

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 802
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40440-NH-154

Short Title: Nicotine & Vaping Prevention in Schools. (Public)

Sponsors: Representative Rubin.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE SCHOOLS TO PROVIDE EVIDENCE-BASED NICOTINE, HEMP,
3 AND VAPOR PRODUCT USE MATERIALS AND TO DIRECT DISCIPLINARY
4 REPERCUSSIONS FOR STUDENTS FOUND VAPING.

5 The General Assembly of North Carolina enacts:

6 SECTION 1.(a) Article 29A of Chapter 115C of the General Statutes is amended by
7 adding a new section to read:

8 "§ 115C-407.1. Definitions.

9 For the purposes of this Article, the following definitions apply:

- 10 (1) Hemp product. – Products derived from hemp, as defined in G.S. 90-87, and
11 their synthetic counterparts that are designed, manufactured, or sold to be
12 inhaled or otherwise consumed, including the substances commonly known
13 as "delta-8," "delta-9," and "CBD."
- 14 (2) Nicotine product. – Includes any of the following:
15 a. Tobacco product. – Any product that contains tobacco and is intended
16 for human consumption. For purposes of this section, the term includes
17 an alternative nicotine product, vapor product, consumable product, or
18 components of a vapor product.
19 b. Alternative nicotine product. – Any noncombustible product that
20 contains nicotine, whether natural or synthetic, but does not contain
21 tobacco and is intended for human consumption whether chewed,
22 absorbed, dissolved, ingested, or by other means. This term does not
23 include a vapor product or any product regulated by the United States
24 Food and Drug Administration under Chapter V of the Federal Food,
25 Drug, and Cosmetic Act.
- 26 (3) Vapor product. – Any noncombustible product that employs a mechanical
27 heating element, battery, or electronic circuit regardless of shape or size and
28 that can be used to heat a consumable product. The term includes an electronic
29 cigarette, electronic cigar, electronic cigarillo, and electronic pipe. The term
30 does not include any product regulated by the United States Food and Drug
31 Administration under Chapter V of the Federal Food, Drug, and Cosmetic
32 Act."

33 SECTION 1.(b) G.S. 115C-407 reads as rewritten:

34 "§ 115C-407. Policy prohibiting ~~tobacco~~-nicotine, hemp, and vapor product use in school
35 buildings, grounds, and at school-sponsored events.



1 (a) ~~Not later than August 1, 2008, local boards of education~~ Governing bodies of public
2 school units shall adopt, implement, and enforce ~~adopt~~ a written policy prohibiting at all times
3 the use of any ~~tobacco~~ nicotine, hemp, and vapor product by any person in school buildings, in
4 school facilities, on school campuses, and in or on any other school property owned or operated
5 by the ~~local school administrative~~ public school unit. The policy shall further prohibit the use of
6 all ~~tobacco~~ nicotine, hemp, and vapor products by persons attending a school-sponsored event at
7 a location not listed in this subsection when in the presence of students or school personnel or in
8 an area where smoking is otherwise prohibited by law.

9 (b) The policy shall include at least all of the following elements:

10 (1) Adequate notice to students, parents, the public, and school personnel of the
11 policy.

12 (2) Posting of signs prohibiting at all times the use of ~~tobacco~~ nicotine, hemp, and
13 vapor products by any person in and on school property.

14 (3) Requirements that school personnel enforce the policy.

15 (c) The policy may permit ~~tobacco~~ nicotine, hemp, and vapor products to be included in
16 instructional or research activities in public school buildings if the activity is conducted or
17 supervised by the faculty member overseeing the instruction or research and the activity does not
18 include smoking, chewing, or otherwise ingesting the ~~tobacco~~ nicotine, hemp, or vapor product.

19 (d) ~~The North Carolina Health and Wellness Trust Fund Commission~~ Department of
20 Health and Human Services shall work with ~~local boards of education~~ governing bodies of public
21 school units to provide assistance with the implementation of this policy including providing
22 evidence-based, age-appropriate information regarding ~~smoking~~ nicotine, hemp, and vapor
23 cessation and use prevention resources. ~~resources~~ to students at the beginning of each school
24 year. Students shall be able to access evidence-based, age-appropriate nicotine, hemp, and vapor
25 product cessation and use prevention materials throughout the school year.

