NAVIGATING THE CHANGING LANDSCAPE OF VAPING: TOOLS FOR MINNESOTA’S SCHOOLS
SOCIAL DETERMINANTS OF HEALTH

Based on work for First Nations Health Authority at Gathering Wisdom.

Image credit: Sam Bradd https://drawingchange.com/gathering-wisdom-visuals-for-a-healthy-future/
LEGAL TECHNICAL ASSISTANCE

- Legal Research
- Policy Development, Implementation, Defense
- Publications
- Trainings
- Direct Representation (grayed out)
- Lobby (grayed out)
TODAY’S PRESENTERS

Laura Oliven, MPP  
Tobacco Control Manager  
Minnesota Department of Health

Kathe J. Nickleby  
Principal  
Mahtomedi High School;  
Minnesota Association of Secondary School Principals

Natasha Phelps,  
Staff Attorney,  
Lead of MN Tobacco Program  
Public Health Law Center

Rachel Callanan,  
Senior Staff Attorney  
Public Health Law Center
TODAY’S AGENDA

1. Framing the problem:
   E-cigarette epidemic, harms/addiction of youth nicotine use – Laura Oliven, MDH

2. What’s happening in schools:
   Trends and challenges – Kathe Nickleby, MASSP

3. Tools: A Model Policy for Minnesota Schools
   Language to support a learning environment free of commercial tobacco – Natasha Phelps, PHLC

4. Questions/Answers
Youth E-cigarette Use – A New Generation at Risk

August 20, 2019
A 50 percent increase since 2014

Percent of high school students who used e-cigarettes in past 30 days

- 2014: 12.9%
- 2017: 19.2%
One-third of high school e-cigarette users report having used their vaping device for recreational marijuana.
Nicotine harms brain development as teens grow.

Youth nicotine exposure has negative implications for learning, memory, and attention span.

Vector illustration credit: Vecteezy
Nicotine can change brain chemistry, making youth more susceptible to addiction.

The earlier the exposure, the greater the risk.
Nicotine addiction can happen quickly.

Symptoms of nicotine addiction can appear among youth within only a few days or weeks after smoking initiation.

Increased Risk of Smoking.

4x greater odds of smoking

Watkins et al., 2018, JAMA
Increased risk of addiction to tobacco, drugs and alcohol.
E-cigarette aerosol is not harmless water vapor.

The U.S. Surgeon General concluded that aerosol from e-cigarettes can contain harmful substances.

**E-cigarette use in public places can:**

- Expose bystanders to secondhand aerosol
- Make enforcement of smokefree policies challenging
- Influence the acceptability of tobacco use

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New technologies reveal new risks.

High concentration of nicotine

Nicotine salt technology allows for quicker absorption into the lungs and brain

Fruit and other flavors
Recommendations for Schools

- Learn about the different types of e-cigarettes and the risk they pose for youth.
- Develop, implement, and enforce tobacco-free school policies.
- Update tobacco education curriculum.
- Educate parents and policy makers.

Download a school toolkit. [health.mn.gov/ecigarettes](http://health.mn.gov/ecigarettes)
Toolkit: Addressing Student Use of E-cigarettes and Vapes

Tools and resources for Minnesota school staff, including administrators, educators, teachers and health services staff

School E-cigarette Toolkit
ADDRESSING STUDENT USE OF E-CIGARETTES AND OTHER VAPING PRODUCTS

For the first time since 2000, annual youth tobacco use has increased in Minnesota. The uptake of e-cigarettes and other vaping devices has suddenly risen and a trend of becoming more popular is underway. In Minnesota, and across the nation, use of e-cigarettes among high school students rose 58 percent between 2017 and 2018. In 2019, Minnesota school staff are identifying opportunities for action that can be taken by teachers and school staff, along with resources and tools to help.

E-cigarettes and other Vaping Products

E-cigarettes are battery-powered devices that deliver vapor to the user. Vaping is popular among all ages, but especially among youth and young adults. Types of e-cigarettes include e-cig cartridges, refillable e-cigarettes, and disposable e-cigarettes. The use of an e-cigarette releases a finely dispersed aerosol into the air. Health experts are concerned because children and young people are especially susceptible and vulnerable to the negative health effects of vaping.

