

TOBACCO-FREE SCHOOLS

The Monterey County Board of Education (County Board) recognize the health hazards associated with tobacco products, including the breathing of second-hand smoke, and desires to provide a healthy environment for students and staff.

In accordance with state and federal law, smoking is prohibited in all MCOE facilities and vehicles. [20 USC 6083; Labor Code 6404.5]

Furthermore, the County Board prohibits the use of tobacco products at all times on Monterey County Office of Education (MCOE) grounds. This prohibition applies to all employees, students and visitors at any activity or event on property owned, leased or rented by or from MCOE.

Prohibited products include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, and nicotine delivery devices 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-owned property, and in MCOE-owned vehicles. 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.

Smoking or use of any tobacco-related products and disposal of any tobacco-related waste are prohibited within 20 feet of any MCOE-owned or leased buildings, on MCOE property and MCOE vehicles. [Health and Safety Code 104420; Labor Code 6404.5; 20 USC 6083]

The Monterey County Superintendent of Schools or designee should inform students, parents/guardians, employees and the public about this policy and related procedures.

Signs prohibiting the use of tobacco shall be prominently displayed at all entrances to MCOE property.

Legal Reference:

EDUCATION CODE

48900 *Grounds for suspension/expulsion*
48901 *Prohibition against tobacco use by students*

HEALTH AND SAFETY CODE

39002 *Control of air pollution from nonvehicular sources*
104350-104495 *Tobacco use prevention, especially:*
104495 *Prohibition of smoking and tobacco waste on playgrounds*
119405 *Unlawful to sell or furnish electronic cigarettes to minors*

LABOR CODE

6304 *Safe and healthful workplace*
6404.5 *Occupational safety and health; use of tobacco products*

UNITED STATES CODE, TITLE 20

6083 *Nonsmoking policy for children's services*
7100-7117 *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*

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)

Adopted: 06/25/14