



# FAIRFIELD AREA SCHOOL DISTRICT

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Re: Tobacco Law Changes

Students, Parents/Guardians, and Fairfield Community Members:

The following communication is designed to inform you of recent changes in federal and state law that addresses tobacco use on school property and retail tobacco sales. The Fairfield Area School District constantly strives to promote a healthy environment for all community members and also abide by state and federal law.

In regards to tobacco use on school property...On November 27, 2019, Pennsylvania Governor Tom Wolf signed House Bill 97 into law. House Bill 97 addresses the definition of tobacco and/or tobacco products under 18 Pa. C.S.A. § 6306.1 which is the "enforcement mechanism" for school districts to use in response to tobacco product usage by **students and adults on school property**. Beginning January 26, 2020, students and adults possessing or using nicotine delivery products, including Juuls, Vapes, E-cigarettes, pods, and other delivery paraphernalia, while on school property will potentially face summary citations.

This law change applies to all students, parents/guardians, and community members visiting the Fairfield Area School District campus, or any other school district campus across the state of Pennsylvania. This change also applies to any and all events that occur on the Fairfield Area School District property, including facility usage by outside entities.

In regards to retail tobacco sales...From the US Drug and Food Administration website ([www.fda.gov/tobacco-products](http://www.fda.gov/tobacco-products)) under Tobacco Products, as of January 15, 2020. The US Food and Drug Administration website provides detailed information that is cited below, and it also provides additional information on other tobacco topics.

"On Dec. 20, 2019, the President signed legislation amending the Federal Food, Drug, and Cosmetic Act, and raising the federal minimum age of sale of tobacco products from 18 to 21 years. It is now illegal for a retailer to sell any tobacco product—including cigarettes, cigars and e-cigarettes—to anyone under 21."

Also, further addressing flavored Electronic Nicotine Delivery Systems (ENDS) products... "Beginning 30 days from the publication of the notice of availability of this guidance in the Federal Register, the FDA intends to prioritize enforcement against these illegally marketed ENDS products by focusing on the following groups of products that do not have premarket authorization:

- Any flavored, cartridge-based ENDS product (other than a tobacco- or menthol-flavored ENDS product);
- All other ENDS products for which the manufacturer has failed to take (or is failing to take) adequate measures to prevent minors' access; and
- Any ENDS product that is targeted to minors or likely to promote use of ENDS by minors."




“Cartridge-based ENDS products are a type of ENDS product that consists of, includes, or involves a cartridge or pod that holds liquid that is to be aerosolized when the product is used. For purposes of this policy, a cartridge or pod is any small, enclosed unit (sealed or unsealed) designed to fit within or operate as part of an ENDS product.”

Note...It was observed at the Tom's Store in Gettysburg on Route 116 that the date referenced for enforcement is February 6, 2020.

These cartridge-based products have risen in popularity with adults and students, are not permitted on Fairfield Area School District property, and any adult or student using these products could potentially face summary charges for violation of state law and school district policy.

Again, it is imperative to stress that the Fairfield Area School District works to partner with students, parents/guardians, and community members to promote lifelong healthy habits and advocate for an environment that meets those goals and abides by state and federal law.

Keep Moving Forward...



Brian W. McDowell

FASD HS Principal