

## HB 142 Recommendations & Resources

House Bill (HB) 142 was passed by the Kentucky State Legislature and signed by Governor Andy Beshear during the 2024 Legislative Session. HB 142 affects the way Kentucky's public schools implement their tobacco-free campus policies. The following resources for schools have been compiled by the Tobacco Prevention & Cessation Program at the Kentucky Department for Public Health and the Division of Substance Use Disorder, Prevention & Promotion Branch of the Kentucky Department for Behavioral Health, Developmental & Intellectual Disabilities, in consultation with the Kentucky Department of Education. These recommendations and resources are intended to help ensure local school districts are implementing programs and resources that have been proven effective through research and evidence.

For additional guidance, please contact the Kentucky Tobacco Prevention & Cessation Program at [Ky.TobaccoFree@ky.gov](mailto:Ky.TobaccoFree@ky.gov).

The full text of HB142 is available through the Legislative Research Commission at <https://apps.legislature.ky.gov/record/24rs/hb142.html>.

The full text of KRS 158.149 is available at <https://apps.legislature.ky.gov/law/statutes//statute.aspx?id=55121>.

### KRS 158.149

**“Each local board of education shall implement this section by adopting written policies that prohibit the use of tobacco products, alternative nicotine products, and vapor products pursuant to this section. The policies shall provide for:”**

#### Section 1(3)

##### Section 1(3)(a)

**“The distribution of evidence-based, age-appropriate nicotine prevention and cessation material to all students of the district at the beginning of each school year;”**

Recommended materials and action steps:

- Send a letter to parents, guardians, and school staff explaining the revised school policy, along with a copy of the new policy or where to find it. (See Section 1(3)(c).)
- Provide information on Kentucky's free tobacco quitlines: [Quit Now Kentucky](#) (for those 18 and over) and [My Life, My Quit](#) (for those 17 and younger).
- Share resources with parents, such as the Food & Drug Administration's (FDA's) [Talk to Kids About the Risks of Vaping](#) and the Centers for Disease Control & Prevention's (CDC's) [E-Cigarettes and Youth: What Parents Need to Know](#).
- Reach out to the local Regional Prevention Center or local health department to inquire about a school staff member being trained as a parent educator.

## Section 1(3)(b)

“Access to evidence-based, age-appropriate nicotine prevention and cessation material throughout the school year for all students of the district;”

Recommended materials and action steps for **prevention**:

**Grades K-4:** Implement [Too Good for Drugs](#) along with the CATCH My Breath K-4 Parent Activity, which can be implemented in a classroom setting with teacher guidance.

**Grades 5-12:** Implement one of the following programs:

Face-to-face programs (most recommended):

- [CATCH My Breath](#), a no-cost program with a cannabis-education component, available in English and Spanish;
- [The Stanford Tobacco Toolkit](#), including [You & Me, Together Vape-Free](#), a no-cost program with a cannabis-education component; or
- [#iCANendthetrend](#), a group from the University of Kentucky College of Education that presents a three-lesson program to schools at no cost. This program is an appropriate supplement for schools implementing Too Good for Drugs.

Online programs:

- [Vaping: Know the Truth](#), a no-cost program from Truth Initiative for grades 8 through 12, that contains a cannabis-education component; or
- [A Smoking Prevention Interactive Experience \(ASPIRE\)](#), a no-cost program from MD Anderson, available in English and Spanish.

Recommended materials and action steps for **cessation**:

- Organize an in-person [Not On Tobacco \(N-O-T\)](#) cessation group for students who want to stop using e-cigarettes. (Facilitator training costs \$400.)
- Identify a school staff member in each building who can connect people to free, evidence-based digital resources like:

### Quality Prevention

All curricular materials should be aligned to the Kentucky Academic Standards for Health Education & Physical Education.

Evidence-based means having documented evidence of effectiveness (SAMHSA). Unfortunately, some common strategies are not evidence-based and may even be harmful. Ineffective strategies include one-time assemblies and events, testimony from people in recovery, and scare tactics (e.g., scary images, Ghost Outs, and mock car crashes)

- [Quit Now Kentucky](#), a telephone quitline and website for those 18 and over;
- [My Life, My Quit](#), a text quitline and website for those 17 and younger; and
- [NOT for Me](#), a self-guided, mobile-friendly online program to help teens break nicotine dependency.
- Make sure school health staff know about the [American Lung Association’s Tobacco Cessation Quick Reference Guide](#) for youth tobacco use.
- Provide ongoing support for students to engage in My Life, My Quit or other cessation services.

