



# Alternatives to Suspension for Commercial Tobacco Use in K-12 Settings

# TODAY'S AGENDA

- **Current data on tobacco product use among students.**
- **What school districts should know about nicotine addiction.**
- **PHLC's model policy provisions, including alternatives to suspension in enforcement.**
- **Vape Detection Devices.**
- **Q&A/Discussion**



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**EQUALITY:**  
Everyone gets the same – regardless if it's needed or right for them.



**EQUITY:**  
Everyone gets what they need – understanding the barriers, circumstances, and conditions.



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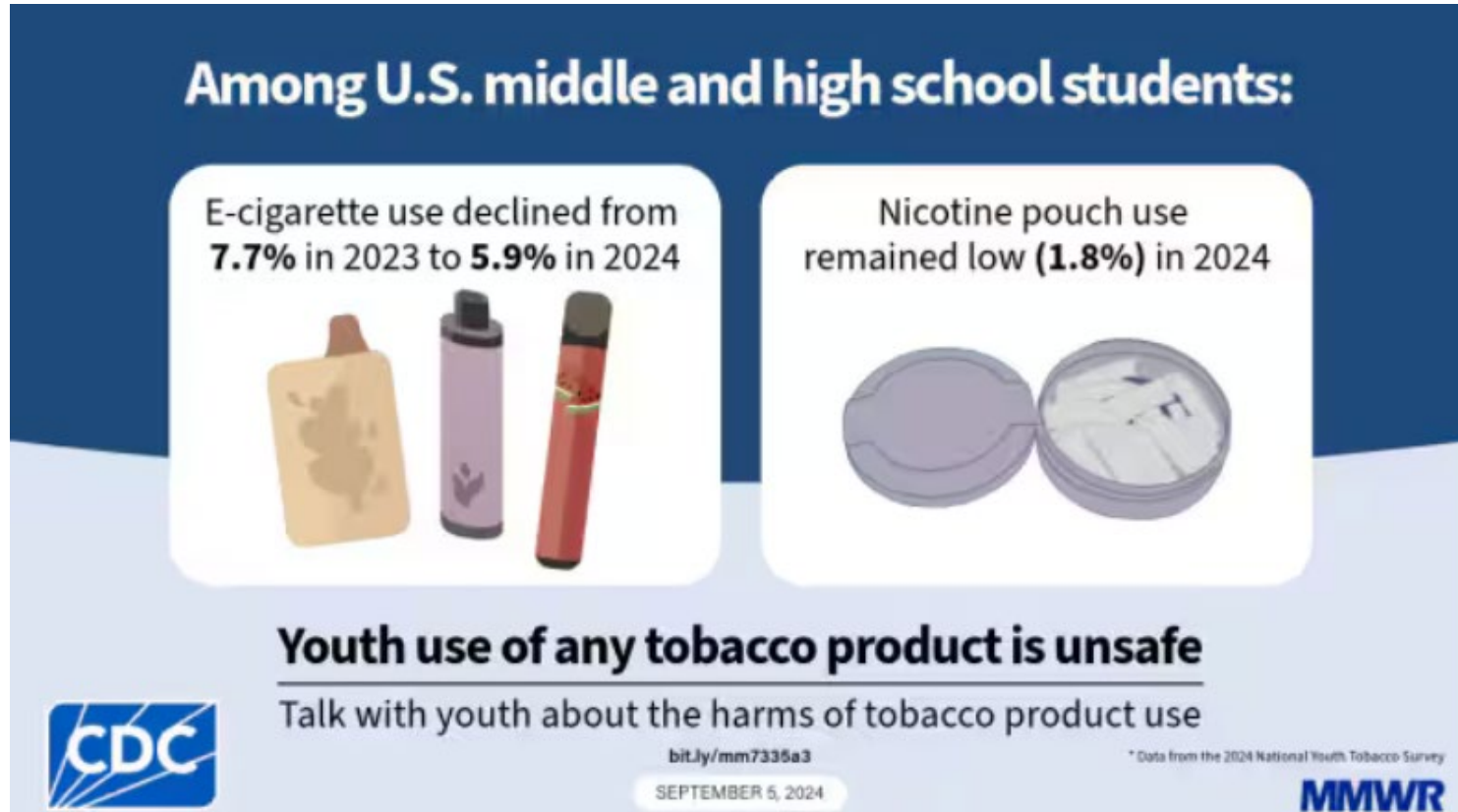


based on work for First Nations Health Authority at Gathering Wisdom VI Drawing CHANGE

