

City of Salem
Board of Health Regulations #28

Rules and Regulations affecting the Use or Possession
Of Tobacco Products on School Property

Section 1 Statement of Purpose

Tobacco use causes cancer, respiratory disease, various cardiac diseases, negative birth outcome, allergies, and irritations to the eyes, nose, and throat of the smoker and non-smoker exposed to secondhand smoke; more than 80% of all smokers begin smoking before the age of 18; and more than 3,000 people begin smoking every day in the United States. In addition, the United States Department of Health and Human Services concludes that nicotine is as addictive as cocaine or heroin. As a result, the City of Salem recognizes the need to curtail the use of tobacco products by minors, and therefore, enacts the following.

Section 2 Authority

The City of Salem, pursuant to the authority granted under Massachusetts General Laws Chapter 111, Section 31, hereby adopts the following regulation to protect the public health of the community.

Section 3 Definitions

Designated Agents	Salem High School Principal and Vice Principals must be Confirmed by the Board as its agents for the sole purpose of enforcing this regulation.
Possession	Having on one's person, or to be in possession of, any Tobacco product.
Tobacco Products	Cigarettes, cigars, bidis, chewing tobacco, snuff, or any other from tobacco.
Use	Smoking, inhaling, chewing, burning, carrying or possessing a lighted tobacco product.

Section 2 Interdepartmental Management

The Designated Agents for this regulation will be responsible to the Board of Health for all activities associated with this regulation. These individuals must be

interviewed and appointed by the Board of Health and sworn in as special agents of the Board by the City Clerk.

The Board of Health will review this regulation annually at its July meeting. The School Department must submit statistics to the Board, for this meeting, regarding the number of violations at each level, tickets issued, court appearances requested, and the students who have attended and successfully completed the Tobacco Cessation Program. Based upon this annual review, the Board of Health will vote to uphold or rescind this regulation..

Section 5 Student Possession Prohibited

No student may be in possession of or use a tobacco product on Salem High School property or at a Salem High sponsored event,

Section 6 Penalties

The designated agents (Principal and Vice Principals) shall address violations of Section 4 in the following manner:

A. Violations for use:

1. 1st Offense:
 - a. Notify the violator's parent(s) and
 - b. Urge the violator to participate in and complete a Tobacco Cessation Program, or if the violator does not choose this option,
 - c. Issue the violator a ticket for \$25.00, payable to the City of Salem within 21 calendar days.
2. 2nd Offense:
 - a. Notify the violator's parent(s),
 - b. Issue the violator a ticket for \$50.00 payable to the City of Salem within 21 days, and
 - c. Urge the violator to participate in a Tobacco Cessation Program.
3. 3rd and subsequent offenses:
 - a. Notify the violator's parent(s),
 - b. Issue the violator a ticket for \$75.00 payable to the City of Salem within 21 days, and
 - c. Urge the violator to participate in a Tobacco Cessation Program.

B. Violations for possession:

1. 1st Offense
Notify the violator's parent(s) and urge the violator to participate in a Tobacco Cessation Program.
2. 2nd or subsequent offenses
 - a. Notify the violator's parent(s) and urge the violator to participate in a Tobacco Cessation Program.
 - b. Issue the violator a ticket for \$25.00, payable to the City of Salem within 21 calendar days. This fine will be waived one time if the violator chooses to enroll and successfully completes the Tobacco Cessation Program.

Section 7 Method of Disposition

Whoever violates any provision of this regulation, the violation of which is subject to a specific penalty, may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D, or by the filing of a criminal complaint in the appropriate jurisdiction and venue.

Section 8 Enforcement

Salem High School Principal and Vice Principals, having been designated by the Salem Board of Health to be its agents for this purpose, shall be responsible for the enforcement of this regulation.

Section 9 Severability

If any section, paragraph, sentence, clause, phrase, or word of this regulation is declared invalid for any reason, that decision will not be applicable to the remaining portions of these regulations.

Section 8 Effective Date

This regulation shall take effect on September 1, 2000.

City of Salem Board of Health
9 North Street
Salem, MA 01970

Joanne Scott Health Agent	Mirosław Kantorosinski
Leonard J. Milaszewski, Chairman	Mary Leary
Martain Fair	Marion Winfrey
Christina Harrington	Barbara Sisoris, Clerk of the Board
Irving Ingraham, M.D	

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After a vote of the Board, 5 affirmative, 1 absent, the Chairman abstaining according to custom except to break a tie,

Signed

Leonard J. Milaszewski, Chairman

Procedures for Handling Violations of the Regulation

1. Monitor/ teacher observes the student smoking or in possession of tobacco Paraphernalia on the school property.
2. Monitor/teacher reports the violation to the Principal or one of the two Assistant Principals.
3. The Principal or Assistant Principal checks school records regarding any possible previous violations
4. If this is the 1st offense the Principal or Assistant Principal speaks with the Student and allows the student to choose to participate in the Tobacco

Cessation

Program instead of receiving a ticket with a fine attached. Subsequent offenses require ticketing and paying the fine. The student is urged to participate in the Tobacco Cessation with each violation.

5. The Principal or Assistant Principal notifies the parent(s).
6. The Principal or Assistant will send a copy of any ticket that is issued to the Board of Health.
7. The student will pay a fine to the Principal or Assistant Principal who will Send a copy of the check to BOH and forward the check itself to the City Clerk.
8. If the student fails to pay the ticket within 21 days the Principal or Assistant Principal will notify the BOH. The Principal or Assistant Principal files the complaint and requests a hearing before the Clerk Magistrate in District Court or Juvenile Court, depending on the age of the student. The BOH is notified of the court date.
9. The Health Agent or BOH staff member as well as the principal or Assistant Principal will be presented at all hearings before the clerk magistrate.
 - tickets
 - forms
 - Public Server

