

Regulation

SMOKING PROHIBITION

GENERAL STATEMENT

The following guidelines are established for the protection, health and safety of district students and staff. Additionally, these guidelines are established for compliance with the *New Jersey Smoke Free Air Act* (N.J.S.A. 26:3D-55 et seq.) which prohibits smoking in any area of any building of, or on the grounds of, any public or nonpublic elementary or secondary school, regardless of whether the area is an indoor public place or is outdoors. This policy applies to consumption and/or inhalation of tobacco or any tobacco product, electronic smoking device, or alcohol in any location or at any board approved event, as defined in this regulation.

STAFF RESPONSIBLE

The following chart lists the staff members responsible for the implementation of the regulation and summarizes their responsibilities:

Position	Summary of Main Responsibilities
Superintendent	<ul style="list-style-type: none"> • General policy and procedure oversight within the district • Inclusion of anti-smoking notice in districtwide student or staff handbooks
Building principal/person having control of the public location	<ul style="list-style-type: none"> • General procedural oversight within the school • Primary implementation and enforcement responsibilities • Posting and/or publication of anti-smoking notice as specified in this regulation • Student discipline
All school staff	<ul style="list-style-type: none"> • Procedure enforcement • Incident reporting • Student supervision • Guest/visitor supervision

DEFINITIONS

"Smoking" means inhaling the burning or vapor of a lighted cigar, cigarette, pipe, electronic smoking device or any other matter or substance which contains tobacco. Chewing tobacco is also specifically prohibited.

"Electronic smoking device" means an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.

"School grounds" as applied to board policy means and includes land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs approved for such use by the board of education. School grounds also includes support structures such as service facilities including, but not limited to warehouses, kitchens, service, and maintenance shops. School grounds also includes playgrounds, and recreational places owned by municipalities, private entities or other individuals during times when the school district has exclusive use of a portion of the land.

"School-sponsored function" means any activity, event or program occurring on or off school grounds, whether during or outside of regular school hours, that is approved by the board of education.

PROCEDURE

SMOKING PROHIBITION (regulation continued)

Board policies and procedures prohibiting smoking pertain to students, all employees of the school district, and vendors and/or consultants who may from time to time be employed by the board of education, and all visitors, dignitaries, and members of the public. The following procedures shall be observed in order to prevent smoking on school grounds:

- A. The principal or his or her designee shall ensure that smoking is prohibited on school grounds at all times and shall ensure that an appropriate anti-smoking notice is posted at each public entrance to a building or facility on the school's website, and is published in staff and student handbooks (see primary exhibit 1 No Smoking Sign, English and Spanish).
- B. The director of curriculum shall oversee the development of a parent educational program on alcohol, tobacco and other drug abuse to be offered during times and at places convenient to parents of enrolled students. The director of curriculum shall ensure that notice of the educational program is disseminated to parents and shall coordinate dissemination in consultation with each building principal (see board policy and procedure 5131.6 Substance Abuse).
- C. Any person who has reason to believe that policy file code 3515 Smoking Prohibition has been violated shall immediately report that belief to the principal or the person in control of the facility.
- D. The principal/person in charge shall direct an investigation into the reported allegation. If the allegation is substantiated and an individual(s) is actively violating the policy, the principal/person in charge shall order the violator to comply with policy 3515; and may provide the violator with a copy of the Department of Health anti-smoking notice (see exhibit 1).
- E. Where the violator refuses to comply with the order, the principal/person in charge:
 1. Shall order the violator's departure and removal;
 2. May request the assistance of law enforcement to remove the violator;
 3. May contact the local health department to file a complaint;
 4. May file a complaint in municipal court; or
 5. May file a complaint with the Indoor Environments Program (see exhibit 3).
- F. Any person may file a complaint against the principal/person in charge for failure to enforce the rules or for smoking by the following means:
 1. Contact the local health department to file a complaint;
 2. File a complaint in municipal court;
 3. File a complaint with the Indoor Environments Program (see exhibit 3).

Consequences for Violating Board Policy and Procedures Prohibiting Smoking

- A. Students who are found smoking shall be subject to discipline as set forth in the Code of Student Conduct and may also be subject to the penalties listed below.
- B. Adults or any person having control of a school building who violate the policy may be subject to the following penalties:
 1. **First offense:** \$250 fine;
 2. **Second offense,** \$500 fine;
 3. **Third offense,** \$1,000 fine.

REGULATION HISTORY

NJSBA Review/Update: November 2019
 Adopted:

SMOKING PROHIBITION (regulation continued)

CROSS REFERENCES

1330 Use of School Facilities
1330 Use of School Facilities, Regulation
5131.6 Substance Abuse
5131.6 Substance Abuse, Regulation

EXHIBITS

Exhibit 1 New Jersey Department of Health – No Smoking Notice
(<http://web.doh.state.nj.us/apps2/forms/subforms.aspx?pro=ctcp/smokefree>)
Exhibit 2 New Jersey Department of Health – Complaint Form
(<http://web.doh.state.nj.us/apps2/forms/subforms.aspx?pro=ctcp/smokefree>)

PRIMARY RESOURCES

1 New Jersey Department of Health – No Smoking Signs (English and Spanish)
(<http://www.state.nj.us/health/ctcp/smokefree/nosmoking.shtml>)