Image credit: [Sam Bradd](#)

# Current Data on Tobacco Use Among Students

# COMMERCIAL TOBACCO PRODUCT USE AMONG MIDDLE AND HIGH SCHOOL STUDENTS, 2024



**CDC Report:**  
“Nicotine pouch use remained low (1.8%) in 2024.”

**But is this *really* good news when the 2024 rate is nearly double (1.7x) the 1.1% use level in 2022?**

Source: cdc.gov: [Notes from the Field: E-Cigarette and Nicotine Pouch Use Among Middle and High School Students — United States, 2024 | MMWR \(cdc.gov\)](#)

# What School Districts Should Know About Nicotine Addiction

# WHAT SCHOOL DISTRICTS SHOULD KNOW: NICOTINE CONTENT COMPARED TO CIGARETTES



Loon Air:  
6000 puffs (13 ml x 60 mg)  
**= 26 packs of cigarettes**



Loon Pluto: 2500+Puffs  
(6 ml x 50 mg)  
**= 10 packs of cigarettes**



Loon Juice Box:  
4000+Puffs (14 ml x 50 mg)  
**= 23 packs of cigarettes**

# WHAT SCHOOLS DISTRICTS SHOULD KNOW: THE HEALTH RISKS OF NICOTINE USE

## SMOKING NICOTINE IS LINKED TO:



CANCER



LUNG DISEASES  
& EMPHYSEMA



HEART ATTACKS &  
VASCULAR DISEASES



ANEURYSMS


*E-cigarette users, including young adults, displayed worrisome changes in cardiovascular function and performed significantly worse on exercise stress testing than people who did not use any nicotine products.*

2022 preliminary study, University of Wisconsin School of Medicine


Image Credit: [www.confirmbiosciences.com](http://www.confirmbiosciences.com)

# **PUBLIC HEALTH LAW CENTER'S K-12 MODEL POLICY: Key Policy Provisions**

# PHLC RESOURCES FOR K-12 SCHOOLS

 **PUBLIC HEALTH LAW CENTER**  
at Mitchell Hamline School of Law


**TOBACCO-FREE SCHOOLS**

November 2019 

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## COMMERCIAL TOBACCO-FREE K-12 SCHOOL MODEL POLICY

### Questions & Answers


 The use or promotion of commercial tobacco products<sup>1</sup> on school grounds and at off-campus school-sponsored events is detrimental to the health and safety of students, staff, and visitors.

Under federal law, smoking is prohibited in any kindergarten, elementary, or secondary school or library serving children under the age of 18 years if federal funds are used in the school.<sup>2</sup> Many states also have laws that restrict commercial tobacco use, including electronic cigarettes, in public K-12 schools.<sup>3</sup> However, federal law and many state laws do not cover outdoor school grounds.




[www.publichealthlawcenter.org](http://www.publichealthlawcenter.org)

[Tobacco-Free-K-12-Model-Policy-Q-and-A-2019](#)


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## COMMERCIAL TOBACCO-FREE K-12 SCHOOL MODEL POLICY

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To promote an environment free of commercial tobacco in primary and secondary schools, the Public Health Law Center has prepared a comprehensive model policy that school districts and schools may adopt.



[www.publichealthlawcenter.org](http://www.publichealthlawcenter.org)

[K-12-school-SF-model-policy](#)

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## STUDENT COMMERCIAL TOBACCO USE IN SCHOOLS

### Alternative Measures

 School policies regulating the use and possession of commercial tobacco products, including electronic delivery devices (e.g., e-cigarettes, vaping devices, JUUL, Suorin), often contain punitive measures for student violations.

This publication provides sample language and ideas for evidence-based solutions and information as to why these alternative measures may be more effective than suspension and expulsion at addressing student tobacco use and nicotine addiction as part of a school's Commercial Tobacco-Free Policy.



The sample language for alternative measures in this publication is part of the Public Health Law Center's comprehensive *Commercial Tobacco-Free K-12 School Model Policy*.

[Student-Commercial-Tobacco-Use-in-Schools-Alternative-Measures-2019](#)

# KEY COMPONENTS OF PHLC'S MODEL K-12 POLICY SUMMARY

- Comprehensive definition of commercial tobacco products, including non-nicotine containing substances in e-cigarettes.
- Prohibits certain items on campus, and at off-campus, school-sponsored events:
  - Tobacco products and tobacco-related devices, including e-cigarettes,
  - Imitation tobacco products (such as candy cigarettes)
  - Lighters.
- Prohibits donations/curricula from tobacco-related industries;
- Prohibits brand promotion of tobacco products; and
- Includes effective and holistic enforcement options for student infractions that do not include suspension and expulsion.

