



## Superintendent's Circular

NUMBER:  
HWD-06  
Version 01

### TOBACCO AND NICOTINE-FREE ENVIRONMENT POLICY

*This circular will remain in effect unless rescinded or superseded  
by a subsequent version.*

#### BACKGROUND

A Tobacco Policy Task Force met during the 2010-2011 school year to review the BPS smoking policy and develop recommendations for a comprehensive tobacco policy that addressed all tobacco products, including e-cigarettes or electronic vapor products for the Boston Public Schools. Task force members included representatives from Health Services, Facilities, Health & Wellness Department, School Safety, teachers, students, parents, and a high school head of school. The policy was updated again in the fall of 2019 to remain current with language around electronic cigarettes and best practices for vaping prevention.

The Tobacco and Nicotine-Free Environment Policy is motivated by the philosophy that every staff person, student, and visitor should have the right to breathe clean air in their school and work environment and that BPS is acutely aware of the serious health risks associated with the use of tobacco or nicotine products, both to users and non-users. The policy recognizes that the use or promotion of tobacco or nicotine products on school

grounds and at off-campus school-sponsored events is detrimental to the health and safety of students, staff, and visitors. BPS acknowledges that adult staff and visitors serve as role models for students and embraces its obligation to promote positive role models in schools, and to provide an environment for learning and working that is safe, healthy, and free from unwanted smoke and tobacco or nicotine product use, including vaping, for students, staff, and visitors. Therefore, a comprehensive policy was adopted to prohibit the use of any tobacco or nicotine products. The Boston Public Schools have prohibited smoking on school property since 1987 when the School Committee of the City of Boston first adopted a Smoking Policy.

A Tobacco-Free Environment Policy has been developed to comply with and extend beyond the Massachusetts Smoke-Free Workplace Law ([M.G.L. c. 270, § 22](#)) and [Boston's Clean Air Works Workplace Smoking Restrictions Regulation](#). Furthermore, this policy has been reinforced by the Education Reform Act of 1993 and M.G.L. c.71 § 2A. This policy is a part of the District Wellness Policy (HWD-01) and Healthy School Environment Policy (HWD-04) and is linked to the Drug and Alcohol Abuse Policy (SHS-01) and the Boston Public Schools Code of Conduct. Substance use intervention should be a part of a tiered approach that includes substance use prevention education for all students as a part of the comprehensive health education required in HWD-01.

## DEFINITIONS

**School property:** Includes inside and outside both administrative and school buildings, sidewalks/walkways, parking lots, playgrounds, fields, school buses and other official vehicles,

loading docks, and any other facility under BPS jurisdiction.

**Tobacco and nicotine products:** Include but are not limited to cigarettes, cigars, cigarillos (or little cigars), clove cigarettes, loose tobacco, blunt wrappers, chewing tobacco (chew, dip), or any other product not mentioned that contains tobacco of any kind. It also includes any products containing nicotine such as dissolvable nicotine, electronic cigarettes, nicotine gel, nicotine water, or any other preparation of tobacco and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, or offered for sale, or otherwise distributed, with the expectation that the product or matter will be introduced into the human body.

**Tobacco or nicotine paraphernalia:** Any device used to aid, ingest, light, burn, or consume tobacco products, including but not limited to pipes, rolling papers, lighters, and matches. This also includes the use of all electronic nicotine delivery systems or electronic smoking devices, such as e-cigarettes, e-cigars, e-hookahs, e-pipes, vape pens, and advanced personal vaporizers.

**Nicotine replacement products (NRP):** Products containing nicotine as an active ingredient that are intended to help a person quit smoking and are regulated through the FDA's Center for Drug Evaluation and Research. Over-the-counter NRPs are approved for sale to people 18 years and older. The US Public Health Service Clinical Practice Guideline on Treating Tobacco Use and Dependence does not recommend NRP as a component of pediatric tobacco use interventions. NRPs include skin patches, chewing gum, and lozenges. Prescription nicotine replacement therapy is also available; the products are FDA-approved only for use by adults. Electronic vapor products are

not considered FDA-approved nicotine replacement products.

## **POLICY**

BPS students shall not possess, use, consume, display, distribute, or sell any tobacco or nicotine products or tobacco or nicotine paraphernalia at any time on school property, at off-campus, school-sponsored events and extra-curricular activities, within vehicles located on school property, and within 50 feet of school property.

BPS staff, administrators, or visitors to BPS shall not use, consume, display, or sell any tobacco or nicotine products or any tobacco or nicotine paraphernalia at any time on school property, at off-campus, school-sponsored events, and extra-curricular activities, within vehicles located on school property, and within 50 feet of school property.

BPS staff and administrators shall not promote or allow the promotion of tobacco or nicotine products, tobacco brands, nicotine brands, or any tobacco or nicotine paraphernalia on school property, at off-campus, school-sponsored events, and extra-curricular activities, or within 50 feet of school property. This includes promotion of any corporate name, trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or any other indication of product identification identical or similar to those used for any brand of tobacco or nicotine product company, or manufacturer of tobacco or nicotine products through the use of any gear, bags, clothing, any personal articles, signs, structures, vehicles, flyers, or any other materials.

