

Model Ban on Tobacco in Schools Act

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Model Ban on Tobacco in Schools Act

Policy Statement

Each year, thousands of Americans die of lung cancer and develop a variety of debilitating respiratory illnesses. The link between these diseases and tobacco use sparked a long-term education campaign about the dangerous health consequences of tobacco use. Gradually, society's attitude toward smoking has changed. Smoking is now banned on domestic airline flights. Restaurants have designated no-smoking sections. Public buildings are often designated as smoke-free areas.

Building on this campaign, states such as Louisiana, Missouri, Minnesota, New Jersey, and Rhode Island have introduced or enacted legislation banning smoking in public schools. The Commission joins these states in encouraging tobacco-free school zones. Schools should provide healthy, safe environments in which to educate our children and help them develop into productive citizens. This Act is one step towards creating the appropriate healthy learning environment.

Schools have an added incentive and responsibility to restrict the use of tobacco beyond these important health-related reasons. Tobacco, specifically its active ingredient nicotine, is a "gateway drug." Youths who smoke or use tobacco products are more likely to use alcohol and or other drugs. Because the vast majority of smokers begin smoking before the age of 18 and with the potential for tobacco use leading to other drug use, the goal of preventing tobacco use at an early age is particularly meaningful.

Any effort to prevent or reduce drug use must address the problems of alcohol and tobacco. Since marijuana and other drug use among 6th through 12th grade students appears to be rising, as measured by the annual National High School Senior Survey and the PRIDE 1992-1993 survey, schools can take an important step towards creating healthy, drug-free learning environments by eliminating tobacco use.

This legislation is based in part on rules and regulations promulgated by the New Jersey State Board of Education, the New Jersey Attorney General's Directive Concerning Law Enforcement Operations On or Near School Property, and a Memorandum of Understanding Between Education and Law Enforcement Officials in New Jersey.

Highlights of the Model Ban on Tobacco in Schools Act

ASSUMPTIONS AND REMEDIAL GOALS

- Recognizes that in public schools, the right of the nonsmoker to breathe clean air and to learn and work in an environment free of alcohol and other drugs, including tobacco, supersedes the right of the smoker to smoke.
- Recognizes the harmful effects of tobacco on smokers and nonsmokers.
- Recognizes that substance abuse of any kind, including the use of tobacco, is not conducive to a safe, healthy learning environment.
- Recognizes that tobacco is a “gateway drug,” a traditional entry substance used by young people, and that prevention efforts must address such substances if such efforts are to reduce drug use.

SPECIFIC RECOMMENDATIONS

- Prohibits the use of tobacco or tobacco products:
 - In any public elementary or secondary school building or educational facility;
 - On the grounds, playgrounds, or parking lots of such school building or educational facility; or
 - On any school bus.
- Provides that such prohibitions be enforced by the [superintendent of schools, school board, principal, or other appropriate school official] or the [official’s] designee pursuant to rules, regulations, and penalties promulgated by the [superintendent, school board, principal, or other appropriate official].

Model Ban on Tobacco in Schools Act

Section 1. Short Title.

This [Act] shall be known and may be cited as the “Model Ban on Tobacco Use in Schools Act.”

Section 2. Legislative Findings.

(a) The resolution of the conflict between the right of the smoker to smoke and the right of the nonsmoker to breathe clean air involves a determination of when and where, rather than whether, a smoker may legally smoke. It is not the policy of this state to deny anyone over the age of 18 the right to smoke or use tobacco products.

(b) However, in public schools providing education or training, the right of the nonsmoker to breathe clean air and to learn and work in an environment free of alcohol and other drugs, including tobacco, supersedes the right of the smoker to smoke.

(c) Each year, thousands of Americans die from tobacco-related illnesses and develop debilitating diseases due to tobacco use.

(d) In addition to the deleterious effects upon smokers, tobacco smoke is at least an annoyance and a nuisance to a substantial percentage of the nonsmoking public, and a health hazard to a smaller segment of the nonsmoking public, in particular, young, developing children.

(e) Schools should provide environments in which children can learn the necessary skills and values to become healthy, productive citizens. Substance abuse of any kind, including the use of tobacco, is not conducive to such an environment.

(f) Tobacco is a “gateway drug,” a traditional entry substance used by young people. Youths who smoke or use tobacco products are more likely to use alcohol and or other drugs. Also, most smokers begin smoking during their teenage years. Such evidence pro-

vides the impetus to focus prevention efforts in environments that house school-aged children.

(g) Barring tobacco use in schools is an important step towards creating a healthy, safe, and drug-free environment conducive to learning.

Section 3. Purpose.

The purpose of this [Act] is to create tobacco-free public schools in this state.

Section 4. Tobacco Prohibition in Schools.

No person shall smoke or otherwise use tobacco or tobacco products:

(a) In a public elementary or secondary school building or educational facility;

(b) On the grounds, playgrounds, or parking lots of such school building or educational facility; or

(c) On any school bus, as defined in [state education act].

COMMENT

The purpose of this section is to prohibit the use of any tobacco product, including cigarettes, cigars, pipes, or chewing tobacco, in public schools, school grounds, or school buses. In doing so, the Commission intends to create tobacco-free school zones. In these zones, no form of substance use, whether alcohol and other drugs or tobacco, will be tolerated.

If schools intend to prevent the onset of drug use by students, they by and large must prevent the onset of “gateway drug” use. By postponing the onset of alcohol and tobacco use, schools may help reduce the potential for student drug use. The recent rise in marijuana use noted in the annual National High School Senior Survey and the 1992-1993 PRIDE student survey sup-

ports the need to prevent alcohol and or other drug use, including tobacco use, among school-aged students.

The Commission recognizes that an outright ban of the use of tobacco products may cause some individuals difficulty, particularly adults with nicotine habits. However, just as a school would not allow a teacher or employee to consume alcohol in the presence of students, schools should not allow adults to use tobacco products in the presence of students, whether in a teacher's lounge or outdoors on school grounds. Adults, and teachers in particular, are role models for students. Tobacco use by adults sends a mixed message to students that tobacco use is "grown-up." The Commission hopes that smokers employed by schools will recognize the important role they play in the lives and development of students and will comply the provisions of this [Act].

Section 5. Enforcement.

This [Act] shall be enforced by the [superintendent of schools, school board, principal, or other appropriate school official] or the [official's] designee pursuant to

rules, regulations, and penalties promulgated by the [superintendent, school board, principal, or other appropriate official].

Section 6. Severability.

If any provision of this [Act] or application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or application of the [Act] that can be given effect without the invalid provision or application, and to this end the provisions of this [Act] are severable.

Section 7. Effective Date.

This [Act] shall be effective on [reference to normal state method of determination of the effective date] [reference to specific date].