

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

SUBJECT: Tobacco-Free Schools

The Governing Board recognizes the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, and desires to provide a healthy environment for students and staff.

(cf. 5131.62 - Tobacco)

(cf. 6143 - Courses of Study)

Therefore, the use of tobacco products is prohibited at all times on all property and in all facilities owned, leased, and/or operated by the Riverside County Office of Education, whether indoors or out of doors; and in all vehicles owned, leased, and/or operated by the Riverside County Office of Education. This prohibition applies to all employees, students, visitors and other persons in any program or at any meeting or event on any property owned, leased, or operated by or from the Riverside County Office of Education. This prohibition shall apply at any Riverside County Office of Education sponsored program, event or activity where students are present, even if such program, event, or activity is not on property owned, leased, or operated by the Riverside County Office of Education.

Smoking means inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, pipe, tobacco, or plant product intended for inhalation, whether natural or synthetic, in any manner or form, and includes the use of an electronic smoking device that creates aerosol or vapor or of any oral smoking device for the purpose of circumventing the prohibition of smoking. (Business and Professions Code 22950.5; Education Code 48901)

Tobacco products include: (Business and Professions Code 22950.5; Education Code 48901)

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, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff
2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah
3. Any component, part, or accessory of a tobacco product, whether or not sold separately

This policy does not prohibit the use or possession of prescription products and other cessation aids that have been approved by the U.S. Department of Health and Human Services, Food and Drug Administration, such as nicotine patch or gum.

Smoking or use of any tobacco-related products and disposal of any tobacco-related waste are prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. (Health and Safety Code 104495)

Riverside County Office of Education
Board Policy 3513.3 Tobacco-Free Schools

Legal Reference:

EDUCATION CODE

48900 Grounds for suspension/expulsion

48901 Prohibition against tobacco use by students

BUSINESS AND PROFESSIONS CODE

22950.5 Stop Tobacco Access to Kids Enforcement Act; definitions

HEALTH AND SAFETY CODE

39002 Control of air pollution from nonvehicular sources

104350-104495 Tobacco use prevention

104495 Prohibition of smoking and tobacco waste on playgrounds

104559 Tobacco use prohibition

119405 Unlawful to sell or furnish electronic cigarettes to minors

LABOR CODE

6404.5 Occupational safety and health: use of tobacco products

UNITED STATES CODE, TITLE 20

6083 Nonsmoking policy for children's services

PUBLIC LAW 107-110

4111-4117 Safe and Drug Free Schools and Communities Act

PERB RULINGS

Eureka Teachers Assn v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)

CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147)

Eureka Teachers Assn v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)

Management Resources:

WEB SITES

CDE: [California Department of Education Web Site](#)

California Department of Health Services: [California Department of Health Services Web Site](#)

Occupational Safety and Health Standards Board: [Occupational Safety and Health Standards Board Web Site](#)

Environmental Protection Agency: [Environmental Protection Agency Web Site](#)