



*Adopted: April 10, 1996*

*EMID 6067 Board Policy 419*

*Revised: October 20, 2004, October, 2008; December, 2014; December 16, 2015*

## **419 TOBACCO-FREE ENVIRONMENT**

### **I. PURPOSE**

The purpose of this policy is to maintain a tobacco-free learning and working environment in EMID integration programs.

### **II. GENERAL STATEMENT OF POLICY**

- A. It shall be a violation of this policy for any EMID, teacher, administrator, other personnel or person to smoke or use tobacco, tobacco-related devices, or electronic cigarettes on an EMID program location. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that EMID leases, rents, contracts for, or controls. In addition, this prohibition includes vehicles used, in whole or in part, for work purpose, during hours of work, if more than one person is present. This prohibition includes all EMID property and all off-campus EMID sponsored events and integration programs.
- B. It shall be a violation of this policy for any student to possess any type of tobacco, tobacco-related device, or electronic cigarette on an EMID program location. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that EMID leases, rents, contracts for, or controls and includes vehicles used, in whole or in part, for work purposes, during hours of work, if more than one person is present. This prohibition includes all EMID property and all off-campus EMID sponsored events and integration programs.
- C. EMID will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, other personnel, or person who is found to have violated this policy.
- D. EMID will not solicit or accept any contribution, gifts of money, or any product containing, made, or derived from tobacco that is intended for human consumption whether chewed, smoked, absorbed, dissolved, inhaled, snorted, or ingested by any other means; or any component, part, or accessory of a tobacco plant, curricula, materials, or equipment from companies that directly manufacture and are identified with tobacco products, devices, or electronic cigarettes. EMID will not promote or allow promotion of tobacco products or e-cigarettes at district-sponsored events.

### **III. TOBACCO AND TOBACCO RELATED DEVICES DEFINED**

- A. “Electronic cigarette” means any oral device that provides a vapor of liquid



nicotine, lobelia, and/or similar substance, and the use of inhalation of which includes smoking. The term shall include any such devices, whether they are manufactured, distributed, marketed, or sold as e-cigarettes, e-cigars, e-pipes, or under another product name or descriptor.

- B. “Tobacco” means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product; cigars; cheroots; stogies; perique; granulated, plug, cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco.
- C. “Tobacco-related devices” means cigarette papers or pipes for smoking.
- D. “Smoking” means inhaling smoke from any lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product. Smoking also includes carrying a lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product intended for inhalation and the use of electronic cigarettes, including the inhaling and exhaling of vapor from any electronic delivery device.

#### **IV. EXCEPTIONS**

- A. It shall not be a violation of this policy for an Indian adult to light tobacco on school district property as a part of a traditional Indian spiritual or cultural ceremony. An Indian is a person who is a member of an Indian tribe as defined under Minnesota law.
- B. It shall not be a violation when an adult nonstudent possesses a tobacco or nicotine product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

#### **V. ENFORCEMENT**

- A. All individuals at EMID offices and integration program locations shall adhere to this policy.
- B. Students who violate this tobacco-free policy shall be subject to EMID Policy 506 – Student Discipline.
- C. EMID administrators and other school personnel who violate this tobacco- free policy shall be subject to discipline procedures.



- D. EMID action taken for violation of this policy will be consistent with requirements of applicable Minnesota or federal law, and EMID policies.
- E. Persons who violate this tobacco-free policy may be referred to the EMID program directors responsible for the area or program at which the violation occurred.
- F. Program administrators may call the local law enforcement agency to assist with enforcement of this policy. Smoking or use of any tobacco product in a public school is a violation of the Minnesota Clean Indoor Air Act and/or the Freedom to Breathe Act of 2007 and is a petty misdemeanor. A court injunction may be instituted against a repeated violator.
- G. No persons shall be discharged, refused to be hired, penalized, discriminated against, or in any manner retaliated against for exercising any right of a smoke-free environment provided by the Freedom to Breathe Act of 2007 or other law.

## **VI. DISSEMINATION OF POLICY**

- A. EMID will develop a method of discussing this policy with students and employees.

**Legal References:** Minn. Stat. § 144.411-144.417 (Minnesota Clean Indoor Air Act)  
Minn. Stat. § 609.685, Subd. 1(a) and (b) (Sale of Tobacco to Children)  
2007 Minn. Laws Ch. 82 (Freedom to Breathe Act of 2007)

**Cross References:** EMID Policy 403 (Discipline, Suspension and Dismissal of District Employees)  
EMID Policy 506 (Student Discipline)  
MSBA Service Manual, Chap. 2, Students, Rights, Responsibilities, and Behavior