

**Superintendent Policy 3513.3: Tobacco-Free Schools**

**Status:** ADOPTED

**Original Adopted Date:** 08/19/2022 | **Last Reviewed Date:** 08/19/2022

The County Superintendent of Schools recognizes that smoking and other uses of tobacco and nicotine products constitute a serious public health hazard and are inconsistent with COE goals to provide a healthy environment for students and staff.

The County Superintendent of Schools prohibits smoking and/or the use of tobacco products at any time in COE-owned or leased buildings, on COE property, and in COE vehicles. (Health and Safety Code 104420, 104559)

These prohibitions apply to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off COE property. Any written joint use agreement governing community use of COE facilities or grounds shall include notice of the COE'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. (Business and Professions Code 22950.5; Education Code 48901)

Tobacco products include: (Business and Professions Code 22950.5; Education Code 48901)

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.

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. (Health and Safety Code 104495)

**Federal References**

20 USC 6083

**Description**

Nonsmoking policy for children's services

20 USC 7111-7122

Student Support and Academic Enrichment Grants

21 CFR 1140.1-1140.34

Unlawful sale of cigarettes and smokeless tobacco to minors

**Management Resources References**

**Description**

Website

U.S. Environmental Protection Agency - <https://simbli.eboardsolutions.com/SU/xtGqefQEClplus0Wk8xfkTVsw==>

Website

Occupational Safety and Health Standards Board - <https://simbli.eboardsolutions.com/SU/qUQNK1WUZfko4UZsMamBJg==>

Website

California Department of Public Health, Tobacco Control - <https://simbli.eboardsolutions.com/SU/0bHnLcAAmiJiDEQTbyLeTQ==>

Website

California Department of Education, Tobacco-Free School District Certification - <https://simbli.eboardsolutions.com/SU/AeT43yWmHBbnHrmDefuq3A==>

Website California Department of Education, Alcohol, Tobacco and Other Drug Prevention - <https://simbli.eboardsolutions.com/SU/qZcwZAF0ouA8xAp5Mzc3Lw==>

**State References**

Bus. Code 22950.5

Ed. Code 48900

Ed. Code 48901

H&S Code 104350-104495

H&S Code 104495

H&S Code 104559

H&S Code 119405

H&S Code 39002

Lab. Code 3300

Lab. Code 6304

Lab. Code 6404.5

PERB Ruling

PERB Ruling

**Description**

Stop Tobacco Access to Kids Enforcement Act - Definitions - <https://simbli.eboardsolutions.com/SU/o9D5LIFAXm0isdgjQ2uslshw==>

Grounds for suspension and expulsion

Smoking or use of tobacco prohibited

Tobacco-use prevention education

Prohibition of smoking and tobacco waste on playgrounds

Tobacco use prohibition

Unlawful to sell or furnish electronic cigarettes to minors

Control of air pollution from nonvehicular sources

Definitions

Safe and healthful workplace

Occupational safety and health; use of tobacco products

Eureka Teachers Assn. v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)

CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147)