TOBACCO

The Monterey County Board of Education (County Board) recognizes that tobacco use presents serious health risks and desires to provide support and assistance in reducing the number of students who begin or continue to use tobacco. The Monterey County Superintendent of Schools (County Superintendent) or designee should establish a comprehensive program that includes consistent enforcement of laws prohibiting tobacco possession and use by students, tobacco-use prevention education, and intervention and cessation activities and/or referrals.

Prohibition Against Tobacco Use

Students shall not smoke or use tobacco, or any product containing tobacco and/or nicotine, including, but not limited to, cigarettes, cigars, smokeless tobacco, snuff, chew, clove cigarettes, and electronic nicotine delivery systems, such as electronic cigarettes, electronic hookahs, and other vapor emitting devices, with or without nicotine content, that mimic the use of tobacco products any time, in MCOE-owned or leased buildings, on MCOE property, in MCOE vehicles, when traveling to and from school, or while attending school-sponsored events. However, this section does not prohibit the use or possession of prescription products, or other cessation aids such as nicotine patches or nicotine gum. Student use or possession of such products must conform to laws governing student use and possession of medications on school property. [Education Code 48900, 48901]

(cf. 3513.3 - Tobacco-Free Schools)
(cf. 5131 - Conduct)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Intervention/Cessation Services

The County Superintendent or designee may provide or refer students to counseling, intensive education, and other intervention services to assist in the cessation of tobacco use.

(cf. 1020 - Youth Services)

(cf. 5141.6 - School Health Services)
(cf. 6164.2 - Guidance/Counseling Services)

Prevention Instruction

MCOE shall provide developmentally appropriate tobacco-use prevention instruction for students at selected grade levels from K-12. Such instruction shall be aligned with state content standards and the state curriculum framework for health education and with any requirements of state and/or federal grant programs in which the MCOE participates.

(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6143 - Courses of Study)

Legal Reference:

EDUCATION CODE
48900 Suspension or expulsion (grounds)
48900.5 Suspension, limitation on imposition; exception
48901 Smoking or use of tobacco prohibited
51202 Instruction in personal and public health and safety
60041 Instructional materials, portrayal of effects of tobacco use

HEALTH AND SAFETY CODE
104350-104495 Tobacco-use prevention education
119405 Unlawful to sell or furnish electronic cigarettes to minors

PENAL CODE
308 Minimum age for tobacco possession

CODE OF REGULATIONS, TITLE 17
6800 Definition, health assessment
6844-6847 Child Health and Disability Prevention program; health assessments

UNITED STATES CODE, TITLE 20
7111-7117 Safe and Drug-Free Schools and Communities Act

CODE OF FEDERAL REGULATIONS, TITLE 21
1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

ATTORNEY GENERAL OPINIONS
88 Ops.Cal.Atty.Gen. 8 (2005)

Adopted: 08/04/99

Revised: 01/09/13; 02/19/14