

## Smoke and Vape-Free Schools Procedure

### RATIONALE:

Hamilton-Wentworth District School Board (HWDSB) is committed to promoting a healthy and safe environment for all students, staff, and visitors. This includes compliance with the "Smoke-Free Ontario Act, 2017" and implementing effective measures to address smoking, vaping, and related activities on school premises.

The School Board and Public Health Services developed a Smoke and Vape-Free Schools Protocol to clearly outline joint responsibilities of the School Board, Principal and Public Health staff. Hamilton Public Health Services' Tobacco Enforcement Officers inspect and investigate complaints in schools to enforce the Act. If you have any questions about the Smoke-Free Ontario Act and how to ensure you are fulfilling your responsibilities, please contact your Tobacco Enforcement Officer for assistance.

### TERMINOLOGY:

**Smoking:** The act of inhaling or exhaling aerosol (commonly referred to as vapor) produced by lighting or activating any tobacco product, cannabis product, or electronic cigarette (e-cigarette). This includes:

- **Traditional Smoking:** Inhaling and exhaling smoke produced by burning tobacco or cannabis products such as cigarettes, cigars, cigarillos, pipes, and hookahs.
- **Vaping:** Inhaling and exhaling aerosol produced by electronic cigarettes or other vaping devices. These devices heat a liquid solution (e-liquid or vape juice) containing nicotine, flavorings, and other chemicals to produce vapor.

**Electronic Cigarette:** A vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, that contains a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled by the user of the device directly through the mouth.

**"Use"** with respect to electronic cigarettes, includes any of the following:

1. Inhaling vapour from an electronic cigarette.
2. Exhaling vapour from an electronic cigarette.
3. Holding an activated electronic cigarette
4. Consume a prescribed product or substance, in a prescribed manner.

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**School Grounds:** Includes the land and buildings that are used for the purposes of a school, whether or not that use is continuous.

**Tobacco or Nicotine Products:** Any product containing, made, or derived from tobacco intended for smoking, inhaling, chewing, or snuffing. This includes products such as cigarettes, cigars, cigarillos, pipes, hookahs, smokeless tobacco (e.g., chewing tobacco), and snuff. This includes all nicotine products derived naturally or synthesized.

**Cannabis or Cannabis Products:** Cannabis as defined in the Cannabis Act (Canada), which includes any part of the cannabis plant (including phytocannabinoids, but excluding non-viable seeds), or any substance or mixture of substances containing any part of the cannabis plant.

**Vapour Product:** A product, regardless of whether it contains nicotine, that is produced or intended for use by means of an electronic cigarette, and includes any component, part, or accessory of such a product including the package in which the electronic cigarette, e-substance or component is sold, whether sold separately.

**Possession:** Refers to having custody or control over any tobacco product, cannabis products or vapour product. Possession includes both actual physical possession and constructive possession (where the person has control or the right to control the item).

**Constructive possession:** In the context of possession of tobacco or cannabis products under the Smoke-Free Ontario Act, constructive possession means that a person is considered to possess the item if they have:

- **Knowledge:** Awareness of the presence and nature of the item.
- **Control:** The ability to access or direct the use of the item, either personally or through others.

**Sale:** Includes offer for sale, distribution, or transfer of ownership of a product for consideration, whether it is nominal.

### PROCEDURES:

#### 1.0 Introduction

#### 1.1 Purpose

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1.1.1 This procedure outlines HWDSB's approach to addressing smoking, vaping, and the use and possession of tobacco and e-cigarettes on school grounds, in compliance with the "Smoke-Free Ontario Act, 2017".

1.1.2 It establishes a framework for progressive discipline and support for students found in violation of this policy.

### 2.0 Implementation of the Vaping and Smoking Policy

#### 2.1 Prohibition of Smoking and Vaping

i. The "Smoke-Free Ontario Act, 2017" prohibits smoking (tobacco and cannabis) and the use of electronic cigarettes (vaping) on school grounds, including all public areas within 20 meters of school property. This Act applies to tobacco or nicotine products; cannabis products; vapour products; and prescribed products and substances.

ii. In Ontario, Canada, the legal age to possess cannabis, vapour and tobacco or nicotine products is 19 years old. The "Smoke - Free Ontario Act, 2017" prohibits the possession of cannabis, vapour and tobacco or nicotine products on school grounds.