26 (d1) Nothing in this section, G.S. 143-595 through G.S. 143-601, or any other section
27 prohibits a ~~local board of education~~ governing body of a public school unit from adopting and
28 enforcing a more restrictive policy on the use of ~~tobacco~~ nicotine, hemp, and vapor products in
29 school buildings, in school facilities, on school campuses, or at school-related or
30 school-sponsored events, and in or on other school property.

31 (e) Any information or resources given or made available to students pursuant to this
32 section shall be first approved by the Department of Health and Human Services before
33 distribution. In approving materials pursuant to this section, the Department of Health and
34 Human Services shall ensure that nicotine, hemp, and vapor product cessation and use prevention
35 materials are evidence-based and shall identify the ages or grades of students for which the
36 material is appropriate. A school may request specific material be reviewed for possible approval
37 by the Department of Health and Human Services."

38 **SECTION 2.(a)** Article 27 of Chapter 115C of the General Statutes is amended by
39 adding a new section to read:

40 **"§ 115C-391.5. Possession of nicotine, hemp, and vapor products.**

41 (a) The Code of Student Conduct developed by the governing body of the public school
42 unit shall include a policy that if any student under the age of 21 is found in possession of a
43 nicotine, hemp, or vapor product, as defined in G.S. 115C-407.1, the product shall be confiscated.
44 The school shall notify the parent or legal guardian of a student who had an item confiscated
45 pursuant to this section within 24 hours of the confiscation.

46 (b) For the first offense of being in possession of a nicotine, hemp, or vapor product, the
47 following actions shall be taken:

48 (1) A school counselor or other school-based mental health services provider shall
49 provide to the student and the parent of the student evidence-based,
50 age-appropriate nicotine, hemp, and vapor product cessation information,

1 including age-appropriate cessation services, including materials, information
2 on programs, or referrals for treatment.

3 (2) At least one of the following:

4 a. A student meeting and individual student assessment with a health
5 educator, school nurse, counselor, or designated staff with parents
6 and/or guardians to discuss nicotine, hemp, or vapor product use and
7 school policy.

8 b. Student participation in an evidence-based, self-paced nicotine, hemp,
9 and vapor product use education program.

10 (c) For the second offense of being in possession of a nicotine, hemp, or vapor product,
11 a school shall follow the provisions of subsection (b) of this section and the school shall take
12 disciplinary action as outlined in the Code of Student Conduct and school discipline policies.

13 (d) For a third or subsequent offense of being in possession of a nicotine, hemp, or vapor
14 product, a school shall follow the provisions of subsection (b) of this section; however, requiring
15 educational community service shall be an additional option under subdivision (b)(2) of this
16 section."

17 **SECTION 2.(b)** G.S. 115C-12(27) reads as rewritten:

18 "(27) Reporting Dropout Rates, Corporal Punishment, Suspensions, Expulsions,
19 Alternative Placements, and ~~Alternative Placements-Possession.~~ – The State
20 Board shall report by March 15 of each year to the Joint Legislative Education
21 Oversight Committee on the numbers of students who have dropped out of
22 school, been subjected to corporal punishment, been suspended, been
23 expelled, been reassigned for disciplinary purposes, ~~or~~ been provided
24 alternative education ~~services.~~ services, or been disciplined or provided
25 medical intervention for a violation of G.S. 115C-391.5. The data shall be
26 reported in a disaggregated manner, reflecting the local school administrative
27 unit, race, gender, grade level, ethnicity, and disability status of each affected
28 student. Such data shall be readily available to the public. The State Board
29 shall not include students that have been expelled from school when
30 calculating the dropout rate. The Board shall maintain a separate record of the
31 number of students who are expelled from school and the reasons for the
32 expulsion."

33 **SECTION 3.** No later than September 15, 2025, the Department of Health and
34 Human Services shall publish on its website nicotine, hemp, and vapor product awareness
35 information, including the various types of products containing nicotine or hemp and the health
36 issues associated with nicotine, hemp, and vapor products. The Department shall also publish
37 and maintain a list of evidence-based resources for use by public schools to provide nicotine,
38 hemp, and vapor product cessation and use prevention information and programs.

39 **SECTION 4.** This act is effective when it becomes law and applies beginning with
40 the 2025-2026 school year.