Schools have a critical role in helping educate students about the risks of vaping products, as well as the risks of nicotine. The health risks of vaping are well documented, and there is strong evidence that vaping increases the risk of using other tobacco products.

Learn more about E-cigarettes and nicotine
- E-cigarettes and other Vaping Products
- Public Health and Tobacco Prevention (Minnesota Department of Health, 2018)
- E-cigarettes and Nicotine and Vaping (CDC, 2016)
- E-cigarettes and Nicotine and Vaping (CDC, 2017)
- E-cigarettes: Toxic, Inhaling, and Smoking (National Cancer Institute, 2017)
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- "E-cigarettes: Toxic, Inhaling, and Smoking (National Cancer Institute, 2017)"

health.mn.gov/ecigarettes#schoolkit
Administrators

- Strengthen and review current policy.
- Issue an advisory to parents.
- Promote health messaging throughout school.
- Post Signage
The most effective approaches to helping youth quit tobacco use are through counseling and education (CDC).
Alternative Consequences for Use in Schools

- Confiscation
- Notification to parents/guardians
- Student chemical health assessment
- Tobacco education program
- Cessation and counseling
- Educational community service
Curriculum Coordinators, Health Educators, and Teachers

Update curriculum that addresses the harms of nicotine and e-cigarette use.

Use relevant, youth friendly lesson plans.
School Health Services

- Educate students on the harms of nicotine and e-cigarette use.
- Provide resources to parents about talking to their teens.
- Share resources for quitting tobacco.
Recommendations for Parents

Learn about the different types of e-cigarettes and the risk they pose for youth.

Talk to your kids about the risks of e-cigarette use. Express firm expectations that your kids remain tobacco-free.

Set a positive example by being tobacco-free.

Find resources at health.mn.gov/ecigarettes
Communities can take action.

Some communities are limiting sales of flavored tobacco products, including e-cigarettes, to tobacco-only shops.

Minnesota cities and counties have raised the minimum age to buy tobacco to 21.
Laura Oliven, MPP
Tobacco Control Manager
Laura.Oliven@state.mn.us
health.mn.gov/ecigarettes
VAPING IN MINNESOTA SCHOOLS
Trends (National Institute on Drug Abuse)

- Tobacco use had been on the decline prior to introduction of vaping devices
- Underage consumption of alcohol use has been on the decline
- Vaping is now considered a teenage epidemic
  - 37.3% of 12th graders reported “any vaping” in last 12 months
  - 32.3% of 10th graders reported “any vaping” in the last 12 months
  - 17.65 of 8th graders reported “any vaping” in the last 12 months.
Underage Consumption

![Graph showing actual and projected data for 2015 to 2019]
Tobacco and Vaping Devices
Barriers to reducing underage vaping

- Easily obtained online
- Easily concealed and hard to detect
- Flavored
- Lack of understanding of long term physical effects
- Socially acceptable
  - Vaping is condoned by parents and peers
  - Marketing campaign
- Used for self medication
Current practices in school to reduce vaping

- Increased monitoring of restrooms and reducing the number of passes out of classrooms
- Diversion programs
- Citations served
- Chemical Health support, cessation resources and education
- Restitution (i.e. community service)
- Confiscate the device and substances
- Contact Parent/Guardian
- Suspensions have not had an impact on decreasing use
Youth Service Bureau (Washington County) School Based Chemical Health Services

► Classroom Presentations
► Targeted Support for At Risk Youth
► Staff Development
► Parenting/caregiver Education and Support
► Posters in School
► Chemical Health Advisory Board
Solutions

- Alternatives to criminal court
  - Diversion programs, specific for drugs
  - How to ensure attendance/participation?
- Educational Resources for Juveniles and Parents
  - School drug counselors/educational programs
  - Physical impact of use
  - Manipulation by marketing tactics to get juveniles addicted
- Cost of addiction
- Empowering parents to act
Contact Information

► David Adney MASSP Executive Director
dadney@massp.org
(612) 361-6159

► Kathe Nickleby, Mahtomedi High School Principal
kathe.nickleby@isd832.net
651-762-2801
PUBLIC HEALTH LAW CENTER

MODEL COMMERCIAL TOBACCO-FREE POLICY FOR MN K-12 SCHOOLS
MODEL FOR MN K-12 SCHOOLS:
COMMERCIAL TOBACCO-FREE POLICY

COMMERCIAL TOBACCO-FREE K-12 SCHOOL MODEL POLICY
Minnesota: Questions & Answers

The use or promotion of commercial tobacco products' on school grounds and at off-campus school-sponsored events is detrimental to the health and safety of students, staff, and visitors.

