

Tobacco-Free Schools: A Guide for Adopting and Implementing a Policy

In this guide, you will find:

- Implementing a Tobacco-Free Policy
- Model Tobacco-Free Policy for Minnesota K-12 Schools
- Policy FAQs
- Factsheet on Electronic Cigarettes
- Sign order form for FREE signage



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(March 2021)

Adopting and Implementing a Policy in your School

ASSESS THE CURRENT POLICY



Find out whether the school district has a written policy on the use of tobacco products. You may be able to find this by reviewing the school's student and faculty handbooks, policy manuals, and other administrative materials. Longtime administrators and faculty may also be able to provide some background on how the policy was developed. If the school already has a policy, compare it with the model policy provided to ensure that the school has a comprehensive policy.



Questions for reviewing your policy:

- Does the current policy prohibit the use of all tobacco products, including combustible tobacco, vapor products/e-cigarettes (with or without nicotine) and all other tobacco products?
- Does the current policy apply to all staff, students, administrators, and visitors?
- Does the policy apply at all school-sponsored events?
- Does the policy cover all school-owned property and vehicles?
- Does the policy prohibit the acceptance of tobacco industry funding, materials and curriculum?
- Does the policy prohibit the promotion of tobacco products?
- Does the policy set guidelines for enforcing the policy?

DEVELOP OR UPDATE AND PASS A POLICY, IF NECESSARY



While the Minnesota Clean Indoor Air Act (MCIAA) prohibits smoking and the use of electronic cigarettes in virtually all indoor public places and indoor places of employment, including public schools. However, the law does **not** prohibit outdoor smoking, regardless of distance from building openings. It also does not prohibit the use of chewing tobacco in indoor places. Therefore, school districts can and should adopt more stringent regulations regarding the use of all tobacco products in school buildings and vehicles and on school grounds.



- If the district does not have a policy, or if the district's policy needs to be revised, use the Model Policy for a Tobacco-free Environment in Minnesota's K-12 Schools to craft a policy for your school district. This model should only be used as a guide.
- Each school district should adopt language that reflects their local situation, such as city or county laws regarding tobacco use setbacks or clean indoor air restrictions on the use of electronic cigarettes. Check with your local public health department to determine which local provisions might apply to your school building and grounds.
- Once you develop a draft policy, you will need to present it to the school board for approval.

IMPLEMENT AND PROMOTE THE POLICY



Once the policy is adopted, it will need to be effectively implemented and communicated in order to be successful. The policy should include an effective date that allows ample time to implement the policy and notify the public.



Steps to consider:

- Present at staff and administrative meetings or in-service days;
- Put policy details in student and staff handbooks and on the school website;
- Make announcements and distribute handouts at all school-related events, including athletic events, meetings, concerts, plays, etc;
- Share information about the policy with community organizations that use the school building or grounds for their activities or meetings;
- Communicate to parents/guardians via text, email, or letter (per standard school procedure), explaining the policy changes, presenting reasons, and asking for support.

ENFORCEMENT



Enforcement strategies for students, staff and visitors should be determined during policy development and passage process. Proactive enforcement should include:

- Prominently posted signs at all entrances to school buildings, school grounds, parking lots, and athletic facilities, as well as in school vehicles (see attached Sign Order form).
- A written procedure for the steps to be taken when policy violations occur in the policy. The procedure may simply refer to the district's existing disciplinary plan, or it may incorporate additional tobacco-specific actions.
- Age-appropriate disciplinary actions for students that include an educational component especially for a first-time offense. Steps taken for a first-time offense for students might include confiscation of tobacco products, notifying parents, and attendance in a tobacco prevention education program.

ELECTRONIC CIGARETTES



- New data from the Minnesota Department of Health indicates that youth tobacco use rates in Minnesota have risen for the first time in 17 years. This increase in use is due largely to a spike in the use of e-cigarettes by Minnesota students.
- Included in this toolkit are two factsheets: one on e-cigarettes in general and one on JUUL, a popular brand of e-cigarettes. Minors are prohibited by law from purchasing, possessing or using these products in Minnesota and their use should be prohibited in a comprehensive tobacco-free K-12 school policy. These factsheets will help school staff know what to look for regarding the use of these products by students.

ADAPTED FROM:

"Comprehensive Tobacco-Free School Policy Toolkit: Tools and Resources for North Dakota Schools"; [https://prevention.nd.gov/files/pfs/School%20Policy%20Tool%20Kit%20\(tobacco\).pdf](https://prevention.nd.gov/files/pfs/School%20Policy%20Tool%20Kit%20(tobacco).pdf)

"Developing a 24/7 Tobacco-Free School Policy" from TSET Healthy Living Program
<http://sde.ok.gov/sde/sites/ok.gov.sde/files/Tobacco-FreeSchoolsPolicyGuide-Final-7-15.pdf>

"Tobacco-Free Schools for Michigan Youth: A Planning Guide" from Partnership for Tobacco-Free Schools (Michigan Department of Community Health and Michigan Department of Education); http://www.michigan.gov/documents/mde/Tobacco-FreeSchools_327972_7.pdf



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BEAUTIFUL LIE UGLY TRUTH

ABOUT MENTHOL TOBACCO

ABOUT MENTHOL

Easier to start, harder to quit.

Tobacco companies add menthol to tobacco products to cool the throat and make them taste better.

The tobacco industry has marketed menthol cigarettes as healthier and safer, but they are just as deadly.

Many people choose menthol cigarettes because they believe they are safer than non-menthol cigarettes. They are not.



MENTHOL USE IN MINNESOTA

African Americans: **88%**

of African American adults who smoke use menthol, compared to 25% of adult smokers overall.

High School Students:

Use of menthol cigarettes among Minnesota high school smokers more than doubled since 2000.

34%

of Minnesota middle and high school students who smoke use menthol.

LGBTQ Youth & Adults:

70%

of LGBTQ youth smokers smoke menthols.

36%

of adult LGBTQ smokers smoke menthol cigarettes.

HARMFUL EFFECTS OF MENTHOL

Menthol cigarettes cause cancer, heart and lung diseases, and death. Tobacco use, including menthol-flavored products, is still the No. 1 preventable cause of death in Minnesota.

