

INDEPENDENT SCHOOL DISTRICT 196  
Rosemount-Apple Valley-Eagan Public Schools  
*Educating our students to reach their full potential*

Series Number **406.5AR** Adopted **August 1988** Revised **October 2020**

Title **Tobacco-Free and Electronic Delivery Device-Free Environment**

1. No person shall at any time smoke, chew, or otherwise ingest tobacco, or carry or use an activated electronic delivery device in a public school. No student under the age of 21 shall possess any of these items. These prohibitions extend to all district property, which term shall include all facilities, whether owned, rented, or leased, and all vehicles that District 196 owns, leases, rents, contracts for, or controls.
  - 1.1 The success of this regulation depends on the cooperation of all employees, students and visitors.
  - 1.2 All people on district property shall be responsible for complying with this regulation.
  - 1.3 Nothing in this regulation shall prohibit the lighting of tobacco by an adult as a part of a traditional Indian spiritual or cultural ceremony.
2. Definitions – In accordance with Minnesota Statute 609.685, the following definitions apply.
  - 2.1 “Tobacco” means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product including but not limited to cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.
  - 2.2 "Electronic delivery device" means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that has been approved or certified by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is marketed and sold for such an approved purpose.
- 3 The following steps shall be taken if this regulation is violated.
  - 3.1 Employees
    - 3.1.1 First violation – The appropriate supervisor shall give informal verbal notice to the employee and remind the employee about the district’s regulation and the availability of tobacco cessation programs. The district may impose additional consequences, including discipline, if the violation is connected to other misconduct.

3.1.2 Further violations – The employee shall be subject to school district discipline procedures.

3.2 Students

3.2.1 In accordance with Administrative Regulation 503.3AR, Student Behavior Expectations and Consequences for Misbehavior, students are expected to comply with laws and regulations pertaining to the possession and use of tobacco and electronic delivery devices.

3.2.2 Violations should be reported to the building principal or his/her designee.

3.2.3 The building principal shall deal with the student in accordance with school discipline procedures and, when applicable, as required by Minnesota State High School League bylaws.

3.3 Visitors

3.3.1 Visitors are defined as parents, community residents, students and staff from other school districts, and all other persons on or in district property.

3.3.2 Visitors observed violating this regulation on district property should be asked to refrain from doing so.

3.3.2.1 A visitor who continues to violate this regulation on school property should be reported to the supervisory personnel present.

3.3.2.2 The supervisor shall take action which may include asking the person to refrain from violating this regulation or directing the person to leave district property.

3.3.3 Repeated violations may result in a recommendation to the superintendent that the person be prohibited from entering district property for a specified period of time.

3.4 Involvement of law enforcement officials

3.4.1 The administration may call in the local law enforcement agency to help enforce this regulation.

3.4.2 Violation of the Minnesota Clean Indoor Air Act, by smoking in a designated non-smoking area, is a petty misdemeanor and a court injunction can be instituted against a repeated violator.

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**Reference:** - Minnesota Statute 144.4165, Tobacco products prohibited in public schools  
- Minnesota Statute 609.685, Sale of tobacco to persons under age 21