

SMOKING PROHIBITION

To promote the health and safety of all students and staff and to promote the cleanliness of school grounds, the board prohibits all smoking or use of tobacco products in all school facilities and on all school grounds at all times. Definitions of “school facilities” and “school grounds” shall be in accord with definitions in the administrative code.

Notice of this policy shall be given at each school entrance and at appropriate locations on school grounds in accordance with law. Smoking shall not be permitted at any time in classrooms, lecture halls, auditoriums or anywhere else on school grounds.

The principal of each school building is authorized to report violations, in accordance with law, to the board of health. Pupils and district employees who violate the provisions of this policy shall be subject to appropriate disciplinary measures. The Superintendent shall prepare and the board shall adopt regulations prohibiting smoking in all district buildings and on school grounds.

Definition: For purposes of this policy, "smoking" means the burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco. Chewing tobacco is also specifically prohibited by this policy.

**Date reviewed: May 17, 2000; May 15, 2002; April 13, 2011**  
**Date adopted: May 17, 2000; January 21, 2004; June 8, 2011**

Legal References: Use legal reference sheet.

Cross References: List your appropriate policies. See legal reference sheet for possibilities.

Key Words

Smoking, Smoking Prohibition

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	Monitored
X	Mandated
X	Other Reasons

Legal References

SMOKING PROHIBITION

**Mandated:**

N.J.A.C. 6A:26-12.2(a)4 requires policies and procedures prohibiting smoking in public school buildings.

**Other Reasons:**

N.J.S.A. 26:3D-58 prohibits smoking in any area of any building of, or on the grounds of, any public or nonpublic elementary or secondary school, regardless of whether the area is an indoor public place or is outdoors.

No Child Left Behind prohibits indoor smoking in any facility where children are cared for or educated with exceptions for inpatient addiction treatment and private residences.

A number of New Jersey townships and municipalities have also adopted ordinances restricting or prohibiting smoking on board of education property.

**Recommendation:**

A policy prohibiting smoking in accordance with law. Regulations should also address the prohibition of smoking on all school grounds. The board may want to include in the regulations “reasonable steps” to take to ensure enforcement of the law. The Commissioner of Health and Senior Services or the local board of health should be listed as the enforcing agent.

**Note:**

N.J.A.C. 6A:16-3.1(a)7 allows boards to create two exceptions to the smoking ban on school property citing N.J.S.A. 26:3D-17 as the legal justification. It should be noted that N.J.S.A. 26:3D-17 was repealed and these exceptions were omitted from N.J.S.A. 26:3D-55 New Jersey Smoke Free Air Act. Policy that includes exceptions to the smoking prohibition may be legally questionable.

**Legal References:**

- N.J.S.A. 26:3D-55 *et seq.* New Jersey Smoke-Free Air Act
- N.J.S.A. 30:5B-5.3 Smoking in child care centers prohibited
- N.J.A.C. 6A:16-1.3 Definitions
- N.J.A.C. 6A:16-3.1(a)7 Establishment of comprehensive alcohol, tobacco and other drug abuse programs

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**NJSBA POLICY AND LIBRARY RESOURCES**

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Legal References (continued)

N.J.A.C. 6A:26-1.2 Definitions  
N.J.A.C. 6A:26-12.2(a)4 Policies and procedures for school facility operation

No Child Left behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

**Possible**

**Cross References:**

\*1250 Visitors  
\*1330 Use of school facilities  
\*4119.23 Employee substance abuse  
\*4219.23 Employee substance abuse  
\*5131.6 Drugs, alcohol, tobacco (substance abuse)

\*Indicates policy is included in the Critical Policy Reference Manual.