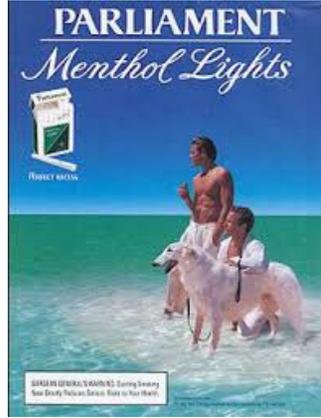
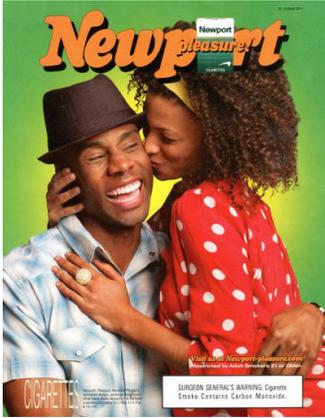
Studies have shown that the tobacco industry has manipulated menthol levels to broaden youth appeal.

BEAUTIFUL LIE UGLY TRUTH

ABOUT MENTHOL TOBACCO

INDUSTRY MANIPULATION:

The tobacco industry has a long history of targeting the African American community, women, LGBTQ, and youth with menthol tobacco marketing.



Tobacco companies began heavily targeting African Americans with menthol cigarettes in the 1960s.

Brands such as Salem and Newport would give out free packs of menthol cigarettes from vans.

Tobacco industry documents show these vans targeted young, lower-income, black smokers at “retail outlets, currency exchanges/check cashing stations, public aid offices, large housing complexes, shopping malls, rapid transit locations, busy street corners, and nightclubs/bars.”

— RJ Reynolds, 1989



AND NOW, A MESSAGE FROM TOBACCO EXECUTIVES

“We don’t smoke that s***. We just sell it. We reserve the right to smoke for the young, the poor, the black and stupid.”

— RJ Reynolds Executive, 1971

“...the base of our business is the high school student.”

— Lorillard (Makers of Newport), 1978

What can we do to stop the tobacco industry from harming our communities with menthol tobacco?

Minnesota communities have the authority to regulate the sale of menthol tobacco products, a move that helps protect youth from a lifetime of tobacco addiction. Minneapolis and Saint Paul were the first cities in Minnesota to prohibit the sale of all flavored tobacco products, including menthol, in any store that allows children to enter. Eight other Minnesota communities have since taken similar action. Other cities across the state are considering regulating the sale of flavored and menthol tobacco in order to protect youth and other populations targeted by the tobacco industry.



References available at:
BeautifulLieUglyTruth.org
(February 2021)

Join us at:
BeautifulLieUglyTruth.org

E-Cigs 2.0: The Next Generation



In the decade-plus since their U.S. introduction, electronic cigarettes, known as e-cigarettes or vapes, drastically evolved. E-cigarettes first resembled conventional cigarettes, and now have morphed into sleek gadgets, like the JUUL, pictured at left, that have become the next big thing. Youth love them for the big hit of nicotine and their easily-hidden, deceptive looks. Their resemblance to USB flash drives prompted some schools to ban the drives as teachers can't tell the difference between the two. Terms like "JUULing or jewelng" and "vaping" entered the teen vernacular. Users have coined dedicated hash tags on social media and created videos of themselves doing vape tricks or blatantly vaping at school. Their prevalence prompted the U.S. Surgeon General to refer to youth e-cigarette use as an "epidemic" in 2018 and resulted in advisories from the Centers for Disease Control.^{1,2}

So, what's an e-cigarette?

E-cigarettes are battery-operated devices that contain a mixture of liquid nicotine and other chemicals. The device heats this mixture, called e-juice, producing a nicotine aerosol that is inhaled. E-cigarettes are also called e-hookahs, e-pipes, vape pens, hookah pens or personal vaporizers.

FACT:

Nicotine is harmful to developing brains.

Nicotine interferes with brain development and can have a long-term effect on mental health. Even brief or intermittent nicotine exposure during adolescence can cause lasting damage.³ E-cigarette use by youth and young adults increases their risk of using conventional cigarettes in the future.⁴

FACT:

E-cigarette use remains high among MN youth.

The youth tobacco usage rate increased for the first time in 2017 because of the increase in the use of e-cigarettes and has remained high. One in five youth (19.3 percent) currently use e-cigarettes, according to the 2020 Minnesota Youth Tobacco Survey. That is a 49 percent increase since 2014's survey.⁵

FACT:

E-cigarettes are not approved as a cessation tool.

E-cigarettes have not been proven to be better for quitting than existing programs.² For adults wanting to quit, there are FDA-approved quit aids such as gum, patches and lozenges, available at www.QuitPartnerMN.com. Teens can go to www.MyLifeMyQuit.com for free quit help.



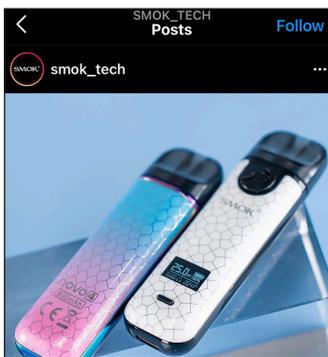
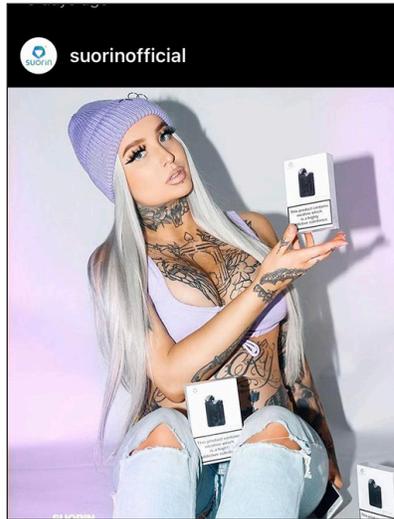
Disposable e-cigarettes, such as the Puff bar above, have become popular among teens because of the many flavors, low price and ease of use.

The evolution of e-cigarettes



Early e-cigarettes resembled conventional cigarettes and were called "cig-a-likes." They evolved into pen-shaped devices with small tanks that held e-juice. Tanks got bigger, morphing into the mods that give users more control of the device. Youth usage soared in 2015 with the emergence of JUUL, which resembled a USB device and packed a powerful nicotine punch. Since its release, other companies mimicked their style and also put out high-nicotine devices that looked like JUULs. Pod mods and disposables have become the latest go-to devices for teens as the FDA started regulating JUUL-like devices.