iii. This prohibition is continuous, regardless of whether school is in session, and extends to vehicles including contracted school buses, parking lots, sports fields, driveways, courtyards, and private vehicles parked on school property. It also extends to school-sponsored events which may occur off school premises.

iv. Exceptions are made for the use of traditional tobacco for the purpose of ceremonies and gifting in reciprocity, where appropriate.

v. Updated signage is visible inside schools and along the property perimeter of the school should be visible and in good repair. Signage supports the no- smoking policy clearly, with reference to the "Smoke Free Ontario Act, 2017", should be placed strategically in schools and may state consequences for violating the policy or highlight the health benefits of a smoke free environment.

#### 2.2 Sale and Supply Prohibitions

i. It is illegal to sell or supply tobacco or nicotine, cannabis or vapour products to anyone under the age of 19 as per the "Smoke-Free Ontario Act, 2017".

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ii. Offenders may face fines upon conviction in addition to the application of progressive discipline approaches.

### 2.3 Communication

i. Principals are asked to communicate this information to students, parents/guardians/caregivers, staff and visitors to the school. Please refer to board memos for sample Principal Communication Guide.

ii. Teachers of Grades 5 – 12 are also asked to communicate this message to their students.

### 3.0 Roles and Responsibilities

All school community members are responsible for upholding the HWDSB Vaping, Tobacco and Cannabis Procedure. Violations of the procedure will be addressed through relevant policy and legislation.

#### 3.1 School boards

- Develop a local procedure to promote a healthy and safe environment for all students, staff, and visitors. The procedure must comply with the "Smoke-Free Ontario Act, 2017" and include effective measures to address smoking, vaping, and related activities on school premises.
- Review the Smoke Free Ontario Act signage requirements and updates as necessary.
- Create an annual notification sent to parents and students reminding them of the procedure, its requirements and consequences for non-compliance.
- Foster a collaborative approach by involving principals/vice - principals, teachers, students, and parents in the development and review of the procedure.
- Collaborate with external organizations such as public health experts or local law enforcement agencies to enhance the procedure and provide additional support.
- Review the procedure's effectiveness regularly and make necessary adjustments.
- Offer training and resources for Principals and Vice – Principals and system staff.

#### 3.2 Principals Roles/Responsibilities

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- Communicate the procedure requirements and consequences for non-compliance to students, parents/caregivers and staff through meetings, newsletters, emails and the school website.
- Ensure that smoke-free signage is properly displayed and visible according to the requirements of the Smoke Free Ontario Act.
- Investigate and apply the principles of progressive discipline, while considering mitigating factors, up to and including suspension for incidents of non-compliance.
- Principals/Supervisors are responsible for reviewing appropriate procedures with staff regularly.

### 3.3 Educators and Staff

- Communicate the procedure requirements and consequences for non-compliance to students, and parents/caregivers (e.g. through meetings, newsletters, emails and the school website).
- Be familiar with the Smoke-Free Ontario Act and its provisions, including areas where smoking is prohibited and the rationale behind these regulations.
- Educate students and other members of the school community about the importance of a smoke-free environment and the specific rules related to smoking on school property.
- Ensure that smoke-free signage is properly displayed and visible according to the requirements of the Act.
- When a violation occurs, staff should address it promptly by reminding individuals of the smoking/vaping prohibition, ask them to cease immediately and report the incident to the school Principal/Vice - Principal.
- Are responsible for following the smoking restrictions set out by the Act and this procedure. This means not smoking or vaping or being in possession of vapour, tobacco, nicotine or cannabis products on school property, including buildings, grounds, and within a certain distance from school entrances.

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### 3.4 Students, Parents/Caregivers

- Be aware of the Smoke-Free Ontario Act and the school's specific procedures regarding smoking or vaping tobacco, nicotine or cannabis products. This includes understanding where smoking/vaping is prohibited and the reasons behind these rules.
- Are responsible for following the smoking restrictions set out by the Act and this procedure. This means not smoking or vaping or being in possession of vapour, tobacco, nicotine or cannabis products on school property, including buildings, grounds, and within a certain distance from school entrances.
- Respect and adhere to the smoke-free signage posted around the school.
- Model positive behavior by refraining from smoking and promoting a healthy lifestyle.
- Notice someone violating the smoke-free policy and report it to a teacher, school staff member, or school administration. This helps ensure that violations are addressed appropriately.
- Seek assistance from school staff or counselors if students have questions or need support related to the use of vapour, tobacco or cannabis products.