Under federal law, smoking is prohibited in any kindergarten, elementary, or secondary school or library serving children under the age of 18 years if federal funds are used in the school. Minnesota state law also prohibits smoking, vaping, chewing, or otherwise ingesting tobacco or tobacco products in public K-12 schools, including all school facilities, whether owned, rented or leased; and in all vehicles that a school district owns, leases, rents, contracts for or controls. However, neither state nor federal law covers outdoor school grounds. To promote an environment free of commercial tobacco in primary and secondary schools throughout Minnesota, the Public Health Law Center at the University of Minnesota School of Law.

COMMERCIAL TOBACCO-FREE K-12 SCHOOL MODEL POLICY
Minnesota-Specific

The use or promotion of commercial tobacco products’ on school grounds and at off-campus school-sponsored events is detrimental to the health and safety of students, staff, and visitors.

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August 2019
KEY COMPONENTS OF THE MODEL

SUMMARY

• Comprehensive definition of commercial tobacco products to include current and future tobacco products
• Prohibits the following items on campus (inside and outside buildings) and at off-campus, school-sponsored events:
  – Tobacco products and tobacco-related devices, which include electronic cigarettes,
  – Imitation tobacco products (such as candy cigarettes), and
  – Lighters;
• Prohibits receipt of donations/curricula from tobacco-related industries;
• Prohibits promotion of tobacco products; and
• Includes effective and holistic enforcement options for student violations beyond suspension and expulsion.
KEY COMPONENTS OF THE MODEL
OVERVIEW

• Findings
• Purpose
• Definitions
• Policy provisions
• Exceptions
• Opportunities for cessation programs
• Enforcement
• Effective date
KEY COMPONENTS OF THE MODEL
FINDINGS

• Findings
  – Specific to the goals of the policy
  – Specific to the issues addressed by the policy
  – Used to provide the evidentiary support for the policy
  – Findings should clearly identify tobacco-related health concerns and problems with commercial tobacco that are related to school environments
KEY COMPONENTS OF THE MODEL

PURPOSE

II. Purpose

(A) The [district name] Board of Education / [school name] recognizes that the use of commercial tobacco products, including electronic delivery devices, is a health, safety, and environmental hazard for students, staff, visitors, and school facilities. The board is acutely aware of the serious health risks associated with the use of commercial tobacco products, including electronic delivery devices, to users and non-users. The [board/school] believes that the use or promotion of commercial tobacco products, including electronic delivery devices, on school grounds and at off-campus school-sponsored events is detrimental to the health and safety of students, staff, and visitors.

(B) The [board/school] also believes accepting gifts or materials from the tobacco industry will send an inconsistent message to students, staff, and visitors.

(C) The [board/school] acknowledges that adult staff and visitors serve as role models for students. The board embraces its obligation to promote positive role models in schools and to provide an environment for learning and working that is safe, healthy, and free from unwanted smoke or aerosol and other commercial tobacco use for the students, staff, and visitors.

THEREFORE, the [board/school] adopts the following commercial tobacco-free policy:
Tobacco traditions have been passed down for generations. Tobacco plants have been considered to be sacred for Indigenous people.
Important comprehensive definitions for coverage, clarity, and compliance:

**Where/When**
- Any time
- Off-campus, school sponsored event
- School
- School property

**What**
- Electronic delivery device
- Tobacco-related devices
- Smoking

**Who**
- Parent/guardian
- Administrator
- Staff
- Student
- Visitor
- Tobacco Industry
KEY COMPONENTS OF THE MODEL
DEFINITIONS
KEY COMPONENTS OF THE MODEL
POLICY PROVISIONS

• Students—Prohibited from possessing, using, consuming, displaying, promoting, or selling:
  – Any tobacco products, tobacco-related devices, imitation tobacco products, or lighters
  – At any time
  – On school property or at any off-campus, school-sponsored event.

