

POSSESSION/USE OF TOBACCO PRODUCTS

A student shall not possess, distribute, sell, or use any tobacco product, tobacco-derived product, alternative nicotine product, vapor product, or imitation product on school premises, at school functions, or on a school bus.

For the purpose of this policy, the terms:

"Tobacco product" and "tobacco-derived product" means any product, containing, made or derived from tobacco, or containing nicotine derived from tobacco, that is intended for human consumption, whether smoked, breathed, chewed, absorbed, dissolved, inhaled, vaporized, snorted, sniffed or ingested by any other means, including but not limited to cigarettes, cigars, cigarillos, little cigars, pipe tobacco, snuff, snus, chewing tobacco or other common tobacco-containing products. A "tobacco-derived product" includes electronic cigarettes or similar devices, alternative nicotine products and vapor products.

"Alternative nicotine product" means any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved or ingested by any other means.

"Vapor product" means any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape and size, that can be used to produce vapor from nicotine in a solution or other form. "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device, and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device.

"Imitation product" means any substance that is expressly represented or implied to be a controlled substance or simulate the effect and/or the appearance (color, shape, size, and markings) of a product.

Possession/use of substance containing tobacco and/or nicotine—A student will not unlawfully possess, use, or be under the influence of any substance containing tobacco and/or nicotine or any paraphernalia intended for the manufacture, sale, and/or use of tobacco/nicotine products in any building, area, or vehicle under the control of a county school system, including all activities or events sponsored by the county school district.

Special considerations according to West Virginia Code 16-9A-4: No person (student, staff member, or public guest) shall at any time use or distribute any tobacco or nicotine containing product on school property or during school sponsored events. Individuals

supervising students off school grounds are prohibited from distributing or using tobacco or nicotine containing products in the presence of students. An exception shall be made to allow possession/use of approved nicotine replacement product for tobacco cessation. WVBE Policy 2422.8-Medication Administration must be followed in order for students to use such products on school property or at school sponsored events.

Each school shall develop and enforce rules pertaining to disciplinary action that is appropriate for violations of this policy.

REFERENCE: WV Code 16-9A-2; WV Code 16-9A-3; WV Code 16-9A-4; WVDE State Board Policy 4373: Expected Behavior in Safe and Supportive Schools.

DATE: 2/15/16, 3/4/13, 4/12/10, 3/19/07, 4/16/91, 12/15/86