FACT: E-cigarettes are marketed to youth.



Vaping companies such as Suorin and Smok, heavily target youth on social media, particularly Instagram and SnapChat. They use popular hashtags like #puffbar and #JUULtricks and also pay popular influencers. In Minnesota, 68 percent of students had seen ads promoting e-cigarettes in the past 30 days.⁵ E-cigarettes come in a variety of youth-friendly flavors, such as menthol, watermelon, blue raspberry, cherry limeade, churros and funnel cake.⁶

(Images retrieved from Instagram.)

FACT:

E-cigarettes are not harm-free.

E-cigarettes contribute to indoor air pollution. Studies have found nicotine, heavy metals, toxins, and carcinogens in e-cigarette aerosol.⁴

SOURCES

- 1 US Surgeon General (2018). Surgeon General's Advisory on E-cigarette Use Among Youth. Atlanta, GA: Department of Health and Human Services, U.S. Centers for Disease Control and Prevention.
- 2 Centers for Disease Control and Prevention (CDC) (2018). Sales of JUUL e-cigarettes skyrocket, posing danger to youth. Atlanta, GA: Office on Smoking or Health.
- 3 U.S. Department of Health and Human Services. The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, January 2014.
- 4 National Academies of Sciences, Engineering, and Medicine. 2018 Public Health Consequences of E-Cigarettes. The National Academies Press. 2018
- 5 Evered SR. Teens and Tobacco in Minnesota: Highlights from the 2020 Minnesota Youth Tobacco Survey: Minnesota Center for Health Statistics, Minnesota Department of Health, February 2021.
- 6 US Surgeon General (2012). Preventing Tobacco Use among Youth and Young Adults. Atlanta, GA: Department of Health and Human Services, Centers for Disease Control and Prevention.

The Association for Nonsmokers-Minnesota is dedicated to reducing the human and economic costs of tobacco use in Minnesota. (March 2021)



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Tobacco-Free Sign Order form for K-12 Schools

Association for Non Smokers-MN (ANSR) has 12" x 18" permanent outdoor metal signs available for Minnesota schools that need assistance in promoting their tobacco-free policy.

These signs are **FREE**, but all orders **require a copy of tobacco-free policy that includes electronic cigarettes**. When considering the number of signs to order, consider these locations on school property:

- Places where tobacco users tend to congregate during athletic events
- Entrances to stadiums, courts, fields, and rinks
- Concession stands or restroom areas

ANSR reserves the right to limit sign orders based on materials available.



To receive your free materials, please provide the following information:

1) Shipping Information:

Name/Title: _____

Shipping Address: _____

Shipping City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Quantity Requested: _____

2) Property Information (Please include the following information for each property):

Property Name: _____

Contact Name & Title: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Website: _____

*****Please attach a copy of your school district's tobacco-free policy!**

Please return form to:
 Esha Seth
 2395 University Avenue W, Suite 310
 St. Paul, MN 55114-1512
Email: esha@ansrmn.org
Phone: (651) 646-3005
FAX: (651) 646-0142



COMMERCIAL TOBACCO-FREE K-12 SCHOOL MODEL POLICY

Questions & Answers



The use or promotion of commercial tobacco products¹ on school grounds and at off-campus school-sponsored events is detrimental to the health and safety of students, staff, and visitors.

Under federal law, smoking is prohibited in any kindergarten, elementary, or secondary school or library serving children under the age of 18 years if federal funds are used in the school.² Many states also have laws that restrict commercial tobacco use, including electronic cigarettes, in public K-12 schools.³ However, federal law and many state laws do not cover outdoor school grounds.



To promote an environment free of commercial tobacco in primary and secondary schools, the Public Health Law Center has prepared a comprehensive model policy that school districts and schools may adopt. The policy:

- Provides a definition of commercial tobacco products to include current and future tobacco products;
- Prohibits the following items on campus (inside and outside buildings) and at off-campus, school-sponsored events:
 - Tobacco products and tobacco-related devices, including electronic cigarettes,
 - Imitation tobacco products (such as candy cigarettes), and
 - Lighters;
- Prohibits accepting any donations or curriculum from any tobacco-related industry;
- Prohibits any promotion of tobacco products, including electronic cigarette products; and
- Includes effective and holistic enforcement options for student violations beyond suspension and expulsion.

Both this publication and *Commercial Tobacco-Free K-12 School Model Policy* reflect this policy. In addition to the model policy language summarized above, this model policy Q & A document includes context boxes throughout the model policy that provide the reasoning behind key provisions.

Free Legal Technical Assistance

As with all policy drafting, this K-12 Model Policy is only to be used as a guide. Each school district or school may consider modifications that reflect local needs, resources, and situations. You should review your policy with a legal technical assistance provider to ensure internal consistency, especially if you change terms or delete provisions.

The Public Health Law Center may be able to review the draft of your school or school district's commercial tobacco-free policy. The Center also offers trainings on drafting effective policies. Please check our website at www.publichealthlawcenter.org for more information about policy drafting and other model policies and resources. To request assistance, e-mail publichealthlawcenter@mitchellhamline.edu.

K-12 Schools, Commercial Tobacco-Free: Model Policy Questions & Answers

I. Findings

Q: *Why include Findings in a comprehensive commercial tobacco-free policy?*

A: Findings in a commercial tobacco-free policy should be included to clearly identify the problems addressed with the policy. Findings can provide guidance and understanding for the policy drafters, enforcers, and readers. Common findings associated with a comprehensive commercial tobacco-free policy include those that clearly identify tobacco-related health concerns and problems with commercial tobacco that are related to school environments. Consider including findings that relate to your purposes, such as local statistics demonstrating the problem of youth commercial tobacco use.

