

TITLE: Tobacco-Free Schools

POLICY:

The School Board of Orange County, Florida (“Board”) recognizes the use of commercial tobacco products, including electronic smoking devices, is a health, safety, and environmental hazard for Orange County Public Schools (“OCPS”) students, staff, members of the public, contracted vendors, and visitors. The Board believes the use and promotion of commercial tobacco products, including electronic smoking devices, on Board property or at off-campus school-sponsored events, is detrimental to the health and safety of students, staff, members of the public, contracted vendors, and visitors. To ensure the health and safety of all OCPS students, Board employees, members of the public, contracted vendors, and visitors, the Board shall provide a tobacco-free environment on all Board property.

- (1) Definitions. For purposes of this policy, the following definitions shall apply:
 - (a) “Any time” means 24 hours a day, seven days a week, 365 (or 366) days a year.
 - (b) “Board property” means all property that is owned, leased, or contracted for by the School Board of Orange County, Florida (“Board”). Board property includes, but is not limited to, all schools, district offices, shops and related closed areas, playgrounds, practice fields, football fields, baseball fields, softball fields, soccer fields, tennis courts, pool areas, any other school recreational facilities, all open areas, Board owned vehicles, school buses, vans, trucks, and cars.
 - (c) “Gift” means anything that is accepted by a donee or another on the donee’s behalf, or that which is paid or given to another for or on behalf of a donee, directly or indirectly or in trust, for the donee’s benefit. Gifts may include, but are not limited to, purchases, payments, distributions, loans, advances, transfer of funds or disbursement of money or anything of value.
 - (d) “Retail tobacco shop” means any enclosed indoor workplace dedicated to, or predominantly for, the retail sale of tobacco, tobacco-related products, electronic smoking devices, and accessories for such products.
 - (e) “School-sponsored event” means any event sponsored by the Board and/or Orange County Public Schools (“OCPS”) that occurs on or off Board property. School-sponsored events include, but are not

limited to, sporting events, field trips, dances, and theatrical productions.

- (f) “Secondhand smoke,” also known as environmental tobacco smoke (ETS), means smoke emitted from lighted, smoldering, or burning tobacco when the smoker is not inhaling; smoke emitted at the mouthpiece during puff drawing; and smoke exhaled by the smoker.
- (g) “Smoking” means inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product.
- (h) “Tobacco” means any product containing, made, or derived from tobacco or that contains nicotine, whether synthetic or natural, that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested, or any component, part, or accessory of a tobacco product. Tobacco includes, but is not limited to, cigarettes, cigars, pipe, cheroots, stogies, periques, bidi, clove cigarette, cigarillo, hookah, plug cut, crimp cut, ready rubbed, snuff, snuff flour, Cavendish, snus, orbs, strips, sticks, or chewing tobacco in any form.
- (i) “Tobacco industry” means the manufacturers, distributors or wholesalers of tobacco product, tobacco-related devices, or electronic smoking devices.
- (j) “Tobacco-related products” means items used or needed for smoking or vaping and includes, but is not limited to, ashtrays, rolling papers, wraps, pipes, lighters, pods, cartridges, electronic smoking device chargers, or any components, parts, or accessories of tobacco products or electronic smoking devices.
- (k) “Vape” or “vaping” means to inhale or exhale vapor produced by a vapor-generating electronic device or to possess a vapor-generating electronic device while that device is actively employing an electronic, a chemical, or a mechanical means designed to produce vapor or aerosol from a nicotine product or any other substance. The term does not include the mere possession of a vapor-generating electronic device.
- (l) “Vapor-generating electronic smoking device” or “electronic smoking device” means any product that employs an electronic, a chemical, or a mechanical means capable of producing vapor or aerosol from a nicotine product or any other substance, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product, any replacement cartridge for such device, and any other container of a solution or other substance intended to be used with or within an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product.

(2) Prohibitions on Board Property

- (a) All uses of tobacco products, tobacco-related products, and electronic smoking devices shall be prohibited on Board Property at any time. In addition, there shall be no designated smoking areas on Board Property.
- (b) Students are prohibited from possessing, using, consuming, displaying, promoting, or selling/buying any tobacco product, tobacco-related product, electronic smoking device, or any item represented to be of said nature, at any time while on Board property or attending a school-sponsored event. This prohibition includes wearing clothing or using other items to advertise or promote tobacco products or electronic smoking devices.
 - (i) All students are expected to follow this policy while on Board property or attending a school-sponsored event. Violation of this policy shall be considered a violation of the Code of Student Conduct and subject the student to disciplinary consequences.
- (c) Board employees, members of the public, contracted vendors, and visitors are prohibited from using, consuming, displaying, promoting, or selling/buying any tobacco product, tobacco-related product, electronic smoking device, or any item represented to be of said nature, at any time while on Board property. This prohibition also applies to school-sponsored events while in the presence of students. This prohibitions includes wearing clothing or using other items to advertise or promote tobacco products or electronic smoking devices.
 - (i) All Board employees are expected to comply with this policy while on Board property or attending a school-sponsored event. Violation of this policy shall be considered misconduct in office and may subject the employee to disciplinary action.
 - (ii) All members of the public, contracted vendors, and visitors are expected to comply with this policy while on Board property or attending a school-sponsored event. If a member of the public, contracted vendor, or visitor fails to comply with this policy, notification shall be provided to the principal/designee or building administrator for further action, which may include, but is not limited to, requiring the individual to leave Board property immediately.
- (d) It shall not be a violation of this policy to possess or display tobacco products, tobacco-related products, or electronic smoking devices if the possession or display is used for the sole purpose to educate students, Board employees, members of the public, contracted

vendors, or visitors on the harmful effects of smoking and/or vaping.

- (3) Advertising and Gifts from Tobacco Companies are Prohibited
 - (a) The promotion or advertising of tobacco, tobacco-related products, or electronic smoking devices on Board property is prohibited.
 - (b) In accordance with Board Policy KCE, members of the Board and Board employees shall not solicit or accept any gifts from the tobacco industry or from any retail tobacco shop in conjunction with their time in office or employment with the Board. This includes soliciting or accepting gifts on behalf of the Board or the District. This prohibition may include, but is not limited to, donations, advertising, promotions, loans, equipment, curriculum, or uniforms.
 - (i) If there is a conflict between this Policy and Policy KCE, entitled "Ethics and Lobbying Policy," KCE shall apply.
- (4) Health Education and Cessation Programs
 - (a) Health Education
 - (i) It is important for all students to understand the impacts of smoking and vaping to their health. Pursuant to Florida Statutes, State Board of Education Rules, and Board Policy IHAM, entitled, "Local School Wellness Policy," health education for students is required.
 - (ii) Students shall receive tobacco prevention education in health/health related class and/or prevention activities using age-appropriate, evidence-based curricula as required by Florida Statutes and the State Board of Education Rules.
 - (b) Cessation Programs
 - (i) OCPS may consult with the Florida Department of Health in Orange County, Florida, or other appropriate health and allied community-based organizations to provide students and Board employees with information and access to support systems, programs, and services to assist with abstaining from the use of tobacco products or electronic smoking devices.

SPECIFIC AUTHORITY: Section 386.203; 386.204; 386.209; 386.212; 569.11; 1001.41; 1001.42; 1001.43; 1003.42, Florida Statutes

Rules 6A-1.09401; 6A-1.094122; 34-13.210, Florida Administrative Code

ADOPTED: 09/27/11
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