



## STUDENTS: Conduct

Student Use and Possession of Tobacco

## I. Purpose

- A. To implement Baltimore County Board of Education (Board) Policy 5530 by notifying students that tobacco products in any form are prohibited in all Baltimore County Public Schools (BCPS), buildings, grounds and in connection with all school-sponsored activities. The rule further establishes disciplinary procedures for violations of Board Policy 5530 and this accompanying rule.

## II. Definitions

- A. *Electronic Cigarettes* – Any oral device that provides a vapor of liquid nicotine, lobelia and/or other substance and the use of inhalation of which simulates smoking. The term shall include any such devices, whether they are manufactured, distributed, marketed or sold as vaporizers, e-cigarettes, e-cigars, e-pipes or any other electronic nicotine delivery system under any product name of description.
- B. *Parent* –The biological parent, legal guardian or person acting in the absence of the parent or guardian.
- C. *School Property* – Any Board-owned, controlled or leased property or vehicle regardless of whether students are present.
- D. *School-Sponsored Activity* – An activity that is sponsored, approved, conducted, planned and/or supervised by school personnel regardless of whether the activity takes place on or off school property or occurs during regular instructional hours.
- E. *Tobacco* – Any product derived from the tobacco plant that is smoked, chewed, sniffed or otherwise consumed in any manner, except in nicotine replacement therapy.

## III. Guidelines

In accordance with Board Policy 5530, the sale, use or possession of tobacco products, tobacco-related devices, imitation tobacco products, lighters, vaporizers, electronic cigarettes and other electronic nicotine delivery systems is prohibited on school property and at all school-sponsored activities.

IV. Notifications

- A. Annually, the school principal shall provide notice of Board Policy and Superintendent's Rule 5530 to all students and parents.
- B. All middle and high school students will be notified annually in the Student Handbook of the prohibitions outlined in Board Policy 5530 and this rule.

V. Violations

- A. An administrator will investigate any alleged violation of this Board Policy 5530 and this rule.
- B. If a violation has been found, appropriate action will be taken in accordance with Board Policy and Superintendent's Rule 5550, *Disruptive Behavior*.
- C. Administrators will process violations in a given school year on a four-step progression:
  - 1. First Offense  
A school administrator will hold a conference with the student and a parent, although suspension from school may result. During the conference the parent will be reminded that possession of a tobacco product by a minor is illegal in Maryland and that any further offenses may result in suspension.
  - 2. Second Offense  
The school administrator will hold a conference with the student and parent. The student may be suspended.
  - 3. Third Offense  
The student may be suspended.
  - 4. Fourth and Subsequent Offense  
The school administrator will hold a conference with the student and parent. The student may be suspended for up to ten (10) school days and referred to the Superintendent or his/her designee for alternative program assignment.

VI. Prevention Programs

- A. The Division of Curriculum and Instruction, as part of the comprehensive health education program, will provide schools with curriculum guides, resources and instructional support to inform students of the dangers of tobacco use.
- B. School nurses and school counselors will refer students who use tobacco to appropriate programs/resources designed to assist them in discontinuing tobacco use upon request.

Legal References: *Annotated Code of Maryland, Criminal Law Article §10-107, Distribution of Tobacco Product to Minor*  
*Annotated Code of Maryland, Criminal Law Article §10-108, Possession of Tobacco Product by Minor; Use of False Identification*  
COMAR 13A.02.04, *Tobacco-Free School Environment*  
COMAR 13A.04.18, *Program in Comprehensive Health Education*  
COMAR 13A.08.01.08, *Substance Use or Distribution*

Related Policies: Board of Education Policy 2372, *Tobacco-Free and Smoke-Free School Environment*  
Board of Education Policy 5330, *Social Events*  
Board of Education Policy 5500, *Code of Student Conduct*  
Board of Education Policy 5540, *Alcoholic Beverages, Controlled Dangerous Substances, Intoxicants, Prescription and Nonprescription Drugs*  
Board of Education Policy 5550, *Disruptive Behavior*  
Board of Education Policy 5560, *Suspensions, Assignment to Alternative Programs or Expulsions*  
Board of Education Policy 5600, *Students' Responsibilities and Rights*

Rule

Superintendent of Schools

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