## Cessation

Participation in cessation services or programs should always be voluntary and never required or mandated.

Parental consent is required for students under 13 to participate in My Life, My Quit.

### Section 1(3)(d)

**“A requirement to post signage on or in all property, including any vehicle, that is owned, operated, leased, or contracted for use by a local board of education, clearly stating that use of tobacco products, alternative nicotine products, and vapor products is prohibited at all times and by all persons on or in the property; and...”**

Signage should be posted in school and student-activity facilities, including school buses, sporting grounds and facilities, arts facilities, etc. It is recommended that signage includes pro-social language that emphasizes positive behaviors rather than focusing on reducing negative behaviors.

Recommended action steps:

- Reach out to the Kentucky Tobacco Prevention & Cessation Program about receiving tobacco-free campus banners or free signage provided by the Foundation for a Healthy Kentucky and the Kentucky Medical Association.
- Inquire with your local Agency for Substance Abuse Policy (ASAP) coalition and other partners to see if they can provide financial support for additional signage or messaging.

### Section 1(3)(e)

**“A requirement that school employees enforce the policies.”**

Recommended action steps:

- Encourage staff to attend [summer professional development opportunities](#) provided by the University of Kentucky College of Education’s #iCANendthetrend program.
- Include policy information in required trainings for all staff.
- Consider asking for policy review or technical assistance from your local Regional Prevention Center or local health department.

## Section 1(4)

### Section 1(4)(b)

**“In the district's code of acceptable behavior and discipline formulated under KRS 158.148(5), each local board of education shall include a policy which, at a minimum, provides that if a student under the age of twenty-one (21) violates subsection (2) of this section, then the district will confiscate the alternative nicotine products, tobacco products, or vapor products and...”**

Recommended materials and action steps:

- Review examples of model policy language, such as:
  - [Resources for Tobacco-Free and Vaping-Free Schools and Communities](#), by the Alliance for a Healthier Generation;
  - [Tobacco-Free School District: Model Tobacco Policy, Administrative Rules & Code of Conduct](#), by American Heart Association and the Alliance for a Healthier Generation; and
  - [Commercial Tobacco-Free K-12 School Model Policy](#), by the Public Health Law Center.
- Review the Kentucky Energy & Environmental Cabinet’s recommendations on [proper disposal of vapor products by school districts](#).
- Review the [memo from Kentucky Department for Environmental Protection](#) to the Office of the State School Security Marshall.

## Trauma-Informed Response

In all instances of tobacco-free policy violations, the school’s response should be aligned to the district’s plan for implementing a trauma-informed approach in the school, as required by KRS 158.4416.

### Section 1(4)(b)(1)

**“For the first incident, the school counselor or other school-based mental health services provider shall provide to the parent or guardian and the student evidence-based, age-appropriate nicotine cessation information to include but not be limited to materials, programs, and referrals for treatment;”**

Recommended materials and action steps:

- Identify multiple individuals within the school district who can provide intervention services, such as school counselors, [mental health and substance use service providers](#), peer support specialists, FRYSC staff, and home school coordinators.
- [Implement a substance use assessment tool](#) and [mental health/suicide risk screening tool](#) with student the first time they violate the policy. Ensure referral and follow-up processes are in place.
- Assign the student an *online* tobacco education class, such as:
  - [INDEPTH Online](#), a no cost, online alternative-to-suspension program provided through American Lung Association; or
  - [MY Healthy Futures](#), a no cost, online alternative-to-suspension program provided through Stanford Medicine.
- Offer cessation information and services to the student, such as:

- [My Life, My Quit](#), a no cost texting service provided through National Jewish Health through funding from the Kentucky Department for Public Health (promotional materials available [here](#)); or
  - [Not-On-Tobacco \(NOT\)](#), an in-person group program offered by trained facilitators only, provided through American Lung Association; or
  - [NOT for Me](#), a no cost, online self-paced program provided through the American Lung Association.
- Offer cessation information to the parent or guardian, such as the My Life, My Quit [webpage for parents and guardians](#) or National Jewish Health’s [printable fact sheet](#).
  - Document a response in Infinite Campus to meet the progressive discipline requirement of utilizing a non-exclusionary resolution.

