

TOBACCO USE AND POSSESSION

The Lisbon School Committee recognizes that research shows that tobacco continues to be the leading cause of preventable disease and death in Maine and the United States, for both users and those exposed to second-hand smoke. The committee is also aware that a growing body of evidence suggests that the chemicals present in the aerosols (“vapor”) produced by the electronic smoking devices, may significant long-term risks to health, as well the risk of addiction to nicotine.

The committee is committed to providing a safe and healthy environment for students, staff and visitors to the schools, including members of the community who use school facilities for recreational and other purposes.

To that end, and in compliance with applicable state and federal laws, all persons are prohibited from smoking and the use of all other tobacco products in school buildings, facilities, on school buses and school-owned or leased vehicles and at all school-sponsored events at all times.

DEFINITIONS:

For the purpose of this policy:

“Tobacco use” means smoking or the carrying or possession a tobacco product (22 MRSA §1578-B (1)(D)).

“Smoking” includes carrying or having in one’s possession a lighted or heated cigarette, cigar or pipe or heated tobacco or plant product intended for human consumption through inhalation whether natural or synthetic in any manner or any form. “Smoking” includes the use of an electronic smoking device (22 MRSA § 1541(6)).

“Tobacco product” means any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated chewed, absorbed, dissolved inhaled or ingested by any other means, including but not limited to, a, cigar, hookah, pipe tobacco, chewing tobacco, snuff or snus. “Tobacco product” also means an electronic smoking device and any component or accessory used in the consumption of a tobacco product such as filters, rolling papers, pipes and liquids used in electronic smoking devices whether or not they contain nicotine (22 MRSA § 1551(3)) .

[NOTE: Under P.L. Chapter 61 (2019), “An Act to Prohibit the Possession and Use of Electronic Smoking Devices on School Grounds,” “tobacco use” includes “smoking” (as defined in 22 MRSA §1541(6)) and “carrying or having in one’s possession a tobacco product as defined in 22 MRSA § 1551(3).

“Electronic smoking device” is defined more directly elsewhere in Maine law (22 MRSA § 1541(1-A,) as “a device used to deliver nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the device, including, without limitation a device manufactured, distributed, marketed or sold as an electronic cigarette, [or so-called vape-pen”].

In enacting P.L. Ch. 308 (2017), “An Act to Reduce Youth Access to Tobacco Products,” the Maine Legislature raised the age for sales of tobacco products (including electronic smoking devices) from 18 to 21 (with the exception of persons who had reached 18 years of age as of July 1, 2018).

In addition, all persons are prohibited from possessing, selling, distributing or dispensing tobacco products in school buildings, facilities and on school grounds and buses during school-sponsored events and at all other times.

Legal References: 22 MRSA § 1578-B
 Me. PL 470 (An Act to Reduce Tobacco Use By Minors)
 20 USC 6081 (Pro-Children Act of 1994-Goals 2000)

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