

TOBACCO PRODUCTS BAN

USE OF TOBACCO PRODUCTS STRICTLY PROHIBITED IN ALL SCHOOL FACILITIES
AND ON SCHOOL GROUNDS

No person shall at any time use any tobacco product in any facility maintained by the school district, or on any of the grounds of the district.

Tobacco products means cigarettes, cigars, snuff, smokeless tobacco, products containing tobacco, and tobacco in any other form.

Facility is any enclosed place or portion of such place which is supported by public funds and which is used for the instruction of students enrolled in preschool programs and in all grades maintained by the district. This definition shall include all administrative buildings and offices and areas within facilities supportive of instruction and subject to educational administration including, but not limited to, lounge areas, passageways, rest rooms, laboratories, classrooms, study areas, cafeterias, gymnasiums, maintenance rooms, and storage areas.

Signs will be placed by the District in all buildings, facilities and school vehicles stating that the use of tobacco products is prohibited. The advertising and promotion of alcohol, drugs and tobacco products on school grounds and at school-sponsored events, including logos and graphics on clothing, is prohibited.

It is the responsibility of the building principal, or designees, to initially enforce this policy by requesting that any person violating this policy immediately cease the use of tobacco products. After this request is made, if any person refuses to refrain from using tobacco products in violation of this policy, the principal or designees may call the Amherst Police Department who shall then be responsible for all enforcement proceedings and applicable fines and penalties.

STUDENTS

No student shall purchase, attempt to purchase, possess or use any tobacco product in any facility, in any school vehicle, private vehicle on school grounds, or anywhere on school grounds maintained by the District.

Enforcement of this prohibition shall initially rest with the building principal, or designees who report any violation to the Amherst Police Department. In accordance with state law, these officials shall then be responsible for all enforcement proceedings and applicable fines and penalties.

In addition to whatever criminal penalties or fines may result from a violation of this policy, any student who violates this policy is also subject to disciplinary action by school officials. Regulations (JICG-R) will be established which cover the disciplinary action to be taken for violation of this policy.

EMPLOYEES

No employee shall at any time use any tobacco product in any facility, in any school vehicle, or anywhere on school grounds maintained by the school district.

Initial responsibility for enforcement of this prohibition shall rest with the building principal or designees. The principal may report violations to the Amherst Police Department. In accordance with state law, these officials shall then be responsible for all enforcement proceedings and applicable fines and penalties.

In addition to any applicable fines or penalties which may result from enforcement of these prohibitions by law enforcement officials, any employee who violates this policy is subject to disciplinary action, which may include warning, suspension, and dismissal. The principal will develop and implement the appropriate means of notifying employees of the possible disciplinary consequences of violating this policy.

ALL OTHER PERSONS

No visitor shall at any time use any tobacco product in any facility, in any school vehicle, or anywhere on school grounds maintained by the district.

Responsibility for enforcement of this prohibition shall rest with all school district employees who may report violations to the Amherst Police Department. In accordance with state law, Amherst law enforcement officials shall then be responsible for all enforcement proceedings and applicable fines and penalties.

ADOPTION: September 1997

REVISION: August 1999

STATUTORY REFERENCES

RSA 78, regarding youth access to tobacco products, is amended to further restrict minors from receiving tobacco product samples, access to unmonitored cigarette vending machines, etc., and providing for civil fines by the Commissioner of Revenue Administration.

RSA 126 is similarly amended, and requires sellers to seek a picture ID from any person who does not appear to be at least 18 years of age and seeks to buy tobacco products.

RSA 126-I:6 provides that no person under age 18 shall attempt to purchase, possess, or use any tobacco products, nor misrepresent his or her age to purchase same. Any minor violating this section (RSA 126-I:6) may be fined not to exceed \$100 per offense, or required to complete up to 20 hours of community service, or both, and where available, they may be required to participate in a tobacco education program. A person age 12 or older violating this section may be given an adult citation, and need to be treated as a CHINS, notwithstanding **RSA 169-B and D**.

RSA 126-I:7 prohibits use of any tobacco product by any person in or on the grounds of any public educational facility, punishable by a fine of not to exceed \$100 per offense.

RSA 126-I:8 provides that no person shall furnish or sell tobacco products to a minor who has a note from an adult requesting such to happen. Violations of that section will be a civil infraction punishable by the State Liquor Commission against licensees.

RSA 126-I:19 gives state, county and local law enforcement officers authority to enforce these regulations. All fines imposed shall be paid to the unit of government bringing the charges.

RSA 126-I:14 allows units of government to adopt local ordinances regarding youth possession of tobacco that are more stringent than the State law.

RSA 78-12-b and c, relative to prohibiting sales of tobacco products to minors and possession of tobacco by minors, are repealed and replaced by these new laws.

Effective Date: January 1, 1998