

# Dickson County Board of Education

## Tobacco Products and Tobacco Paraphernalia

The use of tobacco products or the possession of tobacco paraphernalia, by students is prohibited on school premises, including all parking areas, during the school day. These also apply to all school related functions or activities. These functions may include, but are not limited to, athletic contests, field trips, or visits to other schools.

Tobacco paraphernalia may be described as any product or device related to the use of tobacco or tobacco products. Violations may include but are not limited to cigarette lighters, matches, pipes or cigarette papers.

Consequences for violation this policy will be as follows:

Upon each offense the student will be written a petition to appear in juvenile Court for violation of T.C.A. 39-17-1505 or T.C.A. 39-15-409. The petition will be issued by the school/juvenile court liaison upon receiving information from the building principal that a violation has occurred.

Upon each violation the building principal or designee should enter the violation into the student discipline of the student management system and then email the school/juvenile court liaison (Cindy Sensing, [cynthiasensing@dcbe.org](mailto:cynthiasensing@dcbe.org)) with student name, grade and birthdate.

In addition it is suggested the school develop a consistent and appropriate discipline for the violation of student expectations. The following suggestions may be used as appropriate consequences.

### School Level Consequences for Violations:

#### First offense

A warning issued to the student and a letter sent to parent or guardian explaining the violation and consequences if future violations occur.

#### Second offense

Use of In School Suspension

#### Third and each subsequent offense

In School or Out of School Suspension

The Court will provide separate consequences based on the number of violations within the same school year. First offense will be a letter from the Court, second offense will require a meeting with the student, parent/guardian and the court liaison. Third offense will require a court date and appearance. There will be petitions issued with each violation.

# STATE STATUTES PERTAINING TO TOBACCO AND TOBACCO PARAPHERNALIA

## **39-17-1505 Prohibited purchase by minors**

- (a) It is unlawful for a person who has not attained eighteen (18) years of age to possess a tobacco product, purchase or accept receipt of a tobacco product, or to present or offer to any person any purported proof of age which is false, fraudulent, or not actually that person's own for the purpose of purchasing or receiving tobacco products.
- (b) Any person who violates this section shall be issued a citation by a law enforcement officer or school principal who has evidence of the violation. The citation shall require the person to appear in Juvenile Court of the county in which the violation is alleged to have occurred. At the time of the issuance of the citation, the tobacco product shall be seized as contraband by the law enforcement officer or by the school principal.
- (c) A violation of this section shall be a civil offense, the penalty for which is a civil penalty of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). Upon its determination that the person has violated this section, the Juvenile Court shall determine the amount of civil penalty and shall order the destruction of the tobacco product. The Juvenile Court may in its discretion also impose community service work not to exceed fifty (50) hours for a second or subsequent violation with/in one (1) year period.

## **39-15-409 Acquisition of smoking paraphernalia by minor prohibited.**

A Minor shall not directly or indirectly purchase or acquire smoking paraphernalia. Any minor so purchasing or acquiring is subject to juvenile proceedings.