

SECTION 1: INTRODUCTION



IT'S THE LAW: VIRGINIA'S NEW COMPREHENSIVE TOBACCO-FREE SCHOOLS LAW

In February 2019, Governor Ralph Northam signed the Comprehensive Tobacco-Free Schools bill into law. Since 2014, youth members of Y Street, a program of the Virginia Foundation for Healthy Youth (VFHY), have worked with individual school divisions across the Commonwealth to adopt and implement 100% e-cigarette-free and tobacco-free policies. Y Street and VFHY partnered with the Virginia Department of Health and the Virginia Department of Education, as well as the American Heart Association to convince lawmakers that all schools in Virginia should be 100% free from e-cigarettes and tobacco 24 hours a day, 7 days a week.

WHAT DOES THE NEW LAW SAY?

The new law requires all Virginia school divisions to develop and implement “comprehensive” tobacco policies. A comprehensive policy:

- Prohibits the use and distribution of tobacco and nicotine vapor products by students, staff, and visitors at all times, anywhere on school property, school buses, and at on- and off-site school events,
- Includes provisions for the enforcement of the policy among students, staff, and visitors and possible disciplinary actions for those who violate the policy,
- Ensures schools offer referrals to cessation resources to help students and staff overcome tobacco addiction, and
- Lays out how the policy will be communicated to the school community.

In addition, no student shall be permitted to possess a tobacco product under the circumstances described above – including while in school property, on school premises, at school-sponsored activities away from school grounds, or at any other time that students are under the authority of school personnel.

WHAT DOES THIS MEAN FOR SCHOOL DIVISIONS?

The new law takes effect on July 19, 2019, and school divisions will have to adopt a comprehensive policy by **July 1, 2019**. The Virginia Department of Health will work with all school divisions to support them in revising their existing policy or adopting a brand new policy.

Ultimately, the following policies will need to be updated to comply with the law:

- Staff and student tobacco policies (VSBA Policies GBEC and JFCH)
- School community relations policy (VSBA Policy KGC)
- Student Code of Conduct

SECTION 2: COMPREHENSIVE TOBACCO- AND E-CIGARETTE-FREE POLICY

24/7 COMPREHENSIVE STANDARD CHECKLIST

The Virginia Foundation for Healthy Youth has set forth a Comprehensive Policy Standard. Below is a chart that outlines the criteria for a comprehensive policy that complies with the new law effective on July 1, 2019, as well as what language can be added to a policy to make it even stronger.

For divisions using VSBA policies, the following will need to be updated:

- Staff and student tobacco policies (VSBA Policies GBEC and JFCH)
- School community relations policy (VSBA Policy KGC)
- Student Code of Conduct

	COMPLIANT POLICY Language that meets the minimum comprehensive starts to comply with the new law.	24/7 COMPREHENSIVE POLICY Language that meets the 24/7 campaign's comprehensive policy standard (required to receive free signage).
	SCHOOL DIVISION POLICY	
Tobacco Product & Use Definitions	Covers all tobacco products & nicotine vapor products.	<ul style="list-style-type: none"> • Covers all tobacco products, nicotine-containing products, electronic smoking devices, and components/accessories. • Defines "tobacco use" to include smoking, chewing, dipping, electronic smoking device use, and use of any other tobacco product.
School Property and Events	Includes language about indoor school property and off-site school events.	<ul style="list-style-type: none"> • Prohibits tobacco use and distribution at off-site school events, including school vehicles on and off-site. • Requires language about owned, leased, rented and chartered by the school division. • Requires language about surrounding properties owned by the school- parking lots and athletic fields, on and off-site.
Prohibitions	<p>Prohibits use and distribution of tobacco products & nicotine vapor products at all times on school property, on a school bus, or at an on-site or off-site school-sponsored activity.</p> <p>Language must be included in the Student Code of Conduct prohibiting student possession of any tobacco product or nicotine vapor product.</p>	<ul style="list-style-type: none"> • Prohibits use, distribution, and possession of tobacco products at all times on school property, on a school bus, or at an on-site or off-site school-sponsored activity. (The possession ban can pertain to all students or preferably, to all students, staff, and visitors.)

SECTION 2: COMPREHENSIVE TOBACCO- AND E-CIGARETTE-FREE POLICY

24/7 COMPREHENSIVE STANDARD CHECKLIST (cont.)

	SCHOOL DIVISION POLICY (cont.)	
Communication	Requires adequate notice of the policy be given.	<ul style="list-style-type: none"> Requires signage to be posted in locations that adequately informs staff, students, and visitors of the policy, including entrances to school building and athletic events. <p>Additional optional language in full 24/7 Model Comprehensive Policy:</p> <ul style="list-style-type: none"> Requires schools to notify students, parents/guardians, staff, contractors, and other visitors annually of the policy in written materials (handbooks, contracts, websites, etc.) Requires staff training.
Enforcement & Cessation Resources	Requires provisions for enforcement of the policy among students, employees, and visitors, including the enumeration of possible disciplinary actions for violation of the policy.	<ul style="list-style-type: none"> Designates suspension and expulsion (for repeated violations) as potential disciplinary actions for students. States that employees who violate the policy will be subject to consequences. Requires referrals to cessation resources be provided to students and staff who violate the policy. States that visitors in violation will be asked to refrain or leave the premises. <p>Additional optional language in full 24/7 Model Comprehensive Policy:</p> <ul style="list-style-type: none"> Requires progressive discipline for students. States that law enforcement officers may be contacted to escort violators off the premises and cite the person for trespassing if the person refuses to leave, and that fees for event entrance will be forfeited by those found in violation.

A NOTE ABOUT PRODUCT DEFINITIONS:

A strong policy includes a comprehensive definition of “tobacco product” to ensure clear communication and consistent enforcement. Our model policy explicitly refers to cigarettes, cigars and cigarillos, smokeless tobacco products like dip and chew, as well as e-cigarettes, their liquid, and any component or accessory of a vapor product regardless of whether it contains nicotine. This broad definition ensures that current popular products, like JUUL, and their components are covered, as well as future products that may not yet be on the market.