## Discipline Policy Implementation

Schools are encouraged to identify a staff member to oversee the implementation of policy changes, that program referrals are being fulfilled, and cessation services are provided.

It should be noted that these school removal consequences are permitted under the law, but not required. **Out-of-school suspension is not recommended.**

If the school opts for in-school-suspension, it is strongly recommended to implement an evidence-based tobacco and nicotine educational program that can be completed during that time.

### Section 1(4)(b)(2)

**“A second incident shall result in providing information as required in subparagraph 1. of this paragraph and disciplinary action as determined by the board and included in the district's code of acceptable behavior and discipline; and...”**

Recommended materials and action steps:

- [Implement a substance use assessment tool](#) and [mental health/suicide risk screening tool](#) with the student. Ensure referral and follow-up processes are in place.
- Assign the student an *in-person* tobacco education class, such as:
  - [INDEPTH](#), an alternative-to-suspension program available at no cost to schools, though it does require a trained facilitator; or
  - [OUR Healthy Futures](#) (two-hour version), available at no cost.
- Offer cessation information and services to the student, such as:
  - [My Life, My Quit](#), a no-cost, online or text-based service to help people under 18 quit tobacco;
  - [Not-On-Tobacco \(NOT\)](#), an in-person group program for youth that requires trained facilitators; or
  - [NOT for Me](#), an online self-paced, online program for youth.
- Offer cessation information to the parent or guardian, such as the My Life, My Quit [webpage for parents and guardians](#) or National Jewish Health’s [printable fact sheet](#).

### Section 1(4)(b)(3)

**“The third and subsequent incidents may result in an in-school or out- of-school suspension of that student. The school shall provide the opportunity for a student to complete an evidence-based, age-appropriate nicotine education program during an in-school suspension.”**

Recommended materials and action steps:

- Offer the following recommendations for students who receive exclusionary discipline consequences.
- [Implement a substance use assessment tool](#) and [mental health/suicide risk screening tool](#) with the student. Ensure referral and follow-up processes are in place.
- Assign the student an in-person tobacco education class, such as:
  - [INDEPTH](#), an alternative-to-suspension program available at no cost to schools, though it does require a trained facilitator; or
  - [OUR Healthy Futures](#) (four-hour version), available at no cost.
  - Schedule a supportive discipline meeting and/or assign the student educational community service (e.g., work with the American Red Cross, local humane society, and other non-profits). Find more information in the Kentucky Department of Education’s [Trauma-Informed Discipline Response & Behavior System Guide & Resource](#).
- Offer cessation information and services to the student, such as:
  - [My Life, My Quit](#), a no-cost, online or text-based service to help people under 18 quit tobacco;
  - [Not-On-Tobacco \(NOT\)](#), an in-person group program for youth that requires trained facilitators; or
  - [NOT for Me](#), an online self-paced, online program for youth.
- Offer cessation information to the parent or guardian, such as the My Life, My Quit [webpage for parents and guardians](#) or National Jewish Health’s [printable fact sheet](#).

## Section 1(7 - 8)

### Section 1(7)

**“The department, regional educational cooperatives, and local boards of education may identify and apply for grant opportunities relating to nicotine usage, including but not limited to nicotine cessation, vaping, and tobacco products containing nicotine, and the health consequences of the use of nicotine products.”**

Suggestions on how grant funding could be used include:

- A contract staff position that focuses only on coordinating alcohol, tobacco and other drug (ATOD) prevention, intervention and treatment programs for the school district;
- [SmokeSCREEN](#), a smoking and vaping prevention videogame as a supplemental prevention activity; or
- Training opportunities for school and community staff to provide prevention, intervention, and treatment services to students.

### Section 1(8)

**“No later than August 1 of each year, each local board of education shall submit a report to the department that includes: (a) The number of behavior incidents for each product defined in subsection (1) of this section, listed by school and grade; and (b) The number of incidents in paragraph (a) of this subsection for which medical intervention was provided, listed by school, grade, and product.”**

Specific instructions for documenting this in Infinite Campus will be distributed by KDE prior to the start of the next school year.