# KEY COMPONENTS OF THE MODEL

- Findings
- Purpose
- Definitions
- Policy provisions
- Exceptions
- Opportunities for cessation/peer support programs
- **Enforcement**
- Effective date

# KEY COMPONENTS OF THE MODEL FINDINGS AND PURPOSE

## II. Purpose

- (A) [ The [ district name ] Board of Education ] / [ school name ] recognizes that the use of commercial tobacco products, including electronic delivery devices, is a health, safety, and environmental hazard for students, staff, visitors, and school facilities. The board is acutely aware of the serious health risks associated with the use of commercial tobacco products, including electronic delivery devices, to users and non-users. The [ board/school ] believes that the use or promotion of commercial tobacco products, including electronic delivery devices, on school grounds and at off-campus school-sponsored events is detrimental to the health and safety of students, staff, and visitors.
- (B) The [ board/school ] also believes accepting gifts or materials from the tobacco industry will send an inconsistent message to students, staff, and visitors.
- (C) The [ board/school ] acknowledges that adult staff and visitors serve as role models for students. The board embraces its obligation to promote positive role models in schools and to provide an environment for learning and working that is safe, healthy, and free from unwanted smoke or aerosol and other commercial tobacco use for the students, staff, and visitors.

THEREFORE, the [ board/school ] adopts the following commercial tobacco-free policy:

# KEY COMPONENTS: COMPREHENSIVE DEFINITIONS FOR COVERAGE, CLARITY, AND COMPLIANCE

## What

- Smoking, use, carrying/possessing
  - Electronic delivery device
  - Cigarettes, cigars, other combustibles
  - Smokeless (chew)
- Promotion, selling

## Who

- Parent/guardian
- Administrator
- Staff
- Student
- Visitor
- Tobacco Industry

## Where/When

- Any time, 24/7
- Off-campus, school-sponsored event
- School (inside)
- School (outdoor property)

# KEY COMPONENTS OF THE MODEL POLICY PROVISIONS

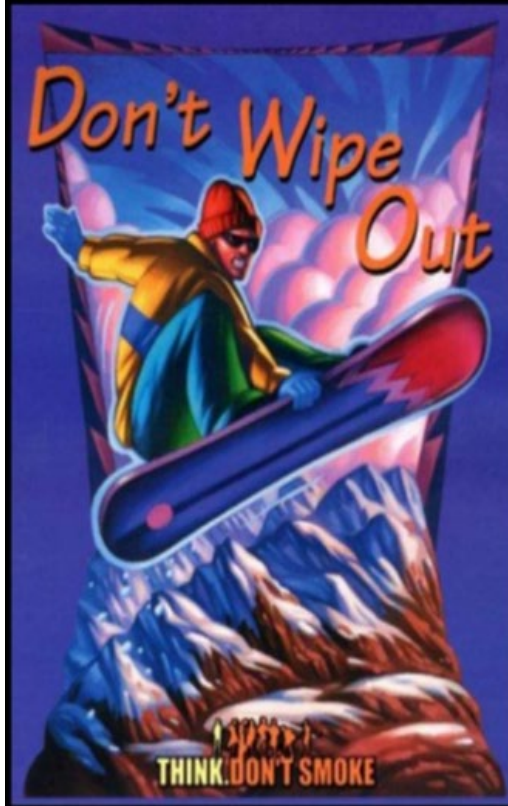
- **Students**— Prohibited from possessing, using, consuming, displaying, promoting, or selling:
  - Any tobacco products, tobacco-related devices, imitation tobacco products, or lighters
  - At any time
  - On school property or at any off-campus, school-sponsored event.
- **Staff/Administrators/Visitors**—Prohibited from using, consuming, displaying, activating, promoting, or selling:
  - Any tobacco products, tobacco-related devices, imitation tobacco products, or lighters
  - At any time
  - On school property or at any off-campus, school-sponsored events.

## **KEY COMPONENTS OF THE MODEL POLICY PROVISIONS**

- Prohibits schools/districts from accepting **tobacco-industry** sponsorship, donations, money, curricula.
- Prohibits any person from **promoting** tobacco products, tobacco-related devices, or imitation tobacco products. This includes promotions on signs, gear, clothing, etc.

