

# **Regulations of the Wenham Board of Health Prohibiting Tobacco Products in Schools**

## **Section 1. Purpose:**

The purpose of this regulation is to protect the health of the students and employees in the schools in the Town of Wenham.

## **Section 2. Definitions:**

As used in this regulation, the following words shall have the following meanings, unless the context requires otherwise:

School: an institution or facility intended to provide for the education of students.

Student(s): a person attending an educational institution or facility.

Tobacco product: Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; or electronic cigarettes, electronic cigars, electronic pipes, electronic hookah, liquid nicotine, "e-liquids" or other similar products, regardless of nicotine content, that rely on vaporization or aerosolization. "Tobacco product" includes any component or part of a tobacco product. "Tobacco product" does not include any product that has been approved by the United States Food and Drug Administration either as a tobacco use cessation product or for other medical purposes and which is being marketed and sold or prescribed solely for the approved purpose.

Terms not defined herein shall be defined as set forth in M.G.L. Ch. 270, §22 and/or 105 CMR 661. To the extent any of the definitions herein conflict with M.G.L. Ch. 270, §22 and 105 CMR 661, the definition contained in this regulation shall control.

## **Section 3. Tobacco Use Prohibited:**

The possession or use of tobacco products is hereby prohibited within school buildings or facilities or on school grounds or buses or in connection with any school-sponsored activity regardless of the physical location of the property.

## **Section 4. Enforcement:**

(1) It shall be the responsibility of the school to provide a tobacco-free environment.

(2) Violations of this regulation shall be penalized as follows:

- a. First Offense – mandatory attendance at, and successful completion of, tobacco product education classes, including a smoking cessation program, or a fine of One Hundred Dollars (\$100), as determined by the Enforcement Authority.
- b. Second Offense – a fine of Two Hundred Dollars (\$200)

c. Third and Each Succeeding Offense – a fine of Three Hundred Dollars (\$300.00)

- (3) The penalty is enforced by following the non-criminal disposition procedure of M.G.L. Ch. 40, § 21D and Chapter XIII of the Town Bylaws.
- (4) The Board of Health hereby designates the Wenham Police Department and the Superintendent or chief administrative officer of the School (or those expressly designated in writing by the Superintendent or chief administrative officer), acting severally, as the Enforcement Authorities for this regulation.

**Section 5. Severability:**

If any paragraph or provision of this regulation is found to be illegal or against public policy or unconstitutional, it shall not affect the legality of any remaining paragraphs or provisions.

**Section 6. Conflict with other laws or regulations:**

Nothing in this regulation shall be deemed to amend, restrict, or repeal applicable fire, health, or other regulations.

**Section 7. Adoption and Effect:**

These rules and regulations were adopted by (unanimous vote) of the Board of Health, Town of Wenham, Massachusetts and are to be in full force and effect on and after **August 1, 2019** and shall, before said effective date, be published in a newspaper published in this town and a copy shall be deposited in the office of the Town Clerk.

Public Hearing Date: March 13, 2019

Adopted: June 5, 2019

Copy sent to DEP: June 6, 2019

Chairman: \_\_\_\_\_

  
Dr. Andrew Ting

  
Gerald Donnellan

  
Regina Baker

REGULATORY AUTHORITY: G.L. c. 71, § 2A; G.L. c. 74, § 58; G.L. c. 111, § 31, G.L. c. 270, § 22(j, m)