

Student possessing, using or providing others with electronic cigarette (vapes), tobacco or nicotine products at school*

*School includes: on school property (including in vehicles), on school buses, at school-related events or activities, in other circumstances that could have an impact on the school climate, in a virtual learning environment.

1st Offence - All Ages

Students cannot be in possession of, using, or providing any nicotine product or vape.

- School admin counsel student re:
 - school code of conduct
 - implications of future transgressions (including progressive discipline and possible legal measures through Smoke Free Ontario Act (SFOA))
 - provide warning letter and SFOA postcard to student and parent/guardian
- School admin offer:
 - referral to Public Health Nurse/Student Support Worker for nicotine cessation counselling
 - anti-vaping education opportunity
- School admin confiscate materials:
 - dispose of vape product as appropriate* (battery – hazardous waste; device – regular waste)
 - notify parents/guardians
- School admin implement progressive discipline measures

Scan QR code for online referral form for Public Health Nurse counselling:



*disposal of vapes is the responsibility of schools in alignment with relevant school procedures (battery - hazardous waste; device - regular waste)

2nd Offence - All Ages

Students cannot be in possession of, using, or providing any nicotine product or vape.

- School admin to arrange parent/guardian meeting with student to counsel re:
 - school code of conduct
 - implications of future transgressions (Increasing progressive discipline and possible legal measures through SFOA)
 - provide 2nd warning letter and SFOA postcard to student and parent/guardian
- School admin offer:
 - referral to Public Health Nurse for nicotine cessation counselling
 - anti-vaping education opportunity
- School admin confiscate vape device:
 - dispose of vape product as appropriate* (battery – hazardous waste; device-regular waste)
 - notify parents/guardian
- School admin implement progressive discipline measures

3rd Offence

Students cannot be in possession of, using, or providing any nicotine product or vape.

- School admin to implement any strategies from 1st and 2nd offences

AND

Age 15 years and younger:

- Due to vulnerabilities, youth under 16 years must attend criminal court, therefore charges are considered very seriously and reviewed on a case-by-case basis
- School admin to provide warning letter and implement increasing progressive discipline measures as appropriate

Age 16 years and older:

- School admin to provide warning letter AND
 - online reporting to HPEPH through SFOA witness statement form
 - meeting with SFOA Enforcement Officer, student, administrator, parent/guardian
- School admin implement increasing progressive discipline measures as appropriate
- SFOA charge recommended if witness is available:
 - SFOA witness statement submitted
 - school admin, student and SEHU enforcement officer meet
 - student provided with ticket by EO & options explained
 - if charges laid, public health confiscates nicotine/vape materials

NOTE: It is recommended that educators/administrators consider the unique circumstances of each student and use professional judgement when applying the enforcement flow chart. If a student has committed an offence under the SFOA, an online report may be made by anyone at any time to SEHU. A warning will be issued based on the facts in issue. Charges may be laid at the Enforcement Officer's discretion depending on the severity of the offence.

RESOURCES

[Smoking and Vaping Laws in Ontario](#) – What does it mean for students, staff and families?

The Law and School Property – according to the Smoke Free Ontario Act, 2017: NO person can smoke or vape on school property or within 20 metres of school property. This means no vaping ANY substance and no smoking of tobacco and cannabis. Fine is \$350 to \$5000. This includes school buses.

Sharing and Supplying – according to Smoke Free Ontario Act, 2017: No person can sell or supply vaping devices, e-liquids or tobacco products to anyone under 19 years of age. Adults (including parents) and youth can be fined for sharing, giving or selling vape products or tobacco products to youth under 19 years. The fine is \$450 to \$200,000.

SFOA DEFINITIONS

Smoking or holding lighted tobacco or cannabis (medical or recreational)

Vaping – inhaling or exhaling vapour from an e-cigarette or holding an activated e-cigarette, whether or not the vapour contains nicotine.

Supplying – sell or supply a tobacco or vapour product to someone who is younger than age 19.

Offer to sell – no person shall sell or offer to sell tobacco products, vapour products or a prescribed product or substance in a school.