

Concord School District Policy #753

Tobacco Products Ban on Use and Possession in and on School Facilities and Grounds

State law prohibits the use of any tobacco product, e-cigarette, or liquid nicotine in any facility or upon any grounds maintained by the District. Students and minors are further prohibited from possessing such items in or upon any facility, school vehicle, or grounds owned or maintained by the District.

A. Definitions

“Tobacco product(s)” means any product containing tobacco including, but not limited to, cigarettes, smoking tobacco, cigars, chewing tobacco, snuff, pipe tobacco, smokeless tobacco, and smokeless cigarettes, as well as any other product or item included in **RSA 126-K:2, XI** as the same may be amended or replaced from time to time.

“E-cigarette” means any electronic smoking device composed of a mouthpiece, a heating element, a battery, and electronic circuits that provides a vapor of pure nicotine mixed with propylene glycol to the user as the user simulates smoking. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, or e-pipes, or under any other product name as well as any other product or item included in **RSA 126-K:2, II-a** as the same may be amended or replaced from time to time.

“Liquid nicotine” means any liquid product composed either in whole or in part of pure nicotine and propylene glycol and manufactured for use with e-cigarettes, as well as any other product or item included in **RSA 126-K:2, III-a** as the same may be amended or replaced from time to time.

“Facility” is any place maintained by the District which is supported by public funds and is used for the instruction of students enrolled in preschool programs and in all grades. This definition shall include all administrative buildings and offices and areas within facilities supportive of instruction and subject to educational administration, including but not limited to lounge areas, passageways, rest rooms, laboratories, classrooms, study areas, cafeterias, gymnasiums, maintenance rooms and storage areas.

B. Students

No student shall purchase, attempt to purchase, possess or use any tobacco product, e-cigarette, or liquid nicotine in any facility, in any school vehicle or anywhere on school grounds maintained by the District.

Enforcement of the prohibition against students shall initially rest with building Principals or their designees, who may also report any violation to law enforcement, for possible juvenile, criminal or other proceedings as provided under state law. Additional consequences may be administered pursuant to printed student conduct rules.

C. Employees

No employee shall use any tobacco product, e-cigarette or liquid nicotine in any facility, in any school vehicle or anywhere on school grounds maintained by the District.

Initial responsibility for enforcement of this prohibition shall rest with building Principals or their designees. Any employee(s) who violate(s) this policy is subject to disciplinary action which may include warning, suspension or dismissal. Violations may also be referred to appropriate law enforcement and/or other appropriate agencies for criminal or other proceedings as provided under state law.

D. All other persons

No visitor, contractor, vendor or other member of the public, shall use any tobacco product, e-cigarette or liquid nicotine in any facility, in any school vehicle or anywhere on school grounds maintained by the District.

The building Principal(s) and, where appropriate, other site supervisor (athletic director, vehicle driver, etc.), or their designee(s) shall have initial responsibility to enforce this section, by requesting that any person violating this policy immediately cease the use of tobacco products, e-cigarette or liquid nicotine. After this request is made, if any person refuses to refrain from using such products in violation of this policy, the Principal, site supervisor, or designee may call contact the appropriate law enforcement agency(ies) for possible criminal or other proceedings as provided under state law.

Legal References:

RSA 155:64 - 77, Indoor Smoking Act

RSA 126-K:2, Definitions

RSA 126-K:6, Possession and Use of Tobacco Products by Minors

RSA 126-K:7, Use of Tobacco Products on Public Educational Grounds Prohibited

Adopted December 17, 1990. Revised January 5, 1998; December 3, 2018

Corresponds to NHSBA Policy ADC