



Book	Draft Policies from NYSSBA
Section	1000
Title	SMOKING AND OTHER TOBACCO USE ON SCHOOL PREMISES
Code	1530
Status	First Reading
Last Revised	May 14, 2024

() Required
(X) Local
 (X) Notice

NOTE: The following is offered to expand the Board's current policy 5640 (Smoking, Tobacco, and Cannabis (Marijuana) Use). We have expanded this policy to include the consequences for prohibited smoking to include visitors. See the optional bold text below.

Due to the health hazards associated with smoking, and in accordance with federal and state law, the Board of Education prohibits smoking (the burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco, cannabis or cannabinoid hemp) and all other tobacco use, and use of an electronic cigarette or e-cigarette, in all school district buildings, on school grounds, **and in any vehicle used to transport children or personnel.** Smoking or tobacco use and vaping is also prohibited within 100 feet of all school entrances, exits and outdoor areas, except where that is a residence or residential property. Electronic cigarette or e-cigarette means an electronic device that delivers vapor which is inhaled by an individual user (including vaporizers, vapor pipes, and vape pens), and includes any refill, cartridge and any other component of such a device, or associated paraphernalia. Additionally, ingesting cannabis **or concentrated cannabis products is prohibited on school grounds and on school buses. This policy does not apply to lawful medical cannabis use in compliance with state law and regulation for those who are properly certified and registered; however, state regulations do not permit smoking or vaporizing medical cannabis where smoking and vaping are prohibited by law.**

NOTE: The Board may designate any member of the staff as the agent responsible for informing individuals they are in violation of the Public Health Law. We have developed this policy to designate the Superintendent (see below). If the Board wishes to designate another staff member, please modify the policy accordingly.

The district's smoking policy will be prominently posted in each building, at designated **outdoor locations on school premises (e.g., athletic fields) and in all district vehicles. The Board designates the Superintendent of Schools or designee as agent responsible for informing individuals smoking cigarettes or e-cigarettes, or using tobacco, cannabis or cannabinoid hemp unlawfully that they are in violation of Article 13-E of the Public Health Law and/or Section 409 of the Education Law and/or the federal Pro-Children Acts of 1994 and 2001. Persons in violation of this policy will be asked to stop. Students and staff may be subject to consequences outlined in the Code of Conduct, and visitors or contractors may be asked to leave school property.**

Cross-ref:
 5300, Code of Conduct

Ref:
 The Pro-Children Act of 2001, 20 U.S.C. 7181 *et seq.*
 The Pro-Children Act of 1994, 20 U.S.C. 6081 *et seq.*

Cannabis Law 3 (definition of cannabinoid hemp)

Education Law 409(2)

Penal Law 222.00 (definition of cannabis); 222.10 (cannabis use prohibited on school grounds)

Public Health Law Article 13-E (regulation of smoking and vaping in public areas)

Public Health Law 206; 340; 347; 1399-aa

10 NYCRR 1004.18 (prohibitions on medical marijuana in certain places)

Adoption date: