

Adopted: 4-20-2016  
Revised: 11-13-2020

**NORTH METRO FLEX ACADEMY**  
**POLICY No. 5.5.3**  
**TOBACCO FREE ENVIRONMENT**

**I. PURPOSE**

The Board of North Metro Flex Academy (NMFA) recognizes that the use of tobacco presents a health hazard to both the user of tobacco and to persons subject to second hand smoke. The purpose of this policy is to describe the Board's position with respect to tobacco use on school property and at extracurricular events.

**II. POLICY STATEMENT**

For the health and well-being of students, employees, and the public who visit NMFA buildings and grounds, it is the policy of NMFA to prohibit tobacco use.

**III. TOBACCO USE PROHIBITED**

No person shall at any time smoke, chew, or otherwise ingest tobacco or a tobacco product, or carry or use an activated electronic delivery device as defined in MN Statutes section [609.685, subdivision 1](#), in a public school, as defined in MN Statutes section [120A.05, subdivisions 9, 11, and 13](#), or in a charter school governed by chapter 124E, and no person under the age of 18 shall possess any of these items. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls. Nothing in this section shall prohibit the lighting of tobacco by an adult as a part of a traditional Indian spiritual or cultural ceremony.

This prohibition also extends to NMFA staff and students while at any school sponsored function, regardless of whether the function takes place on school grounds. Violations of this prohibition will be subject to appropriate discipline.

**IV. DEFINITIONS**

Minnesota Statutes 609.685 subdivision 1. **Definitions.** For the purposes of this section, the following terms shall have the meanings respectively ascribed to them in this section.

- (a) "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 including but not limited to 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 tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.

(b) "Tobacco-related devices" means cigarette papers or pipes for smoking or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of aerosol or vapor of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.

(c) "Electronic delivery device" means any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption through inhalation of aerosol or vapor from the product. Electronic delivery device includes but is not limited to devices manufactured, marketed, or sold as electronic cigarettes, electronic cigars, electronic pipe, vape pens, modes, tank systems, or under any other product name or descriptor. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device excludes drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.

***Legal References:***

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

Minn. Stat. Ann. §144.4165 (Tobacco Products Prohibited in Public Schools)