

**Greater Albany SD 8J  
Board Policy**

Code: **JFCG**  
Adopted: 5/12/86  
Revised/Readopted: 3/12/01; 7/12/04; 2/28/05;  
4/13/07; 8/13/07; 1/13/14;  
8/24/15  
Orig. Code(s): BP 5321

**Prohibited Use, Possession, Distribution or Sale of Tobacco Products and  
Inhalant Delivery Systems**

It is the district's obligation to protect the health, welfare and safety of students. To be consistent with Oregon law and district curriculum, student possession, use, distribution or sale of tobacco products or inhalant delivery systems in any form, is prohibited on district premises, at school sponsored activities, on or off district premises, on all district grounds, including parking lots, in any vehicle owned, leased, rented or chartered by the district or otherwise while the student is under the jurisdiction of the district.

For the purpose of this policy "tobacco products" is defined to include, but not limited to, any lighted or unlighted cigarette, cigar, pipe, clove cigarette, and any other smoking product, spit tobacco, also known as smokeless, dip, chew or snuff, in any form. This does not include USFDA approved tobacco products or other therapy products used for the purpose of cessation.

For the purpose of this policy, "inhalant delivery system" means a device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to a person inhaling from the device; or a component of a device or a substance in any form sold for the purpose of being vaporized or aerosolized by a device, whether the component or substance is sold or not sold separately. This does not include USFDA-approved tobacco products or other therapy products marked and sold solely for the approved purpose.

Violation of this policy will lead to appropriate disciplinary action up to and including expulsion for students. When considering disciplinary action for a student with disabilities, the district must follow the requirements of Board Policy JGDA/JGEA, Discipline of Students with Disabilities, including those involving functional behavioral assessment, change of placement, manifestation determination and an interim alternate educational setting. Community or school service may be required. A referral to law enforcement may be made. Parents or guardians<sup>1</sup> will be notified of all violations involving their student and subsequent action taken by the school. Information about cessation support and/or tobacco education programs and how students can access these programs will be provided. At the discretion of the building principal, attendance and completion of such programs, or successful completion of a behavior modification plan, may be allowed as a substitute for, or as part of student discipline. If modifying the

---

<sup>1</sup>As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005 (4) and 125.300 - 125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 581-015-0005 (18).

student's discipline through the student's voluntary participation in tobacco cessation classes, the student does so at the student's or parent's or guardian's own expense.

In accordance with Oregon law, any person under age 18 possessing a tobacco product commits a Class D violation and is subject to a court-imposed fine as provided by ORS 167.400. Any person who distributes, sells or causes to be sold, tobacco in any form or a tobacco-burning device, to a person under 18 years of age commits a Class A violation and is subject to a fine as provided by ORS 163.575.

Violation of this policy by non-students may result in the individual's removal from district property. The district reserves the right to restrict access to district property by individuals who are repeat offenders.

The superintendent will develop administrative regulations as needed to implement this policy.

END OF POLICY

---

**Legal Reference(s):**

[ORS 109.056](#)  
[ORS 125.005\(4\)](#)  
[ORS 125.300-125.325](#)  
[ORS 163.575](#)  
[ORS 167.400](#)  
[ORS 332.107](#)  
[ORS 336.222](#)  
[ORS 336.227](#)  
[ORS 339.240](#)  
[ORS 339.250](#)

[ORS 419B.373](#)  
[ORS 431.840](#)  
[ORS 431.845](#)  
[ORS 433.835 - 433.990](#)  
  
[OAR 581-015-0005\(18\)](#)

[OAR 581-021-0050 to -0075](#)  
[OAR 581-021-0110](#)  
[OAR 581-022-0413](#)  
[OAR 581-053-0015](#)  
[OAR 581-053-0545\(4\)\(c\)\(R\)-\(T\)](#)  
[OAR 581-053-0550\(5\)\(q\)-\(s\)](#)

Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084

**Cross Reference(s):**

GBK - Tobacco Use  
KGC - Tobacco Use on District Premises by Public