• Staff/Administrators/Visitors—Prohibited from using, consuming, displaying, activating, promoting, or selling:
  - Any tobacco products, tobacco-related devices, imitation tobacco products, or lighters
  - At any time
  - On school property or at any off-campus, school-sponsored events.
KEY COMPONENTS OF THE MODEL POLICY PROVISIONS

- Prohibits schools/districts from accepting tobacco-industry sponsorship, donations, money, curricula
- Prohibits any person from promoting tobacco products, tobacco-related devices, or imitation tobacco products. This includes promotions on signs, gear, clothing, etc.
- Requires that the school/district enforce the policy.
- Requires instruction to discourage use of tobacco products.
SPONSORSHIP, PROMOTION AND FUNDING
MISINFORMATION; TARGETED MARKETING

Don’t Wipe Out

subliminal advertising
the campaign was widely criticized for delivering an underlying subliminal message about cigarettes:
“the snowboard looks like a lit match.
The clouds look like smoke, the mountains look like mounds of tobacco at an auction.”

Philip Morris, reported that even though the company had changed they would “think long and hard because maybe people are not yet ready for us to supply something like a book cover.”

the implication: the problem rested with the community, who had not accepted the new, responsible company policies.


https://www.youtube.com/watch?v=gnwBL7ycWEY
SPONSORSHIP, PROMOTION AND FUNDING
DATA AND PRIVACY ISSUES

Juul's New E-Cig Sure Is Collecting a Dumb Amount of Data About Its Users

Photo: Sam Bathered (Cleveland)

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KEY COMPONENTS OF THE MODEL

EXCEPTIONS

• Use of tobacco products and devices as part of an indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice.

• If included in instructional or work-related activity, but not smoked, chewed or otherwise ingested.

• Nonstudents age 18 and over may have products that have been approved by the U.S. Food and Drug Administration for sale as tobacco cessation product, as a tobacco dependence product, or for other medical purposes for use.
  - E-cigarettes are not approved cessation products.
KEY COMPONENTS OF THE MODEL CESSATION

- Policy should support cessation through partnerships with local public health and community-based organizations.
- Administration should provide evidence-based programs and services for staff to help them comply.
- Cessation support as a part of enforcement.
KEY COMPONENTS OF THE MODEL ENFORCEMENT

Punitive measures like suspension and expulsion not included.

VII. Enforcement

The success of this policy depends upon the thoughtfulness, consideration, and cooperation of the whole [district/school name] community. All individuals on school premises, including students, staff, administrators, and visitors are responsible for adhering to and enforcing this policy. Members of the [district/school name] community are encouraged to communicate this policy with courtesy and diplomacy. Any person acting in violation of this policy will be informed or reminded of the policy and asked to comply.

(A) Students

(1) The first violation shall result in confiscation of tobacco products, tobacco-related devices, imitation tobacco products, or lighters; notification of parents and/or guardians; and at least one of the following:

(i) A student meeting and individual student assessment with a chemical health educator or designated staff to discuss commercial tobacco use and the school policy.

(ii) Student participation in a tobacco education program.

(iii) Provision of information to student about available cessation programs and resources.

(2) The second violation shall result in confiscation of tobacco products, tobacco-related devices, imitation tobacco products, or lighters; notification of parents and/or guardians; and at least one of the following:

(i) Student meeting and individual student assessment with a chemical health educator or designated staff to discuss commercial tobacco use and the school policy.

(ii) Student participation in a tobacco education program.

(iii) Provision of information to student about available cessation programs and resources.
KEY COMPONENTS OF THE MODEL
ENFORCEMENT

Addressing Student Commercial Tobacco Use in Schools:
Alternative Measures

School policies regulating the use and possession of commercial tobacco products, including electronic delivery devices (e.g., e-cigarettes, vaping devices, Juul, Storiz), often contain punitive measures for student violations. This publication provides sample language and ideas for evidence-based solutions and information as to why these alternative approaches may be more effective than suspension and expulsion at addressing student tobacco use and nicotine addiction as part of a school’s Commercial Tobacco-Free Policy.

1. The tobacco industry has historically and continues to target youth to maintain profits, especially in and around schools. Schools should consider these predatory tactics when creating or modifying a policy to address youth possession and use of commercial tobacco in schools.

