



Mingo County Schools

"Focus on the Future"

110 Cinderella Rd. • Williamson, West Virginia 25661 • 304.235.3333

TO: Principals and Assistants

FROM: Drema J. Dempsey, Director
Student Services and Attendance

RE: Tobacco and Vaping Products

DATE: April 23, 2019

Possession of tobacco products and vaping products on school property is a violation of: **(A)** WV Board of Education Policy 4373 - Expected Behavior in Safe and Supportive Schools; **(B)** Mingo County Board Policies: 5500, 5600, and 5512; and **(C)** WV Code §16-9A-3. Use or Possession of Tobacco or Tobacco Products by Persons Under the Age of 18 Years.

Interventions and consequences are listed below for student violations involving possession and/or use of tobacco products, tobacco-derived products and vaping products:

- Confiscation of item.
- Contact the parent/guardian for a conference.
- ❖ If the student actually has possession of tobacco and/or vaping products and is under the age of 18, contact the **Mingo County Sheriff's Office @ (304) 235-0300** and request that an officer be sent to the school. The officer may issue a citation.
- Refer student to cessation services and treatment programs:
 - a) Liberty Counseling
 - b) Logan Mingo Mental Health
 - c) On-Line Cessation Programs
 - ✓ Every Try Counts <https://smokefree.gov/everytrycounts>
 - ✓ Quit Smoking - How to Quit <https://www.cdc.gov/tobacco>
- Repeat Offenders - Out-of-School Suspension - Level 3 Violation
- Chronic Repeat Offenders: File an incorrigible with the Prosecutor's Office

WEST VIRGINIA CODE

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 9A. TOBACCO USAGE RESTRICTIONS.

§16-9A-3. Use or possession of tobacco or tobacco products, alternative nicotine products or vapor products by persons under the age of 18 years; penalties.

A person under the age of 18 years shall not have on or about his or her person or premises or use any cigarette, or cigarette paper, or any other paper prepared, manufactured or made for the purpose of smoking any tobacco products, in any form; any pipe, snuff, chewing tobacco, tobacco product, or tobacco-derived product: Provided, That minors participating in the inspection of locations where tobacco products or tobacco-derived products are sold or distributed pursuant to §16-9A-7 of this code is not considered to violate the provisions of this section. Any person violating the provisions of this section shall for the first violation be fined \$50 and be required to serve eight hours of community service; for a second violation, the person shall be fined \$100 and be required to serve 16 hours of community service; and for a third and each subsequent violation, the person shall be fined \$200 and be required to serve 24 hours of community service. Notwithstanding the provisions of §49-4-701 of this code, the magistrate court has concurrent jurisdiction.

Law Enforcement must issue citation before fines and community service can be imposed.

Drema J. Dempsey