

TOWN CLERK  
BOARD OF REGISTRARS  
TEWKSBURY, MA

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**Town of Tewksbury  
Board of Health  
Regulations Affecting the Use or Possession of Tobacco Products on  
School Property**

**SECTION I. STATEMENT OF PURPOSE AND AUTHORITY**

Conclusive evidence exists that tobacco use is a pervasive health problem in the United States, affecting numerous cities and towns including Tewksbury MA. Smoking inside enclosed buildings used as schools and inside school buses or other vehicles used to transport pupils is prohibited by the Massachusetts Smoke Free Workplace Law. Mass. Gen. Laws ch. 270 §22.

Furthermore, smoking on outside school grounds or at school sponsored events is prohibited by the Massachusetts Educational Reform Act. Mass. Gen. Laws ch. 71 §§ 2A, 37H.

Tewksbury School Department is committed to having a smoke free/tobacco free environment for its students, faculty, administrators, and guests. Smoking, use or possession of tobacco products, including smokeless tobacco and/or paraphernalia on school property and at school sponsored activities, regardless of location is prohibited.

**SECTION II. DEFINITIONS:**

<u>Administrator</u>	Person(s) including but not limited to principals, vice-principals, office personnel, and others who have disciplinary and managerial authority to enforce school policies and penalties.
<u>Faculty</u>	Person(s) employed by Tewksbury schools as a full-time, part-time, contract, or volunteer labor.
<u>Parent/Guardian</u>	Person(s) that have legal guardian status and responsibility over a student enrolled in Tewksbury school for educational purposes.
<u>School Activity</u>	Any activity on or off school grounds that is a school sponsored activity, event, or trip.
<u>School building</u>	Any building or enclosed walkway that is used or leased for educational purposes.

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*Mary-Ann O. Nichols*  
Mary-Ann O. Nichols  
Town Clerk

<u>School grounds</u>	All school buildings, parking lots, athletic fields, loading docks, and/or other school outdoor facilities, and other premises owned or leased by the school for educational purposes
<u>Student</u>	Person(s) legally enrolled in Tewksbury Schools for educational purposes.
<u>Smoking or smoke</u>	The lighting of a cigar, cigarette, pipe or other tobacco product or possessing a lighted cigar, cigarette, pipe or other tobacco or non-tobacco product designed to be combusted and inhaled.
<u>Tobacco advertisement</u>	Any poster, billboard, flyer, sticker, piece of clothing, hat, accessory, commercial, or other material featuring a tobacco product.
<u>Tobacco paraphernalia</u>	Any device used to aid, ingest, light, burn, or consume tobacco products, including but not limited to: pipes, rolling papers, lighters, and matches.
<u>Tobacco product</u>	Any form of tobacco including but not limited to: cigarettes, cigars, little cigars or cigarillos, clove cigarettes, loose tobacco leaves, blunt wraps, chew, dip, snuff, and any other product not mentioned that contains tobacco of any kind.
<u>Visitors</u>	Person(s) physically present on school property who are not administrators, students, faculty or staff as defined above.

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**SECTION III. TEXT OF THE POLICY**

No person(s), student(s), visitor(s), faculty, or administrator shall smoke or ingest any tobacco product in any school building, school grounds, school buses, or school sponsored event at any time.

**SECTION IV. PENALTIES**

**Students found violating the tobacco policy**

**First Offense:**

- Two (2) Days suspension
- Twenty Five (\$25.00) dollar fine issued by the Board of Health

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**Town Clerk**

- Voluntary participation in a smoking cessation program.
- Parental Notification

Second Offense

- Three (3) Days suspension
- Fifty (\$50.00) dollar fine issued by the Board of Health
- Mandatory participation in a smoking cessation program.
- Parental Notification

Third and Subsequent Offenses

- Four (4) Days suspension
- One Hundred (\$100.00) dollar fine issued by the Board of Health
- Mandatory participation in a smoking cessation program.
- Conference between student, administrator and parent/guardian to review suspension and consequences for subsequent offenses.

Visitors, employees, and others found violating the tobacco policy

First through third Offenses

- One hundred dollars (\$100.00) fine for violations of the Smoke Free Workplace Law.
- For smoking on school grounds, visitors and others will be asked to leave the premises immediately.
- Employees could be subjected to disciplinary actions by school administration.

Subsequent Offenses

- Three hundred dollars (\$300.00) fine for violations of the Smoke Free Workplace Law.
- Permanently removed from school grounds, events and activities.
- Employees are subject to further disciplinary actions by school administration.

**SECTION V. ENFORCEMENT**

The educational consequences of this Tobacco Policy will be enforced by the school principal and his/her designees. Penalties for violation will be enforced by the Tewksbury Board of Health, their agents, and the Tewksbury Police Department.

**SECTION VI. EFFECTIVE DATE**

This policy shall take effect in full on June 18, 2009 upon its passage.

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