

## **Prohibited Use, Possession, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems**

~~Student possession, use, distribution or sale of tobacco products or inhalant delivery systems in any form on district premises, on all district grounds including parking lots, at school sponsored activities on or off district premises, in district owned, rented or leased vehicles, or otherwise while a student is under the jurisdiction of the district is prohibited.~~

**To be consistent with Oregon law,** ~~The~~ use, distribution or sale of tobacco products or inhalant delivery systems by staff and all others is prohibited on district premises, in any building or facility, on district grounds, including parking lots, in any vehicle owned, leased, rented or chartered by the district, school or public charter school and at all **district- or** school-sponsored activities.

For the purpose of this policy “tobacco **products**” is defined to include, **but not limited to**, any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, spit tobacco, also known as smokeless, dip, chew, snuff, in any form. This does not include **products that are** USFDA-approved **for sale as a** tobacco **cessation** products or ~~other therapy products used for the purpose of cessation~~ **for any other therapeutic purpose, if marketed and sold solely for the approved purpose.**

For the purpose of this policy, “inhalant delivery system” means a device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to a person inhaling from the device; or a component of a device or a substance in any form sold for the purpose of being vaporized or aerosolized by a device, whether the component or substance is sold or not sold separately. This does not include **products that are** USFDA-approved **for sale as a** tobacco **cessation** products or ~~other therapy products marked and sold solely for the approved purpose~~ **for any other therapeutic purpose, if marketed and sold solely for the approved purpose.**

~~Violation of this policy will lead to appropriate disciplinary action up to and including expulsion for students. When considering disciplinary action for a student with disabilities, the district must follow the requirements of Board policy JGDA/JGEA—Discipline of Students with Disabilities, including those involving functional behavioral assessment, change of placement, manifestation determination, and an interim alternative educational setting. Community or school service may be required. A referral to law enforcement may be made. Parents will be notified of all violations involving their student and subsequent action taken by the school. Information about cessation support and/or tobacco education programs and how students can access these programs will be provided. At the discretion of the principal, attendance and completion of such programs, or successful completion of a behavior modification plan, may be allowed as a substitute for, or as part of student discipline.~~

**Violation of this policy by staff [may][will] result in discipline up to and including dismissal.**

Violation of this policy by ~~nonstudents~~ **the public** may result in the individual's removal from district property. The district reserves the right to restrict access to district property by individuals who are repeat offenders.

This policy shall be enforced at all times. ~~The administration will establish guidelines and procedures for implementing and enforcing this rule.~~

END OF POLICY

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**Legal Reference(s):**

[ORS 167.400](#)

[ORS 332.107](#)

[ORS 336.222](#)

[ORS 336.227](#)

[ORS 339.240](#)

[ORS 339.250](#)

[ORS 339.883](#)

[ORS 431.840](#)

[ORS 433.835 to- 433.990](#)

[OAR 581-021-0050 to -0075](#)

[OAR 581-021-0110](#)

[OAR 581-022-0413](#)

[OAR 581-053-0230\(9\)\(s\)](#)

[OAR 581-053-0330\(1\)\(m\)](#)

[OAR 581-053-0430\(12\)](#)

[OAR 581-053-0531\(11\)](#)

[OAR 581-053-0630](#)

Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2006).

**Cross Reference(s):**

JFCG/KGC/GBK - Prohibited Use, Possession, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems

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