- (A) Commercial⁴ tobacco use is the single most preventable cause of death in the United States.⁵
- (B) In the United States, smoking causes 480,000 deaths annually and is responsible for nearly \$170 billion in excess medical care costs.⁶
- (C) Nicotine is found in all commercial tobacco products, including electronic smoking devices.⁷ Exposure to nicotine during adolescence and young adulthood can cause addiction and harm the developing brain.⁸
- (D) The use of commercial tobacco products by children in the United States is a pediatric disease of considerable proportions that results in new generations of nicotine-dependent children and adults.⁹
- (E) In 2018, 27.1 percent of U.S. high school students were current users of commercial tobacco products, totaling 4 million. Overall commercial tobacco use by high school students increased in the United States by 38 percent during 2017–2018, which reversed recent declines in commercial tobacco use by youth in the United States. This increase was driven by the use of electronic smoking devices (also known as e-cigarettes, vapes, Juul), which rose 78 percent during 2017–2018.¹⁰ By 2018, an estimated 3.05 million (20.8 percent) of high school and 570,000 (5.7 percent) of middle school students were current users of e-cigarettes, the majority (67.8 percent) of whom use flavored e-cigarettes.¹¹

- (F) Children are exposed to tailored, targeted, substantial, and unavoidable tobacco industry marketing and advertising that leads young people to (1) hold favorable beliefs about, (2) overestimate the prevalence and undermine the health harms of, and (3) become more likely to begin to use commercial tobacco.¹²

Q: *Why does a comprehensive tobacco-free policy need a finding about tobacco advertising?*

A: This model policy prohibits the advertising or promotion of tobacco products, including electronic smoking devices. This finding gives support for that provision in the policy.

- (G) Electronic delivery smoking devices create and increase nicotine addiction among young people. In 2018, the U.S. Surgeon General declared use of electronic delivery smoking devices as an epidemic among young people.¹³ Using these products may also encourage youth to try other combustible tobacco products that are known to cause disease and lead to premature death.

Q: *Why does a comprehensive tobacco-free policy need a finding about electronic smoking devices?*

A: This model policy includes electronic smoking devices in the definition of prohibited products. This finding gives support for the incorporation of those products into the policy.

- (H) Imitation tobacco products, such as candy cigarettes and smokeless chew, may lead youth to use commercial tobacco by desensitizing them to the dangers of tobacco and by advancing the idea that commercial tobacco use is socially acceptable.¹⁴

Q: *Why does a comprehensive tobacco-free policy need a finding about imitation products?*

A: This model policy recommends adding imitation tobacco products to the definition of prohibited products. This finding gives support for that addition to the policy.

- (I) Evidence has shown anti-tobacco use campaigns sponsored by the tobacco industry (including electronic smoking device manufacturers and retailers) do not prevent youth from using commercial tobacco products and may encourage youth to smoke and create positive associations with the tobacco industry.¹⁵

Q: *Why does a comprehensive tobacco-free policy need a finding about tobacco industry-sponsored materials?*

A: This model policy recommends prohibiting the use of materials provided by the tobacco industry, as well as the electronic smoking device industry. This finding gives support for that addition to the policy.

II. Purpose

Q: *Why is it important to include a purpose section in a comprehensive tobacco-free policy?*

A: By detailing the purpose of a comprehensive tobacco-free policy, the drafters are laying out the goals they had in mind for the policy. A purpose section explains why the policy is being created, what the policy goals are, and why it is important to follow through with the policy.

This is a comprehensive policy designed to ensure a safe learning and work environment free of commercial tobacco.

- (A) [The [district name] Board of Education] / [school name] recognizes that the use of commercial tobacco products, including electronic smoking devices, is a health, safety, and environmental hazard for students, staff, visitors, and school facilities. The board is acutely aware of the serious health risks associated with the use of commercial tobacco products, including electronic smoking devices, to users and non-users. The [board/school] believes that the use or promotion of commercial tobacco products, including electronic smoking devices, on school grounds and at off-campus school-sponsored events is detrimental to the health and safety of students, staff, and visitors.
- (B) The [board/school] also believes accepting gifts or materials from the tobacco industry will send an inconsistent message to students, staff, and visitors.

Q: *Why include a purpose statement about industry gifts and materials?*

A: This purpose section supports the provision that prohibits the acceptance of tobacco industry gifts or materials below.

- (C) The [board/school] embraces that adult staff and visitors serve as role models for students. The board embraces its obligation to promote positive role models in schools and to provide an environment for learning and working that is safe, healthy, and free from unwanted smoke or aerosol and other commercial tobacco use for the students, staff, and visitors.

Q: *Why include a purpose statement about staff and visitor role modeling?*

A: This purpose section supports the provision that compliance with this comprehensive policy is important for everyone. It also supports the provision that prohibits promotion of tobacco products.

THEREFORE, the [board/school] adopts the following commercial tobacco-free policy:

III. Definitions

Q: *Should a comprehensive commercial tobacco-free policy contain a definition section?*

A: Yes. A thorough definition section explains the language and wording used in a policy and helps ensure the language is consistent throughout the document. For example, if the word “staff” is defined, readers will know that it refers to all people employed by the district either full- or part-time, as well as volunteer and contract workers. A well-thought-out definition section can also help reduce ambiguity and confusion. For example, clarifying the meaning of “tobacco products” helps those responsible for enforcing the policy know what products are included. This is especially important because the tobacco industry constantly develops new ways to hook new users and to deliver nicotine to users.

- (A) **“Administrator”** means any person who has disciplinary and managerial authority to enforce school policies in [district/school name], including but not limited to principals, vice-principals, and office personnel.

Q: *Why is there a separate definition for “administrator”?*

A: “Administrator” is defined separately from “staff” because some provisions contain language pertaining to administrators only.

- (B) **“Any time”** means 24 hours a day, seven days a week, 365 days a year.

Q: *Why is the definition for “any time” necessary?*

A: It is important to include language in the policy to clarify that provisions apply both during and outside normal school hours.

- (C) **“Electronic smoking device”** means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. “Electronic smoking device” includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, Juul, Suorin, or under any other product name or descriptor. “Electronic smoking device” includes any component part of a product, whether or not marketed or sold separately, including but not limited to e-liquids, e-juice, cartridges, or pods.

Q: *Why include a definition for “electronic smoking device”?*

A: Electronic smoking devices should be defined specifically and also included in the definition of tobacco products below. The devices represent an evolving category of products that may or may not look like cigarettes or other tobacco products, which can create confusion when interpreting a policy that does not include a specific definition.

