

BOARD POLICY 3513.3: TOBACCO-FREE SCHOOLS
Comparison Chart
Section: Business and Noninstructional Operations

SUMMARY OF UPDATE

Summary of Update: Policy updated to reflect NEW LAW (ABX2 9, 2016) which requires all districts, not just those receiving state Tobacco-Use Prevention Education funds, to prohibit tobacco use on school campuses. The policy also reflects new definitions of "smoking" and "tobacco" pursuant to NEW LAW.

CSBA NOTE: The Health and Safety Code 104420 mandates districts receiving Tobacco-Use Prevention Education (TUPE) funds to adopt a tobacco-free schools policy that prohibits the use of tobacco and nicotine products anytime, anywhere in district-owned or leased buildings, on school or district property, and in district vehicles. The same prohibition is applicable to districts that do not receive TUPE funds pursuant to Health and Safety Code 104559, as added by ABX2 9 (Ch. 5, Statutes of 2016).

Districts receiving TUPE funds must certify compliance with this requirement by submitting a California Department of Education (CDE) certification form and supporting documentation to the county office of education's TUPE coordinator by July 1 in order to apply for TUPE funding for that fiscal year. The certification process also requires submission of the district's written policy and enforcement procedures; see the accompanying administrative regulation for enforcement procedures.

CURRENT VERSION			REVISED VERSION	CSBA MODIFICATIONS and/or NOTES
PARA	Section	Sub-Section	March 12, 2013	
1			The Governing Board recognizes that the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, are inconsistent with its goal to provide a healthy environment for students and staff.	The Governing Board recognizes that smoking and other uses of tobacco and nicotine products constitute a serious public health hazard and are inconsistent with district goals to provide a healthy environment for students and staff.
2			The Board prohibits the use of tobacco products at any time in district-owned or leased buildings, on district property, and in district vehicles.	The Board prohibits smoking and/or the use of tobacco products at any time in district-owned or leased buildings, on district property, and in district vehicles.
3			This prohibition applies to all employees, students, visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. Any	These prohibitions apply to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. Any

		written joint use agreement governing community use of district facilities or grounds shall include notice of the district's tobacco-free schools' policy and consequences for violations of the policy.	written joint use agreement governing community use of district facilities or grounds shall include notice of the district's tobacco-free schools policy and consequences for violations of the policy.	
			Smoking means inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, pipe, tobacco, or plant product intended for inhalation, whether natural or synthetic, in any manner or form, and includes the use of an electronic smoking device that creates aerosol or vapor or of any oral smoking device for the purpose of circumventing the prohibition of smoking.	New paragraph CSBA NOTE: Health and Safety Code 104420 and 104559, as added by ABX2 9 (Ch. 5, Statutes of 2016), define products containing tobacco and nicotine as including smokeless tobacco, snuff, chew, clove cigarettes, and electronic cigarettes that can deliver nicotine and non-nicotine vaporized solutions. Education Code 48901, which prohibits smoking or tobacco use by students on campus, applies the definition of smoking and tobacco products specified in Business and Professions Code 22950.5, as amended by SBX2 5 (Ch. 7, Statutes of 2016). The following paragraphs reflect the more comprehensive definitions in Business and Professions Code 22950.5.
			Tobacco products include:	New paragraph and sections
4		Prohibited products include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniatures, smokeless tobacco, snuff, chew, clove cigarettes, betel, and nicotine delivery devices such as electronic cigarettes. Exceptions may be made for the use or possession of prescription nicotine products.	Delete	
			1. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to,	

				cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff	
				2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah	
				3. Any component, part, or accessory of a tobacco product, whether or not sold separately	
				This policy does not prohibit the use or possession of prescription products and other cessation aids that have been approved by the U.S. Department of Health and Human Services, Food and Drug Administration, such as nicotine patch or gum.	New paragraph
5			Smoking or use of any tobacco-related products and disposal of any tobacco-related waste are prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground.	Smoking or use of any tobacco-related product or disposal of any tobacco-related waste is prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. In addition, any form of intimidation, threat, or retaliation against a person for attempting to enforce this policy is prohibited.	

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