### 4. Response to Violations

- When tobacco, nicotine, cannabis or vapour products are found in the possession of students, parents/guardians must be notified immediately, and the student must surrender the item(s) to the educator or Principal/Vice - Principal.
- Students involved in the sale or use of cigarettes or e-cigarettes and related products will receive support to learn that the use of these products is a hazard which impacts the health of the student, and the school as a learning and working environment.
- School Principals and Vice – Principals will investigate the occurrence and apply the principles of progressive discipline, while considering mitigating factors, up to and including suspension.
- For repeat occurrences, the Principal/Vice – Principal will consider a referral to an educational program or counselor of harm reduction education.
- If tobacco, nicotine, cannabis or vapour products are confiscated, they will not be returned to any students.

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- The violation can be reported to local public health authorities or law enforcement, depending on who has jurisdiction over enforcement in that area. The fines for smoking tobacco, cannabis or vapour products start at \$305.

### 5.0 Progressive Discipline for Violations

5.1 Principals and Vice Principals will apply the principles of progressive discipline, while considering mitigating factors when students are found to be in use or possession of tobacco, nicotine, cannabis or vapour products.

5.1.1 Schools will investigate each occurrence and document investigation notes and the record of communication with families/caregivers/FOS SOSA into **Log Notes** in PowerSchool.

#### 5.2 School Procedures

**If a student is found in possession or using (providing, selling or distributing) tobacco, nicotine, cannabis or vapour products or holding lighted tobacco, or an e-cigarette on school grounds (as described above) in violation of the act, the following progressive discipline protocol can apply.**

Elementary – actions for progressive incidents	
#1	<ul style="list-style-type: none"> <li>✓ immediate confiscation of Tobacco, Nicotine, Cannabis or Vapour Products and Paraphernalia</li> <li>✓ PVP communicates or meets with parents/caregivers to discuss the incident</li> </ul>
#2	<ul style="list-style-type: none"> <li>✓ immediate confiscation of Tobacco, Nicotine, Cannabis or Vapour Products and Paraphernalia</li> <li>✓ PVP communicates or meets with parents/caregivers to discuss the incident</li> <li>✓ suspension issued (~1 day)</li> </ul>
#3	<ul style="list-style-type: none"> <li>✓ immediate confiscation of Tobacco, Nicotine, Cannabis or Vapour Products and Paraphernalia</li> <li>✓ PVP communicates or meets with parents/caregivers to discuss the incident</li> <li>✓ suspension issued (~3 day)</li> <li>✓ Public Health contacted as indicated by the “Smoke-Free Ontario Act, 2017”</li> </ul>
<b>As needed, for further incidents, schools will use the Progressive Discipline Policy</b>	
Secondary – actions for progressive incidents	
#1	<ul style="list-style-type: none"> <li>✓ immediate confiscation of Tobacco, Nicotine, Cannabis or Vapour Products and Paraphernalia</li> <li>✓ PVP communicates or meets with parents/caregivers to discuss the incident</li> <li>✓ Suspension issued (~1 day)</li> </ul>
#2	<ul style="list-style-type: none"> <li>✓ immediate confiscation of Tobacco, Nicotine, Cannabis or Vapour Products and Paraphernalia</li> </ul>

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	<ul style="list-style-type: none"><li>✓ PVP communicates or meets with parents/caregivers to discuss the incident</li><li>✓ Suspension issued (~3 day)</li><li>✓ AY (Alternatives for Youth) referral where possible</li><li>✓ Public Health contacted as indicated by the "Smoke-Free Ontario Act, 2017"</li></ul>
<b>As needed, for further incidents, schools will use the Progressive Discipline Policy</b>	
<b>Further notes</b>	
<b>Refusal to relinquish Tobacco, Nicotine, Cannabis or Vapour Products and Paraphernalia will be considered failure to follow direction from staff and will be dealt with accordingly using HWDSB's progressive discipline policy</b>	
<b>In accordance with the "Smoke-Free Ontario Act, 2017" any materials confiscated WILL NOT be returned</b>	

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