- (D) **“Imitation tobacco product”** means any edible non-tobacco product designed to resemble a tobacco product, or any non-edible non-tobacco product designed to resemble a tobacco product and intended to be used by children as a toy. “Imitation tobacco product” includes, but is not limited to, candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, pouches containing flavored substances packaged similar to snus, and shredded beef jerky in containers resembling snuff tins.

Q: *Why include a definition of “imitation tobacco product”?*

A: Imitation tobacco products normalize and encourage commercial tobacco use. Allowing these products on campus sends a mixed message to students and can pose enforcement challenges.

- (E) **“Lighter”** means a mechanical or electrical device typically used for lighting tobacco products.
- (F) **“Off-campus, school-sponsored event”** means any event sponsored by the school or school district that is not on school property, including but not limited to, sporting events, day camps, field trips, dances, or theatrical productions.

Q: *Why define “off-campus, school-sponsored event”?*

A: A policy that bans commercial tobacco products and tobacco product use at off-campus events should define off-campus events to clarify the types of events the policy covers.

- (G) **“Parent/Guardian”** means any person that has legal guardian status over a student enrolled in [district/school name].
- (H) **“School”** means [name of school/any public nursery, day care center, child care facility, Head Start program, kindergarten, elementary, secondary school, alternative learning center or adult education center] operated under the control of [district name].
- (I) **“School property”** means all facilities and property, including land, whether owned, rented, or leased by [district/school name], and all vehicles owned, leased, rented, contracted for, or controlled by [district/school name] used for transporting students, staff, or visitors.

Q: *Why include a definition for “school property”?*

A: An expansive school property definition can ensure that a policy is most likely enforceable on all school property and not just within the four walls of the school building(s). This definition of property allows for the policy to cover both inside and outside the school buildings. This definition includes all facilities, whether owned, rented or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls.

- (J) **“Signage”** means signs declaring that all [district/school name] school property is tobacco-free.
- (K) **“Smoking”** means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. “Smoking” also includes carrying or using an activated electronic smoking device.
- (L) **“Staff”** means any person employed by [district/school name] as full or part-time, or any position contracted for or otherwise employed, with direct or indirect monetary wages or compensation paid by [district/school name], or anyone working on a volunteer basis. This term includes, but is not limited to, faculty, service personnel, volunteers, chaperones, student teachers, adult classroom or student aides, and other adults working for [district/school name].

Q: *Why include a definition for “staff”?*

A: A definition of “staff” may be more inclusive for the tobacco-free policy than for other provisions in the school policy. This definition is important, particularly when the policy includes a provision for “off-campus, school-sponsored events,” because the term “staff” covers “volunteers” and “chaperones.” Without this definition, a volunteer or chaperone at off-campus events would be considered a “visitor,” and therefore not covered in the model policy. That could result in a situation in which a parent or chaperone would be able to use tobacco products.

- (M) **“Student”** means any person enrolled in [district/school name]’s educational system.
- (N) **“Tobacco industry”** means manufacturers, distributors or wholesalers of tobacco products or tobacco-related devices (e.g., Juul, Altria). This includes parent companies and subsidiaries.

Q: *Why include a definition for “tobacco industry”?*

A: This term is used in the provision below that limits acceptance or solicitations of gifts or materials. If the school district does not include the references to “manufacturers, distributors or wholesalers,” it could inadvertently prohibit donations from retail businesses that simply sell tobacco products to consumers. A distributor is a business that sells products to a retailer.

Note that the term “tobacco industry” also includes the “manufacturers, distributors, or wholesalers” of electronic smoking devices since those products are included within the definition of “tobacco products” below.

- (O) **“Tobacco industry brand”** means any corporate name, trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or any other indication of product identification identical or similar to those used for any brand of tobacco product, company, or manufacturer of tobacco products.
- (P) **“Tobacco product”** means any product containing, made, or derived from tobacco or that contains nicotine, whether synthetic or natural, that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including but not limited to: cigarettes; electronic smoking devices; cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco.

Q: *Why is a definition of “tobacco product” important?*

A: Although this definition seems long, it is important to include the full description and list of products so readers of the policy understand which products are included in the policy. Commercial tobacco products and commercial tobacco use can take many forms. The definition is broad enough to include new products, like Juul, and not-yet-developed but foreseeable products. The tobacco industry has hundreds of products that come in every shape and size. For these reasons, a comprehensive commercial tobacco-free policy must contain a thorough definition of “tobacco products.” Note that the definition of tobacco products includes electronic smoking devices, also defined above.

(Q) **“Tobacco products shop”** means a retail establishment that derives more than 90 percent of its gross revenue from the sale of tobacco products, as defined in this policy.

Q: *Why include a definition for “tobacco products shop”?*

A: This definition is important when you are limiting donations or sponsorship so that businesses with a lesser portion of sales are not prohibited from providing support (e.g. grocery stores).

(R) **“Tobacco-related devices”** means ashtrays, rolling papers, wraps, or pipes for smoking and any components, parts, or accessories of electronic smoking devices.

(S) **“Visitor”** means any person subject to this policy that is not a student, staff, or administrator as defined above.

IV. General Statement of Policy

(A) [district/school name] students are prohibited from possessing, using, consuming, displaying, promoting, or selling any tobacco products, tobacco-related devices, imitation tobacco products, or lighters at any time on school property or at any off-campus, school-sponsored event.

Q: *Why is there a separate section that just applies to students?*

A: Students are separated out from other persons because of the word “possess.” It is important to have a separate section to allow administrators, staff, and visitors of legal age to possess these products, such as having a pack of cigarettes in a staff vehicle or a lighter in a purse or after staff or administrators confiscate them from students. See below for more discussion on this topic.

Q: *Why prohibit imitation tobacco products?*

A: Peer-reviewed studies published in medical literature demonstrate that imitation tobacco products predispose children to use commercial tobacco by desensitizing them to the dangers of commercial tobacco and advancing the idea that commercial tobacco use is socially acceptable. One such study concluded that 22 percent of adults who had regularly consumed candy cigarettes in their lives were regular or former smokers, compared with only 12 percent of adults who had never consumed candy cigarettes. (Klein, Thomas, & Sutter, 2007.)

