

**BOARD OF HEALTH, HOLLISTON, MASSACHUSETTS
RULES AND REGULATIONS AFFECTING THE USE OR POSSESSION
OF TOBACCO PRODUCTS ON SCHOOL PROPERTY**

Section I STATEMENT OF PURPOSE

WHEREAS conclusive evidence exists that tobacco use is a leading public health problem in the Town of Holliston and throughout the United States; tobacco use causes cancer, respiratory disease, various cardiac diseases, negative birth outcomes, allergies and irritations to the eyes, nose and throat of the smoker and non-smoker exposed to secondhand smoke; more than eighty percent (80%) of all smokers begin smoking before the age of eighteen (18); and more than three thousand (3,000) people begin smoking every day in the United States. In addition, the United States Department of Health and Human Services concluded that nicotine is as addictive as cocaine or heroin. As a result, the Town of Holliston recognizes the need to curtail the use of tobacco products by students, and,

WHEREAS Massachusetts General Laws Chapter 71, Section 37H prohibits the use of tobacco on school property, therefore, enacts the following:

Section II AUTHORITY

The Holliston Board of Health, pursuant to the authority granted under Massachusetts General Laws Chapter 111, Section 31, hereby adopts the following regulation to protect the public health of the community:

Section III DEFINITIONS

“School Property”	Any property utilized for school purposes.
“Student(s)”	Any person enrolled in a public school system in the Town of Holliston.
“Tobacco Products”	Cigarettes, cigars, chewing tobacco, snuff or any other form of tobacco.

Section IV STUDENT TOBACCO USE AND POSSESSION PROHIBITED

No student may use tobacco or be in possession of any tobacco products.

Section V TOBACCO USE PROHIBITED BY ALL OTHERS

Tobacco use is prohibited on school property by all other persons.

Section VI PENALTIES

- A. The penalties for violation of Section IV shall be as follows:
1. In the case of the first violation:
 - a. Notify the violator’s parent(s) or legal guardian(s) of the violation

- b. Requirement that the violator attends tobacco education classes, (e.g. Tobacco Education Group (TEG)), and
 - c. Issuance of a citation for one hundred dollars (\$100.00) as provided for in Section VII of this regulation.
 - 2. In the case of a second or subsequent violation:
 - a. Notify the violator's parent(s) or legal guardian(s) of the violation,
 - b. Issuance of a citation for one hundred dollars (\$100.00) as provided for in Section VII of this regulation.
- B. The penalties for violation of Section V shall be as follows:
In the case of a first or subsequent violation:
Issuance of a citation for one hundred dollars (\$100.00) as provided for in Section VII of this regulation.

Section VII NON-CRIMINAL METHOD OF DISPOSITION

Whoever violates any provision of this regulation, the violation of which is subject to a specific penalty, may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D in the appropriate jurisdiction and venue.

Section VIII ENFORCEMENT

Holliston school officials designated by the Holliston Board of Health shall be responsible for the enforcement of this regulation.

Section IX SEVERABILITY

If any paragraph, provision or section of this regulation is found to be illegal, against public policy, or unconstitutional, said findings shall not affect the legality of any remaining paragraphs(s), provision(s) or section(s) in force.

Section X EFFECTIVE DATE

This regulation shall take effect on February 1, 1999. Adopted on December 7, 1998.
Amended 3/19/01; Effective April 1, 2001

HOLLISTON BOARD OF HEALTH

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