# KEY COMPONENTS: SPONSORSHIP, PROMOTION AND FUNDING MISINFORMATION; TARGETED MARKETING

Book Cover, part of the "Think. Don't Smoke" antismoking campaign by Philip Morris (2000)



## subliminal advertising

the campaign was widely criticized for delivering an underlying subliminal message about cigarettes:

"the snowboard looks like a lit match. The clouds look like smoke, the mountains look like mounds of tobacco at an auction."

Philip Morris, reported that even though the company had changed they would "think long and hard because maybe people are not yet ready for us to supply something like a book cover."

the implication: the problem rested with the community, who had not accepted the new, responsible company policies.



Search



Rep. Krishnamoorthi Examines Juul's Marketing Strategy

<https://www.youtube.com/watch?v=gnwBL7ycWEY>

6/6/2025

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# KEY COMPONENTS OF THE MODEL EXCEPTIONS

- Use of tobacco products and devices as part of an indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice.
- If included in instructional or work-related activity, but not smoked, chewed or otherwise ingested.
- Non-students age 18 and over may have products that have been approved by the U.S. Food and Drug Administration for sale as tobacco cessation product, as a tobacco dependence product, or for other medical purposes for use.
  - **E-cigarettes are not approved cessation products.**

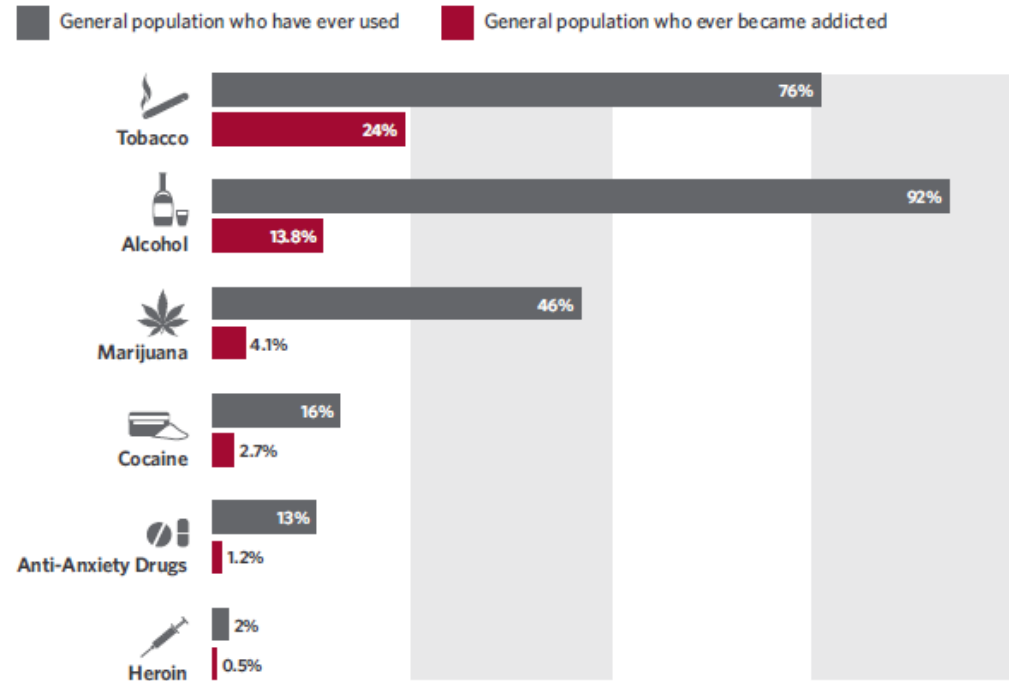
# **ENFORCEMENT: Supportive Disciplinary Practices**

# SO WHY ARE SUSPENSION AND EXPULSION INEFFECTIVE PENALTIES?

## They fail to account for:

- Targeted marketing to youth
- The science of nicotine addiction and the adolescent brain
- Long-term consequences of missing school

