



**CALIFORNIA DEPARTMENT  
OF EDUCATION**

**TOM TORLAKSON**  
STATE SUPERINTENDENT OF  
PUBLIC INSTRUCTION

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February 14, 2018

Dear TUPE Grant Administrators:

## **Nicotine Delivery Devices in Schools**

The California Department of Education (CDE) has become increasingly aware of a disturbing trend in schools regarding the increased use and possession of electronic nicotine delivery systems by youth. California law defines these devices as tobacco products subject to prohibition on school campuses.

The definition of “tobacco products” in California *Business and Professions Code* Section 22964(d)(1)(B) applies to “an electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device. “as a tobacco product.” California *Health and Safety Code* Section 104559 directs all California local educational agencies (LEA) to prohibit the use of these devices at all times on all property owned or leased by the LEA. The prohibition applies to students, staff, and visitors.

Districts from throughout the state report that they have been contacted for assistance on the development of prevention and intervention strategies by manufacturers of vaping devices. While manufacturers may tout the reduced risk of their product as a replacement for traditional combustible cigarettes, these devices still deliver a strong dose of nicotine to the user. For youth, this is very problematic. Studies have shown the harmful effect even small amounts of nicotine exposure can have on the development of the adolescent brain.

Acceptance of support from the tobacco industry, including electronic nicotine delivery devices, or any other tobacco product producers, may disqualify any applicant for TUPE funds and may result in the termination of existing grants. Additional information is available on the TUPE Acceptance of Funds Guidance web site:

<https://www.cde.ca.gov/ls/he/at/tupeguidance.asp>.

LEAs are encouraged to use prevention materials recommended by the CDE to educate youth about the dangers of the use of nicotine and tobacco products, including electronic smoking devices. Stanford University recently developed a Tobacco Prevention Toolkit which includes a Frequently Asked Questions (FAQ) document for parents and a prevention module specifically regarding electronic smoking devices.

The Tobacco Prevention Toolkit Web page is available at <http://med.stanford.edu/tobaccopreventiontoolkit.html>.

All California public schools, County Offices of Education, and Charter Schools, must prohibit the use of tobacco and nicotine products on all school district owned or leased property. In the interest of protecting the health and brain development of California's school-age youth, I encourage all LEAs to review current policies and regulations to ensure the prohibition of all tobacco products, including electronic nicotine delivery devices, on all school property. I further recommend that you refrain from any involvement with the tobacco industry including the acceptance of funding, services, or educational materials.

If you have any questions regarding this subject, please contact Sarah Planche, School Health Education Consultant, Coordinated School Health and Safety Office, by phone at 916-319-0193 or by e-mail at [SPlanche@cde.ca.gov](mailto:SPlanche@cde.ca.gov).

Sincerely,

Gordon Jackson, Director  
Coordinated Student Support Division

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