

Administrative Procedures for Promoting Tobacco and Vape Free Schools
(Attachment for Policy No. 222)

Purpose

The School District of Philadelphia (“District”) recognizes that tobacco products present a health and safety hazard that can have serious consequences for both users and nonusers and the safety and environment of the schools.

Definitions

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.

Electronic smoking device: Any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. “Electronic smoking device” includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, Juul, Suorin, or under any other product name or descriptor. “Electronic smoking device” includes any component part of a product, whether or not marketed or sold separately, including but not limited to e-liquids, e-juice, cartridges, or pods.

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.

Smoking: This includes inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. "Smoking" also includes carrying or using an activated electronic smoking device.

Tobacco product: For purposes of this policy, tobacco product encompasses not only tobacco but also vaping products including electronic cigarettes (e-cigarettes). Tobacco products, for purposes of this policy and in accordance with state law, shall be defined to include the following:

- 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 tobacco product does not include the following: [1][2]

- I. 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.
 - A. NOTE: This exception shall be governed by Board policy relating to Medications.[3]
- II. A device, included under the definition of tobacco product above, if sold by a dispensary licensed in compliance with the Medical Marijuana Act.

- A. NOTE: Guidance issued by the PA Department of Health directs schools to prohibit possession of any form of marijuana, including medical marijuana, by students at any time on school property or during any school activities on school property. This exception shall be governed by Board policy relating to Controlled Substances/Paraphernalia.[4]

Tobacco-related devices: These include ashtrays, rolling papers, wraps, or pipes for smoking and any components, parts, or accessories of electronic smoking devices.

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.

Procedures

The Superintendent designates the Office of Student Rights and Responsibilities as responsible for implementing and maintaining the requirements of this policy and its procedures.

The District is dedicated to the prevention of tobacco and vape use among youth and in schools. School Administrators should make every effort to educate students on the health effects of vaping and encourage a vape-free school environment through flyers/posters, educational materials, grade level town halls and classroom community meetings. School Administrators will encourage students to ask for help if they are facing nicotine-addiction and ensure students know who to go to in order to access this support.

If reasonable suspicion exists that a student is thought to be in possession of tobacco products, alternative nicotine products, vapor products and/or tobacco related products, a School Safety Officer or Administrator may authorize a search of the student's belongings.[1] If the student is found to be in possession of tobacco products, alternative nicotine products, vapor products and/or related paraphernalia, the item(s) will be confiscated and photographed by a School Safety Officer or Administrator and the guardian will be notified.

If a student is in possession of a lighter or matches, please refer to the Behavior Matrix of the Code of Conduct for addressing code violation Possession/Use of an Incendiary Device.

If there is a potential medical concern for a student in possession of a vapor product, the student should be evaluated by the school nurse to determine if medical assistance is necessary. Signs of medical concern can include unconsciousness, trouble breathing, change in skin color, or complaints of their heart racing/high heart rate. The school nurse is not authorized to determine if a student is under the influence of an illicit substance, including tobacco and vapor products or to conduct drug testing.

School Counselors will provide students who have violated this policy with a referral to the Student Assistance Program (SAP). School Administrators will work with the student and family to support the student with smoking cessation and develop a safety plan as needed.

School Administrators or Designee will provide an appropriate consequence, which may include but is not limited to a restorative conversation, phone call home and/or community service. Repeated violations of this policy may warrant short-term out-of-school suspension and/or parent conference. School Administrators should only resort to short-term suspensions after interventions have been provided to support the student. School Administrators must take a holistic and restorative approach to addressing violations of this policy.

The Administrator or Designee may report incidents of possession, use or sale of tobacco products, alternative nicotine products, or vapor products by students on school property, at any off-campus, District-sponsored event, or on a conveyance providing transportation to and from a school or off-campus, District-sponsored event to the local law enforcement agency in accordance with the Memorandum of Understanding with the Philadelphia Police Department.

Maintenance Schedule

This procedure should be reviewed with each revision of the Code of Conduct.

Legal References:

1. [Policy 226](#) - Student Searches
2. [Policy 218.1](#) - Weapons
3. [Policy 805.1](#) - Relations with Law Enforcement

Related Procedures:

Administrators can utilize the Guidelines for Discipline for the proper protocol relating to the discipline process. The guidelines are available on the District's website at <https://www.philasd.org/studentrights/#discipline>