Drugs People Get Hooked On<sup>22</sup>



# KEY COMPONENTS OF THE MODEL: ENFORCEMENT

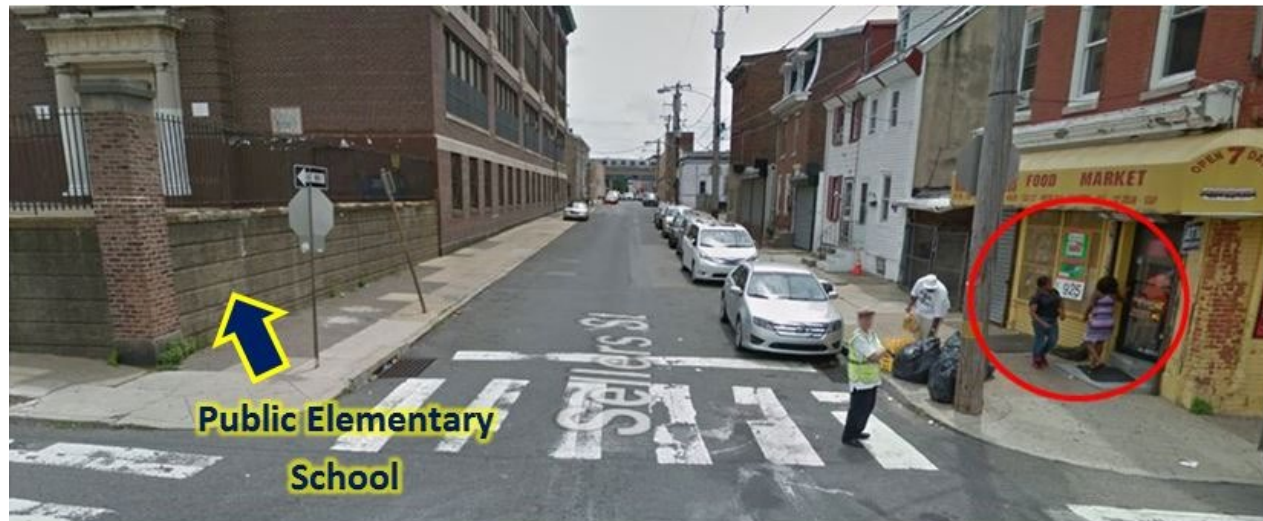
## What we know

- Exclusionary penalties do not work
  - Disparities in enforcement
  - Unintended consequences
- Addiction is a product of a multitude of factors:
  - Industry targeting
  - Nicotine impact on the brain
- Holistic approach, evidence-based approach:
  - Non-isolating



