

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
D E P A R T M E N T O F H E A L T H



SMOKE-FREE SCHOOLS
"SMOKING RESTRICTIONS IN SCHOOLS ACT"
PUBLIC LAWS CHAPTER 92-230

THE FACTS

On July 21, 1992, Governor Bruce Sundlun signed into law the "Smoking Restrictions in Schools Act". A synopsis of the law is as follows:

Who is subject to this law?

All people, children or adults, who utilize Rhode Island school buildings at any time of the day or night.

What does this Act prohibit?

The Act prohibits the use of any substance or item which contains tobacco, including but not limited to cigarettes, cigars, pipes, or other smoking tobacco, or the use of snuff or smokeless tobacco. It also prohibits having in one's possession a lighted cigarette, cigar, pipe or other substance or item containing tobacco.

Where on school property is tobacco product use prohibited?

Tobacco product use is prohibited in all areas of non-residential school buildings (K-12), public or private. This includes, but is not limited to, all school playgrounds, school administration buildings, indoor school athletic facilities, school gymnasiums, school locker rooms, school buses, other school vehicles, and other school buildings whose use is not primarily residential. In addition, tobacco product use is prohibited in all outside areas within twenty-five (25) feet of any school building.

WHAT ARE THE SCHOOLS REQUIRED TO DO?

1. Information relating to Smoking Cessation programs for all employees who smoke must be posted in each building in the school by no later than March 1, 1993 (school districts are not required to pay for smoking cessation programs for employees.) The governing body in each school district should encourage employees who smoke to attend a smoking cessation program). A list of Smoking Cessation Programs available in Rhode Island is enclosed for your convenience.
2. The governing body of each school in Rhode Island shall be responsible for the development of enforcement procedures to prohibit tobacco product use by any person utilizing school facilities. These enforcement procedures must be posted no later than September 1, 1993 and will take effect on September 1, 1994.

The governing body of a school that violates or allows the violation of this chapter shall be liable for a civil penalty, not less than fifty dollars (\$50.00) nor to exceed five hundred dollars (\$500.00), which penalty shall be assessed and recovered in a civil action brought by the attorney general in any court of competent jurisdiction. Each day a violation is committed or permitted to continue by a governing body shall constitute a separate offense and shall be punishable as such.

PLEASE CALL BRENDA BERGERON IF YOU HAVE QUESTIONS (401-277-3442)

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CANNON BUILDING, Three Capitol Hill, Providence, Rhode Island 02908-5097

Telecommunication Device for the Deaf (TDD): 277-2506

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SUGGESTED PENALTIES FOR PERSONS SMOKING IN RHODE ISLAND
SCHOOL BUSES, SCHOOL BUILDINGS OR WITHIN 25' OF THOSE BUILDINGS

STUDENT

First Offense - a one day to a three day in-school suspension, and a conference with the student's parent, guardian or custodian. The principal shall inform the student of the "Smoking Restrictions in Schools Act." The student shall be provided with information concerning the harmful effects of smoking and may be required to perform a service to the school or community. The conference with the parent or guardian may be conducted over the telephone but must be held within three days of the violation.

Second Offense - Two day in-school suspension - letter sent home to the student's parent or guardian to be signed and returned to the principal. The student may be required to perform community service.

Third Offense - Three day in-school suspension - letter sent home to the student's parent or guardian to be signed and returned to the principal. The student may be required to perform community service.

Fourth Offense - Referred to the governing body of the school district for disciplinary action - letter sent home to the student's parent or guardian to be signed and returned to the principal.

STAFF

First Offense - The principal shall inform the staff person of the "Smoking Restrictions in Schools Act." The school Principal will encourage staff member to participate in a smoking cessation program.

Second Offense - Verbal warning by principal, followed up with a letter within three days of the violation; principal will encourage staff member to participate in a smoking cessation program.

Third Offense - The principal of the school building in which the violation occurred will report the repeated violations to the school committee and the bargaining unit representing the employee. The staff member will be subject to disciplinary action as delineated by his/her school committee and his/her bargaining unit.

VISITORS

Visitors who are observed smoking or using tobacco products in school buildings will be informed of the "Smoking Restrictions in Schools Act" and will be asked by anyone in the school to refrain from smoking or using tobacco products. If the individual fails to comply with the request, his or her violation of policy shall be referred to the building principal or the personnel responsible for the area in which the violation occurred. The building principal or personnel responsible for the area will make a decision on further action which may include a directive to leave the school building. Repeated violations may result in a recommendation to the Superintendent to prohibit the individual from entering the school building for a specified period of time.

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