

Policy #: 419
Title: TOBACCO-FREE ENVIRONMENT
Date of Initial Approval: 11-29-2012
Revision/Re-authorization Dates: 11-21-2013; 04-19-2018; 02-24-2021
Reviewers: MSA Human Resources; MSA Superintendent

I. PURPOSE

The purpose of this policy is to maintain a learning and working environment at the Minnesota State Academies (MSA) that is tobacco-free.

II. GENERAL STATEMENT OF POLICY

- A. A violation of this policy occurs when any student, employee of MSA, or another person smokes or uses tobacco, tobacco-related devices, or electronic cigarettes on the campuses or in the campus buildings of MSA. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that MSA owns, leases, rents, contracts for, or controls. In addition, this prohibition includes vehicles used, in whole or in part, for work purposes, if more than one person is present. This prohibition includes all MSA property and all off-campus events sponsored by MSA.
- B. A violation of this policy also occurs when any student possesses any type of tobacco, tobacco-related device, or electronic cigarette at MSA. The prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that MSA owns, leases, rents, contracts for, or controls and includes vehicles used, in whole or part, for school purposes, during hours of school operations. This prohibition includes all MSA property and all off-campus events sponsored by MSA.
- C. MSA will act to enforce this policy and to discipline or take appropriate action against any student, employee, or person who is found to have violated this policy.
- D. MSA will not promote or allow promotion of tobacco products or e-cigarettes on school property or at school-sponsored events.

III. DEFINITIONS OF TOBACCO AND TOBACCO-RELATED DEVICES

- A. "Electronic cigarette" means any oral device that provides a vapor of liquid nicotine, lobelia, and/or other similar substance, and the use or inhalation of which simulates smoking. The term shall include any such devices, whether they are manufactured, distributed, marketed, or sold as e-cigarettes, e-cigars, e-pipes, or under another product name or descriptor.
- B. "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; 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 tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco.

- C. "Tobacco-related devices" means cigarette papers or pipes/other devices for smoking.
- D. "Smoking" means inhaling or exhaling smoke from any lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product. Smoking also includes carrying a lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product intended for inhalation.

IV. EXCEPTIONS

- A. A violation of this policy does not occur when an American Indian adult lights tobacco on MSA property as a part of a traditional Indian spiritual or cultural ceremony. An American Indian is a person who is a member of an Indian tribe as defined under Minnesota law.
- B. A violation of this policy does not occur when an adult nonstudent possesses a tobacco or nicotine 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.

V. ENFORCEMENT

- A. All individuals on the MSA campuses shall adhere to this policy.
- B. Students who violate this tobacco-free policy shall be subject to MSA discipline procedures. Student-Athletes and participants in other extracurricular activities are also subject to discipline procedures outlined in the MSHSL participation contract.
- C. MSA employees who violate this tobacco-free policy shall be subject to MSA discipline procedures.
- D. MSA action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and/or federal law, and MSA policies.
- E. Persons who violate this tobacco-free policy will be referred to the MSA administrators responsible for the area or program at which the violation occurred.

- F. MSA administrators may call the local law enforcement agency to assist with enforcement of this policy. Smoking or use of any tobacco product in a public school is a violation of the Minnesota Clean Indoor Air Act and/or the Freedom to Breathe Act of 2007 and is a petty misdemeanor. A court injunction may be instituted against a repeated violator.

- G. No persons shall be discharged, refused to be hired, penalized, discriminated against, or in any manner retaliated against for exercising any right to a smoke-free environment provided by the Freedom to Breathe Act of 2007 or other law.

Legal References:

Minn. Stat. §§ 144.411-144.417 (Minnesota Clean Indoor Air Act)

Minn. Stat. § 609.685 (Sale of Tobacco to Children)

2007 Minn. Laws Ch. 82 (Freedom to Breathe Act of 2007)

Cross References:

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of Employees)

MSBA/MASA Model Policy 506 (Student Discipline)

MSBA Service Manual, Chapter 2, Students; Rights, Responsibilities and Behavior