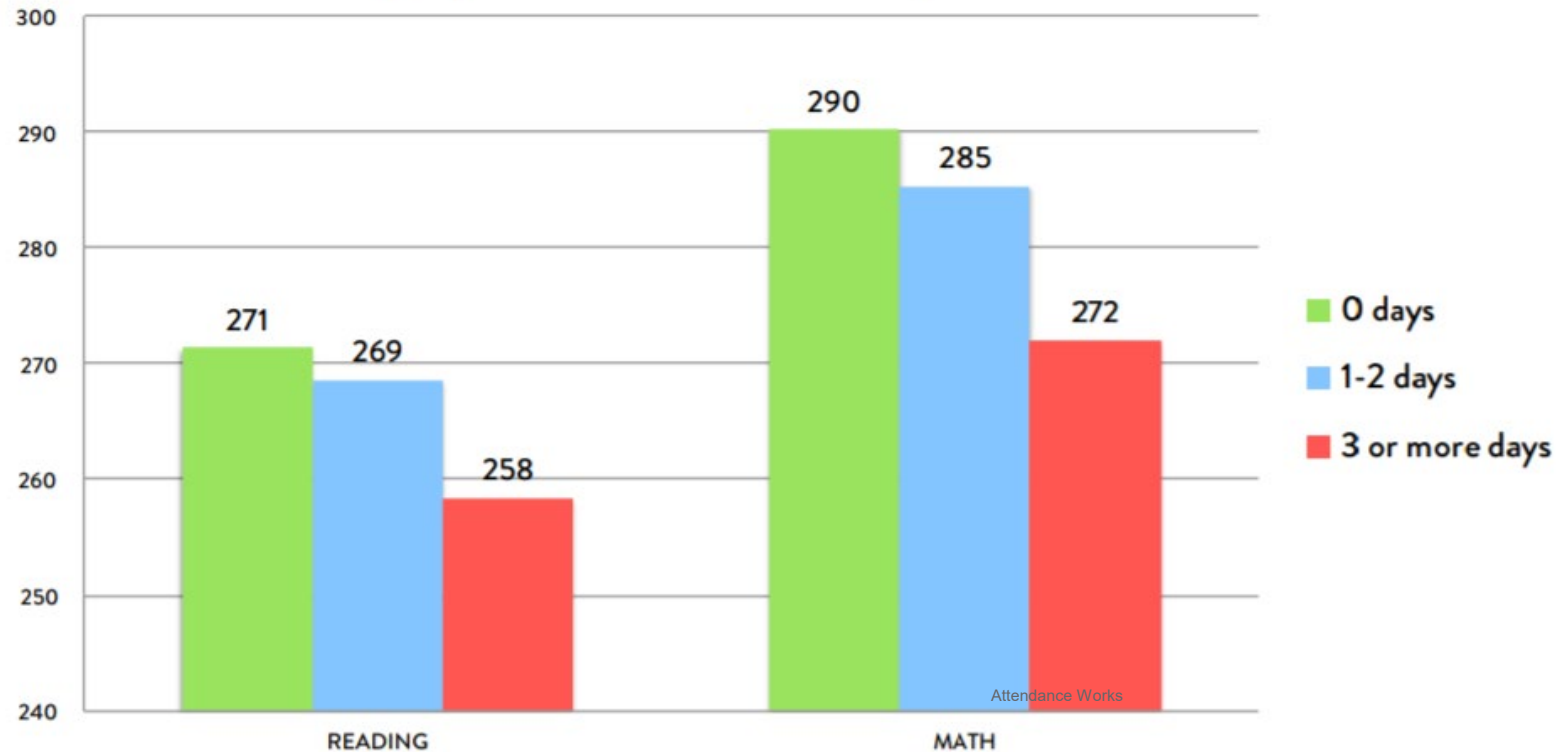
# EXCLUSIONARY MEASURES DISCOUNT INDUSTRY TARGETING

- \$9.5 billion/year spent on marketing, vast majority in the retail environment.
- 90% of youth report exposure to cigarette, 80% to e-cigarette ads.



# EXCLUSIONARY MEASURES CONTRIBUTE TO STUDENT ISOLATION AND DISENGAGEMENT

NAEP scores for reading and math, grade 8,  
by days absent from school in the prior month: 2013



# KEY COMPONENTS OF THE MODEL: ENFORCEMENT SUSPENSION AND EXPULSION ARE NOT INCLUDED

## VII. Enforcement

The success of this policy depends upon the thoughtfulness, consideration, and cooperation of the whole [ district/school name ] community. All individuals on school premises, including students, staff, administrators, and visitors are responsible for adhering to and enforcing this policy. Members of the [ district/school name ] community are encouraged to communicate this policy with courtesy and diplomacy. Any person acting in violation of this policy will be informed or reminded of the policy and asked to comply.

### (A) Students

- (1) Promotion of Tobacco Industry Brand, Tobacco Products, Tobacco Product Shops or Tobacco-Related Devices Only.
  - (a) The first violation that involves only the promotion of tobacco industry brands, tobacco products, tobacco product shops, or tobacco-related devices (e.g., clothing, electronic device covers) will result in the following:
    - (i) The student will be asked to cover the logo that is on apparel or devices or turn over the item containing any promotional material to be returned at the end of the school day; and
    - (ii) The student will be reminded of this policy and requested to sign an agreement acknowledging receipt of this policy as well as indicating they understand the policy and agree to abide by it.

[www.publichealthlawcenter.org](http://www.publichealthlawcenter.org)

Commercial Tobacco-Free K-12 School Model Policy 9



February 2025

- (b) Any subsequent violations involving only the promotion of tobacco industry brands, tobacco products, tobacco product shops, or tobacco-related devices will result in the following:
  - (i) A student meeting to review the policy and the student's previous agreement to adhere to the policy;
  - (ii) Education on the roles that promoting the industry brand and commercial tobacco products generally play in youth use; and
  - (iii) Notification to parents and/or guardians, including a reminder of the policy and the fact of subsequent violations.
- (2) Possession or Use of Commercial Tobacco Products.
  - (a) The first violation shall result in confiscation of commercial tobacco products, tobacco-related devices, imitation tobacco products, or lighters; notification of parents and/or guardians; and at least one of the following:
    - (i) A student meeting and individual student assessment with a chemical health

# KEY COMPONENTS OF THE MODEL: ENFORCEMENT COMMERCIAL TOBACCO PRODUCT USE

## Required

- Confiscation
- Notification to parents/guardians
- Student chemical health assessment

## Options for:

- Tobacco education program
- Cessation and counseling
- Educational community service

