

**CODE: ADC**

## **TOBACCO, MARIJUANA, AND VAPE-FREE DISTRICT**

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### **Smoke-Free Policy Rationale:**

Kittery School District is dedicated to providing its students, staff, and visitors with a safe and healthy environment to learn, work and play. Tobacco use continues to be the leading cause of preventable disease and death in Maine and the United States and research has shown that students addicted to tobacco products do not learn as well because they are focused on the need for more tobacco versus learning. Marijuana has been legalized for recreational use in Maine but still remains illegal for use by minors under 21, and for adults over 21 to use in areas deemed “nonpublic” under Maine State Law. Kittery has adopted a smoke-free campus policy that prohibits the use of all tobacco products and marijuana in school buildings, facilities, on school buses and at school sponsored events. This policy reflects and emphasizes the hazards of tobacco and marijuana use, will assure compliance with laws, protect school community members from secondhand smoke, and role model tobacco and marijuana-free lifestyles.

### **Policy Statement:**

To support and model healthy, tobacco and marijuana-free lifestyles and to create an environment free of smoke, Kittery School Committee has adopted the following policy, effective March 6, 2018.

All school buildings and property, and school buses shall be tobacco and marijuana-free at all times (24 hours per day, 365 days a year). This also includes all days when school is not in session and all functions taking place on school grounds, such as athletic events or other activities not associated with, or sponsored by, the school. The policy applies to everyone on school grounds, including students, school staff, parents and visitors. The policy extends to school buses and in all Kittery-owned or leased vehicles.

The policy applies to the smoking or use of all tobacco products and marijuana, including but not limited to, cigarettes, cigars, spit and smokeless tobacco, chew, snuff, snus, electronic cigarettes, vape products and other electronic nicotine delivery systems, as well as all forms of marijuana.

Possession of any tobacco products is prohibited by students and others age under the age of 18 on district property, in school vehicles and at school-sponsored functions.

Employees and all other persons are also strictly prohibited, under law and Committee policy, from the sale, distribution, dispensing, procession, or promotion of tobacco and marijuana products and paraphernalia is prohibited on school property and at all school functions. Advertising of tobacco products and marijuana are prohibited in school buildings, on school property and in all school publications.

### **Policy Communication:**

This policy will be communicated through a variety of efforts to educate students, school staff, parents and visitors. At the beginning of any school-sponsored event or activity that is held on school

property and open to the public, there will be an announcement that use of smoking products is prohibited. Smoke-free signs will be posted in highly visible areas at facility entrances and throughout the school property, including athletic facilities.

The policy will be listed on the school website and printed in employee, student and adult education booklets on an annual basis. Each year, all school staff, parents and guardians will receive information in writing about the policy and must sign-off that they understand and will comply with the policy.

### **Policy Enforcement:**

Everyone is required to comply with the District's smoke-free policy. Enforcement of this policy will follow the standard procedures of the school for each audience as laid out below. All school staff are expected to enforce the policy under the direction of the Principal. The Principal shall report any violations of this policy/procedure, as promptly as practicable, to the Superintendent.

### **Student Violations:**

The Superintendent or designee shall develop age-appropriate disciplinary guidelines for students violating this policy/administrative procedure, which shall be attached to this administrative procedure.

Strategies may include confiscating tobacco and marijuana materials and paraphernalia, notifying parent/guardian, providing education and referral to treatment.

Students found to be in violation of the prohibition of marijuana use and possession under this policy shall be subject to the consequences specified in District Policy JICH-R.

Students involved in extra-curricular or co-curricular activities are subject to additional rules and sanctions.

### **Staff Violations:**

Staff including administrators, teachers, custodians, maintenance workers, aides, secretaries, teacher assistants, food service personnel, etc, may not use tobacco products or marijuana during work hours or at any time on school grounds or at school-sponsored events. Any employee violating the policy will be subject to appropriate disciplinary measures determined by the Superintendent or designee. Staff are also subject to the District's Drug-Free Workplace Policy (GBEC).

### **Other Adult/Visitor Violations:**

Visitors, including parents and guardians, to the school facilities must comply with regulations set forth by the Kittery School District. Persons found to be using tobacco products or marijuana will be asked by the appropriate school official to refrain from use while on school property. They will be informed of the school's smoke-free policy. The principal/designee has the authority to ask visitors who are in violation of this policy to cease the behavior. Those who do not comply may be asked to leave, and law enforcement may be called for assistance if necessary.

**Primary Caregivers:**

Primary Caregivers are permitted to administer medical marijuana in a non-smokeable form to students following the terms and conditions specified in District Policy JLCDA (Administering Medical Marijuana in Schools). Students and their Primary Caregivers shall not be considered in violation of the District’s ADC Policy and shall not be subjected to discipline for acting in compliance with Policy JLCDA.

**Treatment Support:**

Information regarding tobacco treatment resources, such as onsite counseling and the Maine Tobacco HelpLine (1-800-207-1230) will be made available for tobacco users who are interested in quitting.

**Definitions:**

“Use” shall mean the lighting, chewing, inhaling, smoking, ingesting, vaping, applying to the skin or public display of any tobacco product or marijuana.

“Smoking” shall mean the inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe or joint, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs, marijuana, and marijuana concentrate, whether natural or synthetic in any manner or in any form. “Smoking” also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this policy. Non-smoked marijuana products including, but not limited to, edibles are also included in this policy."

"Marijuana" means the leaves, stems, flowers and seeds of all species of the plant genus cannabis, whether growing or not. Concentrated marijuana, and products comprised of marijuana and other ingredients that are intended for consumption or other use such as, but not limited to, edibles, are also included in this definition.

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Legal Reference: 22 MRSA §§ 1578(B), 1580(A)(3)  
Me. PL 470 (An Act to Reduce Tobacco Use By Minors)  
20 USC 6081-6084 (Pro-Children Act of 1994)

Adopted: December 20, 1994

Revised: March 4, 1997; June 5, 2001; July 16, 2013; February 3, 2015; April 3, 2018