, by Intermediate Unit employees and contracted personnel.</p>
2. Definition 18 Pa. C.S.A 6305 18 Pa. C.S.A 6306.1	<p>State law defines the term tobacco product to broadly encompass not only tobacco but also vaping products including Juuls and other electronic cigarettes (e-cigarettes). Tobacco products, for purposes of this policy and in accordance with state law, shall be defined to include the following:</p> <ol style="list-style-type: none">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, a cigarette, cigar, little cigar, chewing tobacco, pipe tobacco, snuff and snus.2. 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.3. Any product containing, made or derived from either:<ol style="list-style-type: none">a. Tobacco, whether in its natural or synthetic form; orb. Nicotine, whether in its natural or synthetic form, which is regulated by the United States Food and Drug Administration as a deemed tobacco product.4. Any component, part or accessory of the product or electronic device listed in this definition, whether or not sold separately. <p>The term tobacco product does <u>not</u> include the following:</p>

<p>Pol. 317 Pol. 351</p> <p>3. Authority 18 Pa. C.S.A. 6306.1 20 U.S.C. 7973 Pol. 818</p> <p>18 Pa. C.S.A 6306.1</p> <p>18 Pa. C.S.A. 6305</p>	<ol style="list-style-type: none"> 1. 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, as long as the product is not inhaled. 2. A device, included under the definition of tobacco product above, if sold by a dispensary licensed in compliance with the Medical Marijuana Act. <i>Federal law requires the Intermediate Unit to maintain a drug-free workplace, at which marijuana of any kind is prohibited.</i> <p>The Board prohibits use of tobacco and vaping products, including the product marketed as Juul and other e-cigarettes, by Intermediate Unit employees and contracted personnel at any time in an Intermediate Unit building; on school buses or other vehicles that are owned, leased or controlled by the Intermediate Unit; or on property owned, leased or controlled by the Intermediate Unit.</p> <p>{ }, except as expressly permitted in designated areas which must be located at least fifty (50) feet from school building, stadiums or bleachers.</p> <p>Intermediate Unit employees and contracted personnel shall follow the tobacco and vaping products policies of the school district(s) and/or building(s) to which they are assigned.</p> <p>{ } The Board also prohibits use of tobacco and vaping products, including the product marketed as Juul and other e-cigarettes, by Intermediate Unit employees at any time while responsible for the supervision of students during Intermediate Unit-sponsored activities that are held off Intermediate Unit property.</p> <p>This policy does not prohibit possession of tobacco and vaping products, including the product marketed as Juul and other e-cigarettes, by Intermediate Unit employees and contracted personnel of legal age.</p> <p>The Board deems it to be a violation of this policy for any Intermediate Unit employee or contracted personnel to furnish a tobacco or vaping product, including the product marketed as Juul or any other e-cigarette, to a student.</p>
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<p>4. Delegation of Responsibility 18 Pa. C.S.A. 6306.1</p>	<p>The Executive Director or designee shall notify employees and contracted personnel about the Board’s tobacco and vaping products policy by publishing information in handbooks, newsletters, posters, and other efficient methods such as posted notices, signs and on the Intermediate Unit website.</p>
<p>5. Reporting 24 P.S. 1303-A Pol. 805.1</p>	<p><i>Office for Safe Schools Report –</i></p> <p>The Executive Director shall annually, by July 31, report incidents of prohibited possession, use or sale of tobacco and vaping products, including Juuls or other e-cigarettes, on school property to the Office for Safe Schools on the required form.</p>
<p>18 Pa. C.S.A. 6305 18 Pa. C.S.A. 6306.1 Pol. 317 24 P.S. 1303-A Pol. 805.1 22 PA Code 10.2 22 PA Code 10.22 24 P.S. 1302.1-A</p>	<p><i>Law Enforcement Incident Report –</i></p> <p>The Executive Director or designee may report incidents involving the sale of tobacco and vaping products, including Juuls or other e-cigarettes, to minors by employees on school property of the Intermediate Unit, at any school function under the jurisdiction of the Intermediate Unit, or on a conveyance providing transportation to or from any school function under the jurisdiction of the Intermediate Unit, to the school police, School Resource Officer (SRO) or to the local police department that has jurisdiction over the school property of the Intermediate Unit, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.</p>