Q: *Why prohibit lighters?*

A: Lighters are used to ignite combustible tobacco products and have been found to be the source of half (52 percent) of U.S. home fires each year. Between 2007 and 2011, approximately 7,100 home structure fires annually were caused by children playing with fire and lighters, resulting in an average of 77 civilian deaths, 750 civilian injuries, and \$172 million in property damage each year. Fire setting by juveniles continues to pose a significant fire threat in the United States. Most deaths, injuries, and damage from children playing with fire occur in home structure fires. (National Fire Protection Association, 2014.)

Novelty lighters, in particular, have features that are attractive to children, including visual effects, flashing lights, musical sounds, and toy-like designs. The federal Consumer Product Safety Commission has recalled thousands of novelty lighters since 1996 due to their danger to public safety. In 2008, the U.S. Fire Administration made banning novelty lighters the goal of Arson Awareness Week.

- (B) Administrators, staff, or visitors of [district/school name] are prohibited from using, consuming, displaying, activating, promoting, or selling any tobacco products, tobacco-related devices, imitation tobacco products, or lighters at any time on school property or at any off-campus, school-sponsored events. This includes products or paraphernalia displaying tobacco industry brands.

Q: *Would this prohibit staff, administrators and visitors from possessing these items?*

A: No. These people would be able to carry tobacco products, tobacco-related devices, imitation tobacco products, lighters, or electronic smoking devices in a concealed fashion, but they cannot use, consume, activate, display, promote, or sell the listed items while on school property. For example, a teacher would not be able to carry a pack of cigarettes in a noticeable fashion, as that could be considered “displaying” the product.

- (C) It shall be a violation of this policy for [district/school name] to solicit or accept any contributions, gifts, money, curricula, or materials from the tobacco industry or from any tobacco products shop. This includes, but is not limited to, donations, monies for sponsorship, advertising, alleged educational materials, promotions, loans, scholarships, or support for equipment, uniforms, and sports and/or training facilities. It shall also be a violation of this policy to participate in any type of service funded by the tobacco industry while in the scope of employment for [district/school name].

Q: *What does this provision cover?*

A: Accepting funding or materials from the tobacco industry sends a mixed message to youth. This provision is meant to cover a variety of things, such as accepting tobacco industry prevention materials, preventing electronic smoking device companies from sponsoring youth events, or soliciting specific funding from companies that produce rolling papers. Federal law and the Master Settlement Agreement already limit sponsorship of youth-oriented events by certain tobacco companies (21 CFR§ 1140.34(c)). This provision goes beyond the federal law by including other tobacco product industries and subsidiaries.

Q: *What is the law about tobacco industry sponsorship?*

A: Federal law has limited application as it relates to tobacco industry sponsorship. The Family Smoking Prevention and Tobacco Control Act mandates restrictions on marketing and advertising cigarettes and smokeless tobacco. The law prohibits certain brand sponsorships of sports and entertainment events but does not cover parent company sponsorship or sponsorship by electronic smoking device manufacturers and retailers. Additionally, the Master Settlement Agreement with leading cigarette manufacturers places restrictions on the ways in which the tobacco industry can advertise its products, and specifically prohibits manufacturers from targeting children.

Q: *Why prohibit the acceptance of tobacco industry dollars?*

A: The tobacco industry has been targeting youth for decades. This has come in many forms, from marketing campaigns like the Joe Camel cartoon to the development of tobacco products, like electronic smoking products, that resemble and taste like candy. In 2006, a federal judge ruled that the tobacco industry spends billions of dollars annually on marketing activities to encourage youth to try and then continue to use tobacco products. Judge Gladys Kessler found that the industry's youth smoking prevention programs are not designed to effectively prevent youth smoking. Instead, internal tobacco industry documents show that these prevention programs were designed for a public relations purpose, not to keep kids from smoking. Several studies have found that industry-sponsored prevention programs are ineffective at best and may work to encourage kids to smoke. Researchers found that youth exposed to Philip Morris's "Think. Don't Smoke" program had more positive associations with cigarette companies compared to youth who were not exposed to that campaign.

A review of campaigns on youth smoking prevention found that tobacco-funded materials avoid the most powerful anti-tobacco themes of health effects and industry manipulation. For more information on the federal decision, see the "Marketing to Youth" section of our publication, *The Verdict Is In: Findings from United States v. Philip Morris*.

Q: Will having this section prohibit donations from convenience stores or box stores that sell tobacco products?

A: No, not if the policy uses the definitions listed above for tobacco industry and tobacco products shop. Please note the definition for “tobacco products shop” will not prohibit donations from any store that sells tobacco, like pharmacies — just stores that derive more than 90 percent of their profits from tobacco sales.

- (D) It shall be a violation of this policy for any person to promote, or for [district/school name] to promote or allow promotion of tobacco products, tobacco-related devices, or imitation tobacco products on the school property or at off-campus, school-sponsored events. This includes promotion of these products via gear, technology accessories, bags, clothing, any personal articles, signs, structures, vehicles, flyers or any other materials.

Q: Why is this provision necessary?

A: Many schools have provisions that limit what messages can be displayed on clothing, but this may not extend to other items like bags or cell phone protective covers.

- (E) [district/school name] shall act to enforce this policy and to take appropriate action against any student, staff, administrator, or visitor who is found to have violated this policy.
- (F) Instruction to discourage the use of tobacco products shall be included in the education provided for all students. Staff responsible for teaching tobacco use prevention shall have adequate training and participate in ongoing professional development activities to effectively deliver the education program as planned. The curriculum for this instruction will not be paid for or developed by the tobacco industry or its subsidiaries.

Comment: Tobacco use prevention education and teacher training policies should be consistent with the programs and services offered throughout the district.

V. Exceptions

Q: *Should a comprehensive tobacco-free policy contain any exceptions?*

A: Some exceptions are important for equity and educational purposes. For instance, an exemption for Indigenous People to use tobacco as part of a traditional, spiritual, or cultural ceremony supports the physical, spiritual, and emotional wellbeing of some Indigenous People. For more information, visit keepitsacred.itcmi.org. Other exceptions allow for approved visitors or staff to allow tobacco products for school-approved educational or instructional activities, and for non-student adult use of FDA-approved cessation products.