## VII. Enforcement

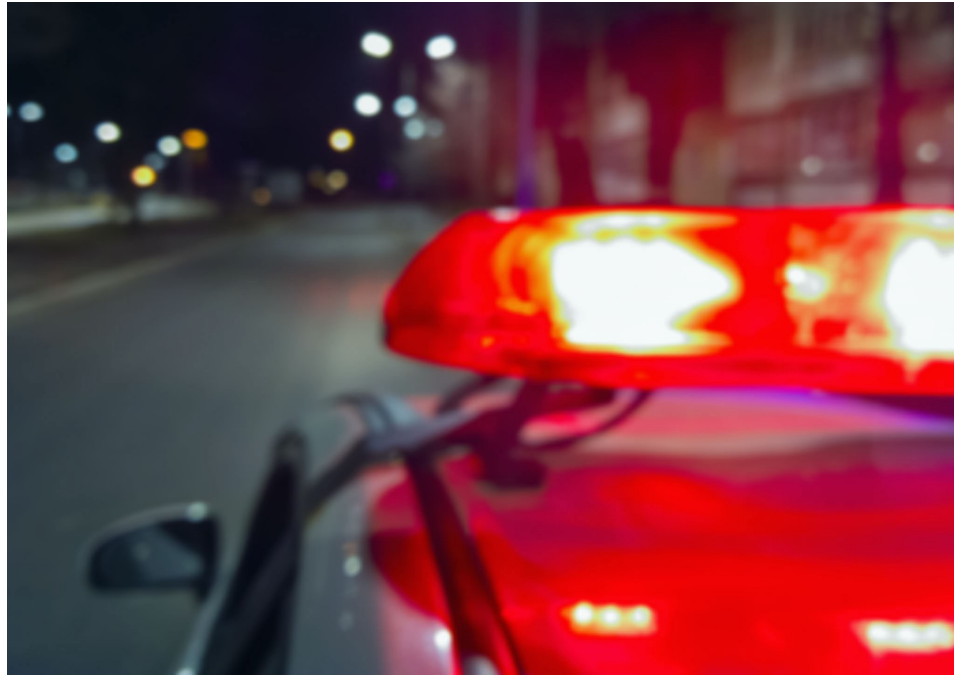
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### (A) Students

- (1) The first violation shall result in confiscation of tobacco products, tobacco-related devices, imitation tobacco products, or lighters; notification of parents and/or guardians; and at least one of the following:
  - (i) A student meeting and individual student assessment with a chemical health educator or designated staff to discuss commercial tobacco use and the school policy.
  - (ii) Student participation in a tobacco education program.
  - (iii) Provision of information to student about available cessation programs and resources.
- (2) The second violation shall result in confiscation of tobacco products, tobacco-

# **KEY COMPONENTS OF THE MODEL ENFORCEMENT**

**No Intervention with Law Enforcement!**



# KEY COMPONENTS OF THE MODEL CESSATION & SUPPORT

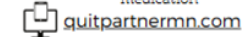
- Local partnerships
- Evidence-based programs
- Cessation, peer, community support as a part of enforcement

## Treatment & Cessation

Receiving medications and/or face-to-face counseling make you **twice as likely to quit tobacco for good compared with phone counseling alone**. People who meet with their counselor three or more times have a 50 percent quit rate after six months.



\*MN QuitLine service is free 24/7 to any Minnesota resident for coaching, text messaging, email support, and NRT medication



- Call 1-800-QUIT-NOW (784-8669)



\*MN teen ages 13-17 specific quit line. Teens can text to chat with a coach, and receive youth specific materials



