

# NORTHERN WESTMORELAND CAREER AND TECHNOLOGY CENTER

No. 222

SECTION: PUPILS  
TITLE: TOBACCO and VAPING USE  
ADOPTED: October 20, 2011  
REVISED: April 17, 2025

## Purpose

The Joint Operating Committee recognizes that tobacco and vaping products, including electronic cigarettes, presents a health and safety hazard that can have serious consequences for users, nonusers and the school. The purpose of this policy is to prohibit student possession, use, purchase and sale of tobacco and vaping products.

## Definition

For purposes of this policy, tobacco product encompasses not tobacco but also vaping products including electronic cigarettes (e-cigarettes). Tobacco products for purposes of this policy and in accordance with state law, shall be defined to include the following:

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, a cigarette, cigar, little cigar, chewing tobacco, pipe tobacco, snuff and snus.
2. Any electronic device that delivers nicotine or another substance to a person inhaling from the device including but not limited to, electronic nicotine delivery systems, an electronic cigarette, a cigar, a pipe and a hookah.
3. Any product containing, made or derived from either:
  - a. Tobacco, whether in its natural or synthetic form; or
  - b. Nicotine, whether in its natural or synthetic form, which is regulated by the United States Food and Drug Administration as a deemed tobacco product.
4. Any component, part or accessory of the product or electronic device listed in this definition, whether or not sold separately.

The term tobacco product does not include the following:

1. A product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such approved purpose, as long as the product is

## 222 TOBACCO and VAPING USE

not inhaled. NOTE: This exception shall be governed by Joint Operating Committee policy relating to Medications.

2. A device, included under the definition of tobacco product above, if sold by a dispensary licensed in compliance with the Medical Marijuana Act. NOTE: Guidance issued by the PA Department of Health directs schools to prohibit possession of any form of medical marijuana by students at any time on school property or during any school activities on school property. This exception shall be governed by Joint Operating Committee policy relating to Controlled Substances/Paraphernalia.

### Authority

The Joint Operating Committee prohibits possession and use, purchase or sale of tobacco products regardless of whether such products contain tobacco or nicotine, by or to students at any time in a center building; on school buses or other vehicles that are owned, leased or controlled by the center; on property owned, leased or controlled by the center; or at center-sponsored activities that are held off center property.

The Joint Operating Committee prohibits student possession or use of products marketed and sold as tobacco cessation products or for other therapeutic purposes, except as authorized in the Joint Operating Committee's Medication policy.

The Joint Operating Committee authorizes the confiscation and disposal of tobacco products prohibited by this policy.

In the case of a student with a disability, including a student for whom an evaluation is pending the center shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with law enforcement and Joint Operating Committee policies.

### Delegation of Responsibility

The Administrative Director or designee shall develop administrative<sup>3</sup> regulations to implement this policy.

The Administrative Director or designee shall notify students, parents/ guardians and staff about the Joint Operating Committee's tobacco and vaping products ~~use~~ policy by publishing information in the student handbook, parent newsletters, posted and by other efficient methods, such as posted notices, signs and on the center website.

### Reporting

#### Parental Report

The Administrative Director or designee shall notify the parent/guardian of any student directly involved in an incident involving possession, use, purchase or sale of a tobacco product, immediately, as soon as practicable. The Administrative Director or designee shall inform the parent/guardian whether the law enforcement agency that has jurisdiction over the center property has been or may be notified of the incident. The Administrative Director or designee shall document attempts made to reach the parent/guardian.

#### Annual School Safety and Security Incidents Report

The Administrative Director shall annually, by July 31, report all incidents of possession, use or sale of tobacco by students to the Pa. Department of Education on the required form.

#### Law Enforcement Incident Report

The Administrative Director or designee may report incidents of possession, use or sale of tobacco products by students on center property, at any center-sponsored activity or on a conveyance providing transportation to or from a center-sponsored activity to the law enforcement agency that has jurisdiction over the center's property, in accordance with state law and regulations, the procedures set forth in memorandum of understanding with law enforcement and Joint Operating Committee policies.

### Guidelines

A student who violates this policy shall be subject to prosecution initiated by the center and, if convicted, shall be required to pay a fine for the benefit of the school, plus court costs in lieu of the imposition of a fine, the court may admin the student to an adjudication alternative.

Tampering with devices installed to detect use of tobacco products shall be deemed in violation of this policy and subject to disciplinary action.

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### Legal

18 Pa. C.S.A. 6305  
18 Pa. C.S.A. Sec. 6306.1  
Pol. 210  
Pol. 227  
20 U.S.C. 7973  
22 PA Code 10.23  
20 U.S.C. 1400 et seq

## 222 TOBACCO and VAPING USE

Pol 103.1

Pol. 113.1

Pol. 113.2

Pol 805.1

22 PA Code 10.2

22 PA Code 10.25

24 P.S. 1306.2-B

24 P.S. 1319-B

22 PA Code 10.22

Pol. 218

P.S. 1850.1

20 U.S.C. 7114

20 U.S.C. 7118

20 U.S.C. 7971 et seq

34 CFR Part 300

Pennsylvania Department of Health Medical Marijuana Guidance for Schools and School Districts

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