BPS will act to enforce this policy and to take appropriate action against any students, staff, administrators, or visitors who are

found to have violated this policy.

BPS staff and administrators will not solicit or accept any contributions, gifts, money, curricula, or materials from the electronic cigarette industry, tobacco industry, and tobacco or nicotine industry, or from any tobacco products shop. This includes, but is not limited to, donations, monies for scholarships, advertising, promotions, loans, or support for equipment, uniforms, and sports and/or training facilities. It shall also be a violation of this policy to participate in any type of service funded by any of the industries listed above.

***Exceptions/Exemptions:*** Tobacco and nicotine products, paraphernalia, devices, or imitation tobacco or nicotine products may be used for the following:

1. Instructional or work-related activities in Boston Public Schools if the activity is conducted by a staff member or an approved visitor and the activity does not include smoking, vaping, chewing, or otherwise ingesting the product.
2. Use by an adult (18 years and older) of a nicotine replacement product that has been approved by the US Food & Drug Administration for sale as a tobacco or nicotine cessation product, tobacco dependence product, or other medical purposes and is being marketed and sold solely for such an approved purpose.

## **IMPLEMENTATION GUIDELINES**

- A. Policy Owner:** The Office of Health & Wellness (Policy Owner) is responsible for the review and update of the

Tobacco Policy. The policy owner will provide policy communication and implementation support and guidance, including community resources for cessation and “Tobacco-Free” signage.

**B. Central Office Administration:** School superintendents and operational leaders are responsible for informing school principals and heads of school about the Tobacco Policy. [Central office leader] is responsible for informing all central office department heads, supervisors, and building administrators about the Tobacco Policy.

**C. Building Administrators (i.e., School Principals and Department Heads):** It is the responsibility of building administrators to ensure compliance with the Tobacco Policy at all BPS schools and buildings:

1. Supervise the implementation and enforcement of the policy at the school site.
2. Ensure that “Tobacco-Free” signs in accordance with the Boston Public Health Commission are prominently posted throughout the school property. Locations must include all entrances/exits to buildings (including basement and loading docks), athletic fields, playgrounds, school buses/transportation vehicles, bathrooms, and teacher lounges. If signs are needed, please contact the Office of Health & Wellness.
3. Ensure that no marketing or promotion of tobacco or nicotine products, tobacco brands, nicotine brands, or any tobacco or nicotine paraphernalia occurs on school property, at off-campus, school-sponsored events and extra-curricular activities, or within 50 feet

of school property, including branding on gear, bags, clothing, any personal articles, signs, structures, vehicles, flyers, or any other materials.

4. Ensure that any contributions, gifts, money, curricula, or materials from the electronic cigarette industry, tobacco industry, and tobacco or nicotine industry or from any tobacco products shop are neither solicited nor accepted.
5. Inform all staff, students, parents, and visitors of their obligations with respect to the policy.
  - a. This policy must appear in all student, family, and staff handbooks.
  - b. Staff must sign that they have been informed of the policy.
  - c. Inform students and employees how to anonymously report a violation to the Boston Public Health Commission: 617-534-4718.
  - d. Communicate this policy to all visitors, which includes vendors and those contracted to do work, and those permitted to use the building and facilities before school, after school, and on the weekends.
6. Make available information regarding tobacco smoking and nicotine cessation options for students, staff, and families.
7. Consider appointing a designee to support the implementation and enforcement of this policy.

**D. Boston Public Health Commission (BPHC):** The BPHC is

responsible for the implementation of the Workplace Smoking Restrictions Regulation. The authority to enforce this regulation is held by the BPHC, its subsidiary programs or designees; the City of Boston Inspectional Services Department; the City of Boston Police Department; and the City of Boston Fire Department. Anyone may anonymously report a violation to the BPHC. As a result, a school or department may receive:

1. In the case of a first violation a fine of two hundred dollars (\$200.00).
2. In the case of a second violation, within 24 months of the first violation, a fine of seven hundred dollars (\$700.00).
3. In the case of three or more violations within 24 months of the second or current violation, a fine of one thousand dollars (\$1000.00) for each violation.

**E. School Principals and Heads of School:** In accordance with the Comprehensive Health Education Policy (HWD-03), the school administration must ensure students are receiving the minimum health education course requirements and receiving substance use prevention education in line with BPS Health Education Frameworks and Student Learning Outcomes.

**F. BPS Staff:** In accordance with state law and local regulation, all BPS staff are required to follow the Tobacco Policy. The success of this policy will depend upon the thoughtfulness, consideration, and cooperation of both tobacco or nicotine users and non-users. All individuals on school properties



share in the responsibility to and enforcement of this policy.