- Text "Start My Quit" to 36072



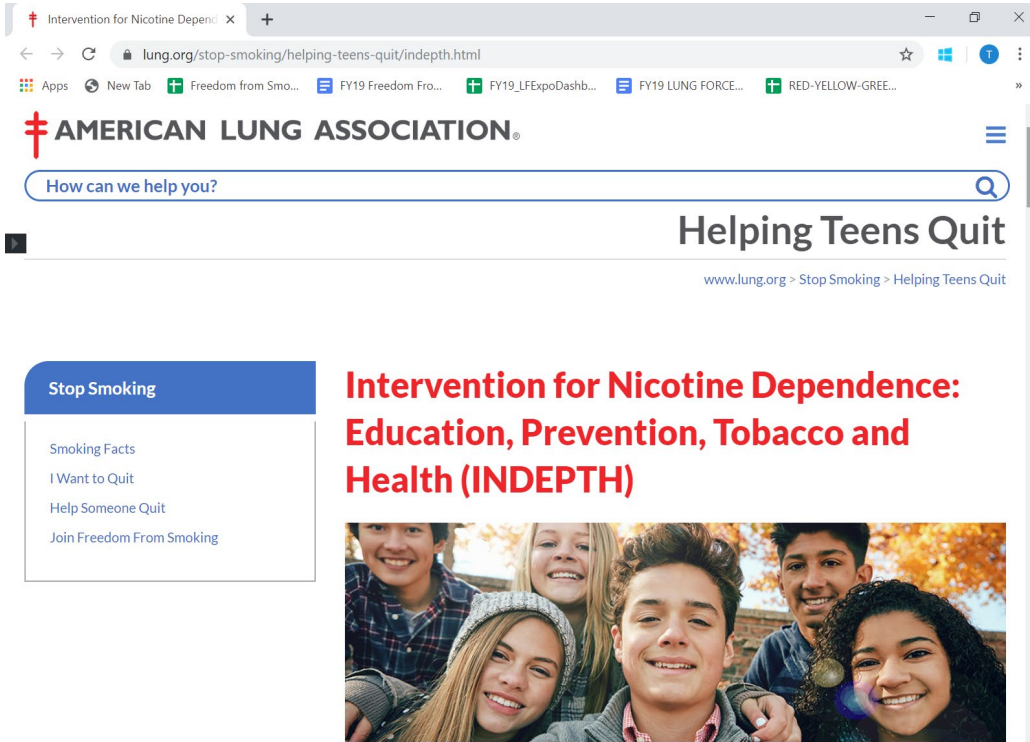
- Call 1-888-7AI-QUIT (724-7848)

"the vape talk" for peer to peer resources



- Call or Text 1-800-HEY-NORM

# KEY COMPONENTS OF THE MODEL CESSATION & SUPPORT



- Policy Guidance
- The Vape Talk
- E-Cigarette One-pagers
- Pilot Summary and Infographic
- Facilitator Training
- Registration/Survey
- Not On Tobacco Program Information

# SCHOOL DISTRICT INVESTMENT IN VAPE DETECTION DEVICES

- School district lawsuits against JUUL investing settlement funds in devices.
- Effectiveness of devices remain unclear.
- Contributes to culture of surveillance.



The Californian, <https://www.thecalifornianpaper.com/2019/12/school-installs-vape-detectors/>

# NEW HAMPSHIRE SCHOOL DISTRICTS

School District	Allocation	% of Total Allocation
Rochester School District	\$4,738,191	0.8537%
Sanborn Regional School District	\$30,151	0.0054%

# HOW TO SPEND SCHOOL FUNDS: CHAMPION OUR CHILDREN, TARGET COMMERCIAL TOBACCO



Addressing the youth vaping crisis requires a multifaceted approach that combines education, prevention, and treatment. Allocating litigation settlement and other funds strategically is one way to address the problem. Here are some suggestions on how Juul settlement funds and other funds could be allocated and strategically used to help address this problem:

1. **Education and Prevention Programs:** Develop and implement comprehensive education campaigns for teenagers, parents, and educators. These campaigns should raise awareness about the risks and consequences of vaping, debunk myths about their harmlessness, and promote healthy alternatives. Programs can include presentations, workshops, and peer-led activities to discourage vaping and provide support for those struggling with addiction. Engaging social media platforms, schools, and community organizations can be effective in reaching the desired audience.
2. **Treatment and Cessation Programs:** Provide evidence-based cessation programs that are both culturally tailored and appropriate for youth. Support existing initiatives that provide counseling, support groups, and nicotine replacement therapies to help youth quit vaping.
3. **Supportive School Disciplinary Practices:** Support alternatives to punitive, exclusionary penalties like suspension from school and school activities. Such exclusionary approaches contribute to negative educational and life outcomes and undermine school goals for supporting healthy student development. Many schools currently lack the staff and training to effectively implement alternatives to exclusionary penalties, so a good use of newly acquired funds would be to implement training on safe and healthy alternatives to suspension.
4. **Regulation:** Implement evidence-based policies to restrict access to vaping products for teenagers. This includes enforcing age verification

[How to Spend Juul Settlement Funds: Champion Our Children, Target Commercial Tobacco | Public Health Law Center](#)

# BEYOND SCHOOL POLICIES

- Strong Smoke-Free and Tobacco Free Clean Air Policies.
- Raising prices of products and prohibiting discounts and price promotions.
- Zoning/Proximity/Density restrictions.



<https://hhs.iowa.gov/tupc/exposure>



Photo: Getty, [Student Discounts To Help You Save In College – Forbes Advisor](#)

# CONTACT US

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# DISCUSSION