- (A) It shall not be a violation of this policy for a person to possess or provide tobacco, tobacco-related devices, imitation tobacco products, or lighters to any other person as part of an indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice. It shall not be a violation of this policy to use tobacco or tobacco-related devices as part of an educational experience related to indigenous tobacco practices that has been approved by administrators.
- (B) It shall not be a violation of this policy for tobacco products, tobacco-related devices, imitation tobacco products, or lighters to be included in an instructional or work-related activity in [district/school name] school buildings if the activity is conducted by a staff member or an approved visitor and the activity does not include smoking, chewing, or otherwise ingesting the product.

Q: *Why should a school district include an exemption for educational purposes?*

A: Some exceptions can allow staff or approved visitors to include tobacco products, tobacco-related devices, imitation tobacco products, and lighters for educational, instructional, or research activities. For example, a local public health department would be allowed to bring new tobacco products to school property to educate teachers on emerging products. As another example under this exemption, a teacher would be able to use a lighter to light a Bunsen burner in a science classroom exercise.

Q: *Are there other exceptions to consider?*

A: A district may choose to allow students to research and study tobacco products under the supervision of a staff member.

“It shall not be a violation of this policy for tobacco products, tobacco-related devices, imitation tobacco products, lighters, or electronic cigarettes to be included in instructional or research activities in [district/school name] school buildings or on school property if the activity is conducted or supervised by a staff member overseeing the instruction or research, the items remain on [district/school name] property through the time of disposal, and the activity does not include smoking, chewing, or otherwise ingesting the product.”

- (C) It shall not be a violation of this policy for non-students 18 years and older to use or possess a product that has been approved by the U.S. Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

Q: *Why should a school district include this exception?*

A: This exception would allow adult staff and visitors to use or possess FDA-approved cessation products, like nicotine patches and gum, on school property or at school-sponsored events. At this time, no nicotine cessation products are approved for use by persons under the age of 18 years. If and when such products become available, they should be administered to students in accordance with existing policies for other medications.

VI. Opportunities for Cessation Programs

- (A) Administrators shall consult with the local public health department or other appropriate health and allied community-based organizations to provide students, staff, and administrators with information and access to support systems, programs, and services to encourage them to abstain from the use of tobacco products.
- (B) Administrators shall identify and offer evidence-based programs and services for staff that use tobacco products to support them in complying with this policy.

Q: *What should a school district consider when adding information to this cessation program provision?*

A: Districts and schools should write a cessation policy to reflect evidence-based programs and resources available to students and staff. They may be interested in including specific cessation resources and information in the policy itself:

- The U.S. Department of Health and Human Services offers Smokefree and Smokefree Teen as part of the National Cancer Institute's (NCI) [Smokefree.gov](https://www.smokefree.gov) Initiative. The goal of Smokefree Teen is to reduce the number of youth who use tobacco (<https://teen.smokefree.gov>).
- Schools can refer students to the Truth Initiative's quit programs by instructing them to text "QUIT" to 202-804-9884, or visit [This is Quitting](#) and [BecomeAnEX](#).®

VII. Enforcement

Q: *Is an enforcement section necessary to a tobacco-free policy?*

A: Absolutely. Without an enforcement section, violating a commercial tobacco-free policy would likely have no effective solutions. The enforcement section provides an opportunity for schools to holistically address the challenging tobacco addiction that their students and staff may be facing. Districts must create an enforcement section to include in student and staff handbooks. Districts are encouraged to design specific enforcement policies to represent standards unique to each district. School districts should cross reference these sections with other student and/or employee handbooks.

The success of this policy depends upon the thoughtfulness, consideration, and cooperation of the whole [district/school name] community. All individuals on school premises, including students, staff, administrators, and visitors are responsible for adhering to and enforcing this policy. Members of the [district/school name] community are encouraged to communicate this policy with courtesy and diplomacy. Any person acting in violation of this policy will be informed or reminded of the policy and asked to comply.

(A) Students

- (1) The first violation shall result in confiscation of tobacco products, tobacco-related devices, imitation tobacco products, or lighters; notification of parents and/or guardians; and at least one of the following:
 - (i) A student meeting and individual student assessment with a chemical health educator or designated staff to discuss commercial tobacco use and the school policy.
 - (ii) Student participation in a tobacco education program.
 - (iii) Provision of information to student about available cessation programs and resources.
- (2) The second violation shall result in confiscation of tobacco products, tobacco-related devices, imitation tobacco products, or lighters; notification of parents and/or guardians; the provision of information to the student about available cessation programs; and at least one of the following:
 - (i) A student meeting and individual student assessment with a chemical health educator or designated staff with parents and/or guardians to discuss commercial tobacco use and school policy.
 - (ii) Student participation in a tobacco education program.
- (3) The third and any subsequent violation shall result in confiscation of tobacco products, tobacco-related devices, imitation tobacco products, or lighters; notification of parents and/or guardians; the provision of information to the student about available cessation programs; student participation in a tobacco education program; and at least one of the following:
 - (i) A student meeting and individual student assessment with a chemical health educator or designated staff with parents and/or guardians to discuss commercial tobacco use and school policy.
 - (ii) Educational community service.

Comment: Whenever possible, the penalties should focus on education and counseling as opposed to school suspension or police intervention. According to the Centers for Disease Control and Prevention, the most effective ways to help youth quit tobacco use are through counseling and education. (CDC, *PHS Guideline Recommendations: How to Help Adolescents Quit Smoking*)

Penalties that are purely punitive and do not attempt to address the commercial tobacco use will be limited in their effectiveness to deter future use. It is well known that the tobacco industry targets youth and young adults in its marketing. Once addicted, it is difficult for many users to quit. Using punitive measures (e.g., suspension or expulsion) to address the prohibited use that feeds youth addiction may be exponentially detrimental to these users. Additionally, non-criminal justice approaches to enforcement help to avoid disparate treatment and enforcement. Criminal penalties open the door to selective enforcement against youth by certain racial, ethnic, and socioeconomic groups. Evidence suggests that youth of color are disproportionately overrepresented in status-level offenses, which increases their interactions with law enforcement and introduces them into the criminal justice system.

For more information about alternative penalties in school policies, see our publication *Student Commercial Tobacco Use in Schools: Alternative Measures*.