1. Do not use, consume, display, or sell any tobacco or nicotine products or any tobacco or nicotine paraphernalia at any time on school property, at off-campus, school-sponsored events, and extracurricular activities, within vehicles located on school property, and within 50 feet of school property. *Exemptions are made for only the following instances:*
  - a. Instructional or work-related activities in Boston Public Schools if the activity is conducted by a staff member or an approved visitor and the activity does not include smoking, vaping, chewing, or otherwise ingesting the product.
  - b. Use by an adult (18 years and older) of a nicotine replacement product that has been approved by the US Food & Drug Administration for sale as a tobacco or nicotine cessation product, tobacco dependence product, or other medical purposes and is being marketed and sold solely for such an approved purpose.
2. No marketing or promotion of tobacco or nicotine products, tobacco brands, nicotine brands, or any tobacco or nicotine paraphernalia occurs on school property, at off-campus, school-sponsored events and extra-curricular activities, or within 50 feet of school property, including branding on gear, bags, clothing, any personal articles, signs, structures, vehicles, flyers, or any other materials.
3. Do not solicit or accept any contributions, gifts, money,

curricula, or materials from the electronic cigarette industry, the tobacco industry, and tobacco or nicotine industry or from any tobacco products shop.

4. Complaints regarding Tobacco Policy violations should be directed to building administrators who are responsible for following recommended disciplinary guidelines.
5. Anonymous complaints may also be directed to Boston Public Health Commission (617-534-4718) where school departments and schools may be subject to a fine as listed above in section D.
6. Consult the building administrator, school nurse, or the Boston Public Health Commission for information regarding tobacco smoking and nicotine cessation.
7. Substance use prevention education to discourage the use of tobacco and nicotine products shall be included in comprehensive health education. Staff responsible for teaching tobacco and nicotine-use prevention must have adequate training and will participate in ongoing professional development activities to effectively deliver the education program as planned.

**G. School Nurses** are responsible for working with the Health Services Department to provide local tobacco and nicotine-use cessation resources at the school buildings.

**H. Central Office:** Since youth substance use prevention and intervention must be a part of a multi-tiered approach, the following central office departments are responsible for supporting schools in these efforts:

1. Office of Health and Wellness is responsible for

providing training, instructional coaching, and instructional materials for substance use prevention education as a part of tier one comprehensive health education. Additionally, the office is responsible for maintaining health promotion materials and policy implementation support.

2. The Health Services Department is responsible for communicating cessation resource information to school nurses and training on the referral process for cessation services.
3. School Operations & Safety Division will communicate alternatives to suspension for students found in violation of the tobacco policy, including available workshops and other intervention programs.

## **VIOLATIONS**

Enforcement of this policy will be by school principals/heads of school, building administrators, and department heads. Penalties for violation of the Smoke-Free Workplace Law will be enforced by school officials, the Boston Public Health Commission, and their agents. It is recommended that building administrators, principals, and supervisors implement disciplinary measures consistent with the progressive measures section of the BPS Code of Conduct:

### **A. Students found in violation**

1. The first violation shall result in *one or all* of the following:
  - a. Confiscation of tobacco or nicotine products/paraphernalia

- b. Notifying student's family of the violation of policy and state law and recommend that families contact their primary care physician to discuss prevention and cessation interventions
  - c. Meeting with appropriate school staff and the student's family
  - d. Providing student referrals to available cessation programs
- 2. The second violation *shall result in*:
  - a. Confiscation of tobacco or nicotine products/paraphernalia
  - b. Notifying student's family of the violation of policy and state law and recommend that families contact their primary care physician to discuss prevention and cessation interventions
  - c. Providing student referrals to available cessation programs
  - d. *One or more* of the following:
    - i. Meeting with appropriate school staff and the student's family
    - ii. Participation in tobacco and nicotine education program
- 3. The third violation shall result in:
  - a. Confiscation of tobacco or nicotine products/paraphernalia
  - b. Meeting with appropriate school staff and the student's family
  - c. Participation in tobacco or nicotine education program. Failure to participate in the education program may result in a suspension.
  - d. *One or more* of the following:

- i. Community service
- ii. Suspension

**B. Staff found in violation**

1. Staff who are found to be in violation of this policy will be subject to discipline up to and including termination.
2. Department heads and building administrators (such as principals) shall be responsible for any fines administered by the Boston Public Health Commission to the school or department, as outlined in section D.

**C. Visitors found in violation**

1. Visitors who are observed violating this policy shall be asked to comply with the Tobacco and Nicotine-Free Environment Policy. If the visitor fails to comply with the request, they will be referred to the building administrator or another district supervisory personnel available. The supervisor shall decide on further action that may include a directive to leave school property.
2. Repeated violations may result in a recommendation to the school principal or building administrator to prohibit the individual from entering school district property for a specified time. If they refuse to leave, school police may be called to have the individual leave.

**For more information about this circular, contact:**

<b>Owner:</b>	Senior Executive Director of Health & Wellness
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# Superintendent's Circular HWD-06

Page 14 of 14

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