

## **Tobacco, nicotine and inhalant delivery system possession and use**

Students who use or are in possession of tobacco, nicotine or inhalant delivery systems, as defined in Board policy JFCG/KGC/GBK - Prohibited Use, Possession, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems, on district property during school hours or at any district-sponsored activity are subject to disciplinary action up to and including expulsion. The student may be subject to additional education programs and obligations established by the district.

- a. First Offense – discipline may include, but not be limited to:
  - 1) Confiscation of tobacco product, or inhalant delivery system;
  - 2) Contact made with parent(s) of the student;
  - 3) Invoke an appropriate consequence which may include:
    - a) Special project work;
    - b) Participation in an approved program that promotes nonuse of tobacco products and inhalant delivery systems through school or community agencies;
    - c) Discipline up to and including suspension.
  - 4) Notify the appropriate law enforcement agency.
  
- b. Second Offense – discipline may include, but not be limited to:
  - 1) Confiscation of tobacco product, or inhalant delivery system;
  - 2) Contact and conference with parent(s);
  - 3) Discipline up to and including suspension;
  - 4) Notify parent(s) and student that all or a portion of that suspension may be satisfied, subject to participation of the student in an approved program that promotes the nonuse of tobacco products and inhalant delivery systems. Any costs involved in such a program will be the responsibility of the parent(s);
  - 5) Notify the appropriate law enforcement agency;
  - 6) Any offense that occurs 12 months or more after the previous offense will be considered by the district as a “first offense.”
  
- c. Third and Subsequent Offenses – discipline may include, but not be limited to:
  - 1) Confiscation of tobacco or tobacco product or inhalant delivery system;
  - 2) Contact and conference with parent(s);
  - 3) Discipline up to and including expulsion;
  - 4) Notify the appropriate law enforcement agency.

As well as the discipline referred to in a.- c. above, any student who distributes or sells a tobacco product or inhalant delivery system to another person who is under the age of 18 will be reported to a law enforcement agency. A student who distributes or sells a tobacco product or inhalant delivery system to a person under the age of 18 has committed the crime of endangering the welfare of a minor, which is in violation of state law and is punishable by a fine. (ORS 163.575).

END OF POLICY

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**Legal Reference(s):**

[ORS 167.400](#)  
[ORS 332.107](#)  
[ORS 336.222](#)  
[ORS 336.227](#)  
[ORS 339.240](#)  
[ORS 339.250](#)

[ORS 339.883](#)  
[ORS 431.840](#)  
[ORS 433.835 to- 433.990](#)  
  
[OAR 581-021-0050 to -0075](#)  
[OAR 581-021-0110](#)

[OAR 581-022-0413](#)  
[OAR 581-053-0230\(9\)\(s\)](#)  
[OAR 581-053-0330\(1\)\(m\)](#)  
[OAR 581-053-0430\(12\)](#)  
[OAR 581-053-0531\(11\)](#)  
[OAR 581-053-0630](#)

Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2006).