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Subject	SMOKE FREE LEARNING AND WORKING ENVIRONMENTS
References	Policy 4471 - Smoke Free Learning and Working Environments Education Act Smoke Free Ontario Act (SFOA), S.O. 2017, c.26, Sched. 3
Contact	Human Resources/School Services

1. Purpose

- 1.1 In order to comply with the *Smoke-Free Ontario Act 2017* (SFOA), the Simcoe County District School Board (SCDSB) has developed the following procedure to safeguard the health and welfare of students and employees. SCDSB learning and working environments are to be free from the harmful effects of smoke, vapour (aerosol), cannabis, and tobacco industry-related products (including e-cigarettes, vaporizers, and other nicotine products), and uphold the legislation to the broader community.

Prohibiting smoking or vaping and the use of tobacco, tobacco industry products, emerging tobacco industry products, tobacco industry-related products (including e-cigarettes, vaporizers and other nicotine products), cannabis, cannabis industry products, cannabis-related products, and any smoking paraphernalia on SCDSB property denormalizes use of these products and supports healthy living and decision-making by making these products less desirable, less visible, less acceptable, and less accessible.

2. Definitions

- 2.1 Cannabis - also called marijuana, weed, and pot, is a drug that comes from a plant with common strains that include *Cannabis sativa* and *Cannabis indica*. It consists of dried flowers, fruiting tops, and leaves that are greenish or brownish.
- 2.2 Electronic cigarettes (e-cigarettes, vapour products, vapes) - a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, that contains a power source and heating element designed to heat a substance and produce a vapour (aerosol) intended to be inhaled by the user of the device directly through the mouth, whether or not the vapour (aerosol) contains nicotine. Electronic cigarettes are not a regulated tobacco cessation product.
- 2.3 Nicotine products - include products manufactured by commercial tobacco companies and not those produced by pharmaceutical companies to support nicotine cessation.
- 2.4 Individuals on board premises - includes students, employees, trustees, contractors, parents/guardians, volunteers, permit holders, and all others who are invited to or who work on board property and in board-operated buildings.

- 2.5 Off-property locations - include locations outside of SCDSB properties where educational activities or school events are taking place (e.g., field trips, sporting events).
- 2.6 Regulated tobacco cessation products - tobacco cessation products produced by pharmaceutical companies that are supported through clinical studies and have undergone regulatory scrutiny through Health Canada.
- 2.7 Sacred tobacco - the traditional use of smoke and tobacco that forms part of Indigenous culture when used for such purposes.
- 2.8 School board property - all school and administrative buildings and surrounding property owned by the SCDSB, including school board-owned vehicles and machinery and private vehicles on board property.
- 2.9 Smoke and vapour-free learning and working environment - an environment that is free of smoke and vapour (aerosol) caused by commercial tobacco (e.g., conventional cigarettes), e-cigarettes, or cannabis, and is free from the usage of any type of tobacco or cannabis industry product.
- 2.10 Smoking paraphernalia - any equipment, product, or material that is modified for making or using commercial tobacco, nicotine-based products, or cannabis products. Smoking paraphernalia does not include regulated products intended for use in tobacco cessation.
- 2.11 Tobacco industry-related products - any product made by a tobacco company, whether derived from tobacco or not, that is intended for human use or consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, but does not apply to regulated products made by pharmaceutical companies intended for use in tobacco cessation. Tobacco industry-related products also include electronic products such as, but not limited to, electronic cigarettes, cigars, or pipes containing nicotine or not, as well as cartridges of nicotine solutions and related products.

3. Relevant legislation

- 3.1 The SFOA, S.O. 2017, c. 26, Sched. 3 (SFOA, 2017) and Ontario Regulation 268/18: General (made under the SFOA, 2017) require that no person shall smoke tobacco or hold lighted tobacco, smoke or hold lighted cannabis, use an electronic cigarette (i.e., vape), or consume a prescribed product or substance, in a prescribed manner in any enclosed public place, enclosed workplace (including school buses, school vehicles, board vehicles), work and plant buildings, any structure with a roof and three or more walls, or a school within the meaning of the *Education Act 2017*, c.26, Sched. 3, s.12(1); 2018, c.12, Sched. 4, s.4.
 - 3.1.1 Smoking or the use of electronic cigarettes or cannabis is not permitted within 20 metres of any point on the perimeter of the school grounds. SFOA 2017 c.26, Sched. 3, s.11(1).

3.2 *Education Act* S.1(1)

A school as defined in the *Education Act* includes a body of students organized as a unit for educational purposes under the jurisdiction of the appropriate board and includes staff members associated with the school and the land and premises used in connection with the unit or institution.

The Education Centre is considered school property under the definition in the *Education Act*.

4. Responsibilities

- 4.1 It is the responsibility of the SCDSB to be in compliance with all aspects of the SFOA. The SCDSB prohibits smoking or vaping and the use of tobacco, tobacco industry products, emerging tobacco industry products, tobacco industry-related products (including e-cigarettes, vaporizers, and other nicotine products), cannabis, cannabis industry products, cannabis-related products, and any smoking paraphernalia. This applies to all individuals on board premises or when at off-property locations during school board and school related events (e.g., field trips, sporting events).
- 4.2 The board shall ensure that provincial signage as required by the SFOA is posted at all schools, school properties, board properties (including work/plant buildings), and board and school vehicles.
- 4.3 The board shall ensure that the board policy, its guidelines, and related procedures have been communicated to all permit, contract, and lease holders.

5. Traditional or sacred tobacco

In accordance with the SFOA, the SCDSB policy acknowledges that exceptions are made for the use of traditional or sacred tobacco that forms part of Indigenous culture. When a member of the board's Indigenous community requests to use tobacco for traditional Indigenous cultural purposes, every effort will be made to accommodate these practices in an appropriately designated space.

6. Tobacco-related offences

The SFOA 21 (1) states that a person who contravenes section 12 of the Act (section 3.1 above) is guilty of an offence and on conviction is liable to a fine determined in accordance with subsection (3). 2017, c.26, Sched. 3, s.21.

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