When considering how to effectively address youth use and possession of commercial tobacco products in schools, it is important to understand how pervasive the industry’s targeting of youth and young adults with these highly addictive products has been for several decades. Overwhelming evidence, including the tobacco industry’s own documents, shows that from the 1950s to the present the tobacco industry intentionally and strategically studied and marketed commercial tobacco products to youth in order to recruit “replacement smokers” to stay in business. In 1981, a Philip Morris representative said, “[t]oday’s teenager is tomorrow’s potential regular customer.” The tobacco industry knows that “the overwhelming majority of smokers first begin to smoke while still in their teens.”

Well-documented examples of the tobacco industry’s unethical efforts to capture the youth market are school “education programs,” which were promoted and distributed to schools in the 1980s and 1990s. These programs were ineffective at best and harmful at worst. They were more likely to increase youth commercial tobacco use because they focused on decision-making skills and portrayed smoking as an “adult-only” activity. In so doing, they implicitly labeled
KEY COMPONENTS OF THE MODEL ENFORCEMENT

• The tobacco industry has targeted youth to maintain profits for decades.
• Nicotine exposure in adolescence can permanently change brain development and make the addiction to nicotine very difficult to break.
• Effective solutions focus on helping youth succeed—education and cessation support address the intent to decrease and prevent initiation of youth commercial tobacco product use.
• Punitive measures like suspensions and expulsions do not help with addiction and increases the likelihood of initiation and continued use.
• Tobacco use disparities and implicit bias in the administration of penalties may result in unequal treatment of students that is prohibited by law.
KEY COMPONENTS OF THE MODEL ENFORCEMENT

Illustration by Chris Buzelli

RPS Data Shows Progress in 'Disproportional Disciplining'

New Data Shows Progress

July 16, 2019 11:00 PM
KEY COMPONENTS OF THE MODEL ENFORCEMENT

Staff

• The first violation of this policy shall result in a verbal warning to the staff member, and an offer of a referral to cessation services.

• The second violation shall result in a written warning to the staff member with a copy placed in the staff member’s district personnel file, and an offer of referral to cessation services.

• The third violation shall be considered insubordination and shall be dealt with accordingly based on established policies and procedures for staff.
KEY COMPONENTS OF THE MODEL ENFORCEMENT

Visitors

• Visitors observed violating the policy shall be asked to comply.

• If they fail to comply with the request, the violation may be referred to the principal or other available school district supervisory personnel.

• The supervisor will decide on further action, that may include a directive to leave school property and forfeiting any fee charged for admission to a school-sponsored event.

• Repeated violations may result in a recommendation that the superintendent prohibit the individual from entering school property for a specified period of time.
KEY COMPONENTS OF THE MODEL
DISSEMINATION

• Signage
• Orientations
• Handbooks
• Announcements at school events

Sample Standard Event Announcement: “To protect the health of our students, staff, and visitors, we would like to remind you that our school is 100% free of commercial tobacco. Please refrain from using or displaying tobacco products anywhere on campus. If you have questions, please contact school administration. Thank you for your cooperation.”
KEY COMPONENTS OF THE MODEL
PROGRAM EVALUATION

• Assessed at regular intervals, but at least once a year

• Determine whether policies, enforcement, dissemination, education, staff training, and cessation programs are effective.

• Policies and programs shall be updated and revised accordingly.
KEY COMPONENTS OF THE MODEL
EFFECTIVE DATE

• Effective Date
  – This policy shall take effect in full on [INSERT DATE].

• An effective date allows for preparation, education, and sets clear expectations.
LOOKING OUTSIDE OF THE SCHOOL ENVIRONMENT

- Local and state policy can limit youth access and interest in commercial tobacco:
  - Restricting or prohibiting the sale of flavored tobacco products, especially menthol cigarettes
  - Increase price of products and prohibit or restrict price discounts
  - Limit the location, number and density of commercial tobacco retailers
  - Increase the minimum legal sales age (T21) – ensure no PUP penalties
  - Implement comprehensive smoke-free policies and laws

- Connect with local public health departments, MDH, American Lung Association – MN, ANSR MN
OTHER PHLC RESOURCES
CONTACT US
We can provide free legal technical assistance – school policy review, sample language, answers to questions, publications, and presentations.

651.290.7506
Natasha.phelps@mitchellhamline.edu
www.publichealthlawcenter.org
@phealthlawctr
facebook.com/publichealthlawcenter