(B) Staff

- (1) The first violation of this policy shall result in a verbal warning to the staff member and an offer of a referral to cessation services.
- (2) The second violation shall result in a written warning to the staff member with a copy placed in the staff member's district personnel file, and an offer of referral to cessation services.
- (3) The third violation shall be considered insubordination and shall be dealt with accordingly based on established policies and procedures for suspension and/or dismissal of staff.

Comment: School districts are strongly encouraged to consult their collective bargaining agreement. Staff violations should be handled according to the policies and procedures outlined in the staff handbook provided by the district.

(C) Visitors

- (1) Visitors observed violating this policy shall be asked to comply with [district/school name]'s tobacco-free policy.
- (2) If a visitor fails to comply with the request, this policy violation may be referred to the building principal or other available school district supervisory personnel. The supervisor shall decide on further action that may include a directive that the visitor leave school property and forfeit any fee charged for admission to a school-sponsored event.
- (3) Repeated violations may result in a recommendation that the superintendent prohibit the individual from entering [district/school name]'s property for a specified period of time.

VIII. Dissemination of Policy

Q: *Why is a dissemination provision important?*

A: Clearly laying out a dissemination provision ensures that the district and schools are taking steps to get the word out about the new policy. Dissemination provisions can detail who is responsible for distributing the information, how the information will be disseminated, and when. A key to implementing a comprehensive tobacco-free policy is clearly communicating the goals and objectives of the policy to all affected parties. A clear dissemination provision can help achieve that goal.

- (A) Appropriate signage shall be posted throughout the district at building entrances and other highly visible locations on all school buildings, building entrances, vehicles, vehicular entrances to school grounds, and all indoor and outdoor athletic facilities indicating that [district/school name] requires an environment free of commercial tobacco.

Comment: It is important to delegate and outline in the policy how signs will be posted and who will post them.

- (B) The [school/district] shall notify students and parents/guardians of this policy through student handbooks and orientations.
- (C) The [school/district] shall provide notice of this policy in staff handbooks, through orientations and employee or staff trainings, and when offering employment.
- (D) The [school/district] shall make reminder announcements of its commercial tobacco-free policy at [school/district] events at appropriate intervals throughout the events, when possible.

Sample Standard Event Announcement: “To protect the health of our students, staff, and visitors, we would like to remind you that our school is 100% free of commercial tobacco. Please refrain from using or displaying tobacco products anywhere on campus. If you have questions, please contact school administration. Thank you for your cooperation.”

Dissemination Tips

- Place an ad in the local paper thanking the school board for its decision to make the school district 100 percent free of commercial tobacco. If the decision was for a private or charter entity, consider officially thanking the governing body.
- Ask other community agencies, such as local public health units, tobacco-free coalitions, parent teacher associations, or asthma coalitions, to include an article about the new tobacco-free school policy in their newsletters.
- Include written reminders of the policy in event programs.

IX. Program Evaluation

Q: *Why should an evaluation provision be included in a policy?*

A: An evaluation provision recognizes that the needs of a comprehensive tobacco-free policy can change. Implementing and detailing an evaluation plan can ensure that policies are routinely examined and updated as needed.

The tobacco-free policy shall be assessed by the school district or its designee evaluator at regular intervals, but at least once a year, to determine whether policies, policy enforcement, communication, education, staff training, and cessation programs are effective. Policies and programs shall be updated and revised accordingly.

X. Effective Date

This policy shall take effect in full on [insert date].

Comment: This policy may have implications related to the collective bargaining process. Therefore, before the policy is adopted or implemented, districts and schools should consider seeking the consultation and support of the unions.

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Endnotes

- 1 The Public Health Law Center recognizes that traditional and commercial tobacco are different in the ways they are planted, grown, harvested, and used. Traditional tobacco is and has been used in sacred ways by Indigenous communities and tribes for centuries. Comparatively, commercial tobacco is manufactured with chemical additives for recreational use and profit, resulting in disease and death. For more information, visit: <http://www.keepitsacred.itcml.org>. When the word “tobacco” is used throughout this document, a commercial context is implied and intended.
- 2 20 U.S.C. § 6083(a), <https://www.law.cornell.edu/uscode/text/20/6083>.
- 3 National Association of State Boards of Education, *Tobacco-Free Environments*, <https://statepolicies.nasbe.org/health/categories/physical-environment/tobacco-free-environments>.
- 4 Traditional and commercial tobacco are different in the ways they are planted, grown, harvested, and used. Traditional tobacco is and has been used in sacred ways by Indigenous communities and tribes for centuries. Comparatively, commercial tobacco is manufactured with chemical additives for recreational use and profit, resulting in disease and death. For more information, visit <http://www.keepitsacred.itcml.org>. When the word “tobacco” is used throughout this document, except for the indigenous practice provision, a commercial context is implied and intended.
- 5 U.S. DEP’T OF HEALTH AND HUMAN SERVICES, THE HEALTH CONSEQUENCES OF SMOKING — 50 YEARS OF PROGRESS: A REPORT OF THE SURGEON GENERAL (2014), https://www.cdc.gov/tobacco/data_statistics/sgr/50th-anniversary/index.htm.

- 6 *Id.*
- 7 U.S. DEP'T HEALTH & HUMAN SERVICES, E-CIGARETTE USE AMONG YOUTH AND YOUNG ADULTS: A REPORT OF THE SURGEON GENERAL (2016), https://e-cigarettes.surgeongeneral.gov/documents/2016_sgr_full_report_non-508.pdf.
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- 13 U.S. DEP'T OF HEALTH AND HUMAN SERVICES, *Surgeon General's Advisory on E-Cigarette Use Among Youth* (2018), <https://e-cigarettes.surgeongeneral.gov/documents/surgeon-generals-advisory-on-e-cigarette-use-among-youth-2018.pdf>
- 14 Jonathan D. Klein et al., *History of Childhood Candy Cigarette Use is Associated with Tobacco Smoking by Adults*, 45 PREV. MED. 26 (2007), <https://doi.org/10.1016/j.ypmed.2007.04.006>. Jonathan D. Klein & Steve St. Clair, *Do Candy Cigarettes Encourage Young People to Smoke?*, 321 BRIT. MED. J. 362 (2000), <http://www.bmj.com/cgi/content/full/321/7257/362>.
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