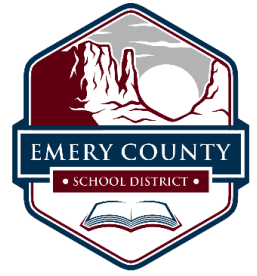


# Emery County School District



## Policy: JICG—Smoking, Vaping, and Tobacco Use by Students

Date Adopted: 20 April 1988

Current Review / Revision: 13 May 2026

Tobacco is the number one killer and the leading cause of preventable death in Utah. To support and encourage a healthy lifestyle for students the Board of Education establishes the following smoking/vaping/tobacco policy.

Age-appropriate tobacco use prevention instruction shall be incorporated into the District's health curriculum.

The word tobacco shall include cigarettes, cigars, pipes, smokeless tobacco, dissolvable tobacco, e-cigarettes/vaping, and any other nicotine delivery device.

### Definitions—

1. "Electronic cigarette" means an electronic oral device that provides an aerosol or a vapor of nicotine or other substance and that simulates smoking through its use or through inhalation of the device, including but not limited to an oral device that is composed of a heating element, battery, or electronic circuit and marketed, manufactured, distributed as an e-cigarette, e-cigar, e-pipe, or any other name or description if the function of the product meets this definition. It also includes a component of such a device or an accessory sold in the same package as the device. It does not include a medical cannabis device as defined by [Utah Code § 26B-4-201](#).

[Utah Code § 76-9-1101\(4\) \(2025\)](#)

2. "Electronic cigarette substance" means any substance, including liquid containing nicotine, used or intended for use in an electronic cigarette.

[Utah Code § 76-9-1101\(6\) \(2025\)](#)

3. "Electronic cigarette product" means an electronic cigarette, an electronic cigarette substance, or a prefilled electronic cigarette.

[Utah Code § 53G-1-103 \(2025\)](#)

[Utah Code § 76-9-1101\(5\) \(2025\)](#)

4. "Prefilled electronic cigarette" means an electronic cigarette that is sold prefilled with an electronic cigarette substance.

[Utah Code § 76-9-1101\(14\) \(2025\)](#)

5. "Nicotine product" means an alternative nicotine product or a nontherapeutic nicotine product as defined by Utah Code § 76-9-1101.

[Utah Code § 76-9-1101\(9\) \(2025\)](#)

#### Tobacco—

Students may not possess, use, or distribute tobacco or tobacco products on school property or during any school activity (whether or not it takes place on school property).

[Utah Code § 53G-8-209\(2\)\(b\)\(ii\)\(B\) \(2025\)](#)

[Utah Code § 53G-8-210\(1\)\(a\)\(ii\) \(2020\)](#)

#### Nicotine Products—

Students may not possess, use, or distribute any nicotine product on school property or during any school activity (whether or not it takes place on school property).

[Utah Code § 53G-8-209\(2\)\(b\)\(ii\)\(B\) \(2025\)](#)

[Utah Code § 53G-8-210\(1\)\(a\)\(ii\) \(2020\)](#)

#### Electronic Cigarette Products—

Students may not possess, use, or distribute any electronic cigarette product on school property or during any school activity (whether or not the activity takes place on school property). Students violating this prohibition are subject to discipline under Policy FHA and to action under Policy FF Student Activities and under Policy FHAE Safe Schools: Disruptive Student Behavior.

[Utah Code § 53G-8-203\(3\)\(b\) \(2025\)](#)

[Utah Code § 53G-8-209\(2\)\(b\)\(ii\)\(B\) \(2025\)](#)

[Utah Code § 53G-8-210\(1\)\(a\)\(ii\) \(2020\)](#)

All tobacco and non-medical nicotine products, which have not been approved by the FDA for cessation, are prohibited entirely in all Emery County School District owned buildings, facilities, grounds, and District owned vehicles. This includes all days when school is not in session and all functions taking place on school property, such as athletic events and other activities not associated with or sponsored by the School District.

The use or possession of tobacco or any tobacco product, including smokeless tobacco, for students under the age of 19 is against Utah State Law. Violators are disciplined according to state law, USBE rule, district and school policy but not under the Controlled Substance Act unless the inhaled substance contains illegal additives. Therefore, violators on school property, in district vehicles, at school-sponsored activities, or within 1,000 feet of school property, or while attending school sponsored activities away from school, shall be issued citations by the school administration, and/or law enforcement authorities, and subsequent action may be taken. School employees who witness student tobacco use in violation of this policy shall refer such use to the appropriate school administrator for action.

#### Confiscation and Disposal of Electronic Cigarette Products—

Any electronic cigarette product found in the possession or control of a student on school property or at a school activity (including such products found in student lockers, desks, or similar locations) shall be confiscated by staff and shall be destroyed or otherwise disposed of. However, if the electronic cigarette product is suspected to contain illegal controlled substances or to be used to consume illegal controlled substances, a school administrator may release the product to law enforcement upon request of law enforcement as part of an investigation or action rather than destroying or destroying the confiscated product. (For purposes of this exception, nicotine or other tobacco derivatives are not considered illegal controlled substances.)

[Utah Code § 53G-8-203\(3\)\(b\), \(c\) \(2025\)](#)

[Utah Code § 53G-8-508\(2\) \(2020\)](#)

Schools shall, in addition to the above, for repeat violators, have students participate in a smoking cessation class, or place the student on in-school or out-of-school suspension.

### **Tobacco Use / Possession**

- 1) Disciplinary action, independent of any court action, shall be taken by the school in cases involving the use, possession, sale, or distribution of tobacco and vaping products. For a first violation, the principal or designee shall confiscate the product and notify the parents/guardians. Regarding vaping and vaping paraphernalia, administrators are required to confiscate such items and destroy them. A school official may release a confiscated electronic cigarette product suspected to contain illegal controlled substances or used to consume illegal controlled substances to law enforcement as part of an investigation or action in lieu of disposing or destroying the confiscated electronic cigarette product. The principal or designee may also:
  - a) submit a court referral where allowed; and
  - b) refer the student to a cessation program.
- 2) For the second violation the principal or designee shall:
  - a) confiscate the product;
  - b) submit a court referral where allowed;
  - c) notify parents/guardians;
  - d) suspend student from school for up to ten (10) days; and
  - e) order the student to complete a cessation program.
- 3) For the third and subsequent violations, the principal or designee shall:
  - a) confiscate the product;
  - b) submit a court referral where allowed;
  - c) notify parents/guardians;
  - d) suspend student from school for up to ten (10) days; and
  - e) begin immediate expulsion procedures.
- 4) If a student desires to return to school after the suspended or expulsion time, he/she must show evidence of being enrolled in or, having completed the cessation program and must be in acceptable standing with the school administration.

Possession of tobacco/vaping paraphernalia by students, including lighters and matches, is strictly prohibited on school district property or at school related activities and may result in disciplinary action as determined appropriate by the school administration.

Advertising of tobacco/vaping products is prohibited in school buildings, on school property, at school functions and in all school publications. This includes clothing that advertises tobacco products.

Any student who is interested in quitting tobacco/vaping use may take the cessation classes on a voluntary basis. Students will not be penalized in any way for requesting to take the cessation classes on a voluntary basis. The school will make every effort to assist the student in accessing the program.

### **Searches and Seizures**

To enforce this policy, the District reserves the right to conduct searches and seizures in accordance with standards established by the U.S. Supreme Court and the State of Utah. The administration shall provide staff with current information and training regarding those standards.

Previous Revision - 8 January 2020