



*State of North Carolina
Department of Correction
Division of Prisons*

Chapter: F
Section: .2500
Title: **Tobacco Policy**
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POLICY & PROCEDURES

.2501 PURPOSE

It is the policy of the Division of Prisons to provide a safe and healthy environment for employees, inmates and visitors who enter its correctional facilities. To further that goal, the Division will reduce the health and safety risks associated with the use of tobacco and tobacco-less products by prohibiting the use of tobacco products, tobacco-less products or lighting devices inside any building on the grounds of a correctional facility and any vehicles owned or leased by the Division of Prisons.

.2502 DEFINITIONS

As used in this policy the following definitions apply:

- (a) **Building** - includes any building or other enclosed structure owned, operated or leased by the Division.
- (b) **Grounds** - includes all buildings and property owned or operated by the Division of Prisons, including parking lots, firing ranges, and state vehicles.
- (c) **Indoor Tobacco-Free Facilities** - refers to facilities that ban tobacco use in all enclosed structures, but allows tobacco use in designated outdoor areas.
- (d) **Tobacco-Free Facilities** - shall mean those facilities that completely ban the use and possession of all tobacco products, tobacco-less products, paraphernalia and lighting devices.
- (e) **Unauthorized Lighting Devices** - include matches, lighters or other devices used to ignite flames or fire. This does not include electric lighters installed by the Division.
- (f) **State Vehicles** – Vehicles owned by Department of Correction or leased from Motor Fleet Management. This covers all vehicles with tags and titles as well as motorized vehicles that are not tagged.
- (g) **Tobacco Paraphernalia** - includes rolling papers, pipes or other products used to smoke, inhale or ingest tobacco products.
- (h) **Tobacco Products** - includes any product containing tobacco, including cigarettes, cigars, snuff, smokeless tobacco, chews or other substance. Tobacco products do not include nicotine replacement therapies.

- (i) **Tobacco-Less Products** – includes any product intended to be used as a tobacco substitute and labeled a tobacco-less product, including herbal mint snuffs or chews.
- (j) **Nicotine Replacement Therapies** - includes smoking cessation products approved for use by inmates housed and/or staff employed at tobacco-free facilities. The therapies must be approved by the Division of Prisons Health Services section and can include nicotine patches, nicotine gum, nasal sprays, pills or other products.

.2503 INDOOR TOBACCO-FREE FACILITIES

- (a) The use of tobacco products, tobacco-less products, paraphernalia and lighting devices shall be prohibited in all state vehicles and buildings located on the grounds of any correctional facility, except for the use of tobacco as part of a religious service authorized by the Divisions Chaplaincy Services section.
- (b) The use of tobacco products, tobacco-less products, paraphernalia, and lighting devices shall be permitted only in designated outdoor smoking/tobacco areas on the grounds of Indoor Tobacco-Free facilities.
- (c) **Outdoor Smoking/Tobacco Designated Areas** - Each facility head of an Indoor Tobacco-Free facility shall establish at least one (1) designated outdoor smoking/tobacco area that meets all of the following criteria:
 - (1) The designated area shall not be within 25 feet of any door, window or ventilation return. This includes tower catwalks.
 - (2) The designated area shall not be within 25 feet of any hazardous area, which has or may have flammable liquids, gases or vapors, as well as any area where there is a collection of readily combustible materials. Any questions about such designation should be referred to the Department Safety Officer.
 - (3) The designated area shall not be within 25 feet of any food preparation and serving areas, including any areas where and when food is being prepared and/or served.
 - (4) The designated area shall include a noncombustible, fire-resistant receptacle for cigarette butts.

If a facility is unable to meet any one of these requirements, the facility head shall present a written justification to the Region Director that fully explains why the facility can not meet the requirements. The Region Director may grant written approval for a designated outside smoking/tobacco area that does not meet all of the criteria if the designated area will not affect the air quality of enclosed structures or allow the intrusion of smoke into tobacco-free areas.

(d) Inmates

- (1) Inmates may possess tobacco products, tobacco-less products, paraphernalia and lighting devices on their person or in their belongings, but may only use these items in designated outdoor smoking/tobacco areas.
- (2) Inmates may not board a transfer bus with tobacco products, tobacco-less products, paraphernalia or lighting devices in their possession. These items must be stored in the inmates' personal property bags while the inmate is on the transfer bus.
- (3) Inmates found using tobacco products, tobacco-less products, paraphernalia and/or lighting devices in an unauthorized area will be subject to disciplinary action per Disciplinary Procedure policy B.0200.

(e) Employees

- (1) Employees may possess tobacco products, tobacco-less products, paraphernalia and lighting devices on their person or in their belongings, but may only use these items in designated outdoor smoking/tobacco areas.
- (2) Employees may possess tobacco products, tobacco-less products, paraphernalia and lighting devices in state vehicles but may not use these items inside the vehicle.
- (3) Violations of this policy will constitute unacceptable personal conduct. Employees in violation will be subject to a minimum of TAP entry/coaching and/or depending upon the circumstances may receive disciplinary action up to and including dismissal.

(f) Vendors, Visitors, Volunteers

- (1) Vendors, Visitors, Volunteers may possess tobacco products, tobacco-less products, paraphernalia and lighting devices on their person or in their belongings, but may only use these items in designated outdoor smoking/tobacco areas.
- (2) Vendors, Visitors, Volunteers found using tobacco products, tobacco-less products, paraphernalia and/or lighting devices in an unauthorized area shall be Subject to removal from the grounds of the facility and possible loss of access to the facility.

.2504 TOBACCO-FREE FACILITIES

- (a) The use of tobacco products, tobacco-less products, paraphernalia and lighting devices shall be prohibited on the grounds of a tobacco-free facility. The grounds include all buildings and property owned or operated by the Division of Prisons, including parking lots, towers, firing ranges, and state vehicles.
- (b) **Inmates**
- (1) Inmates may not possess or use tobacco products, tobacco-less products, paraphernalia or lighting devices except for religious services authorized by the Divisions Chaplaincy Services section.
- (A) American Indian Religion Practitioners will use ceremonial tobacco for individual American Indian Religion Practitioner devotional and corporate worship.
- (B) The Practitioner's ceremonial tobacco is the only item that may be removed from the sacred items box while the practitioner is housed at a tobacco-free facility.
- (C) The Facility Head at a tobacco free facility will designate a secure and appropriate location for the ceremonial tobacco to be stored. The facility Chaplain or designated staff at the tobacco free facility will distribute to the Practitioner the required amount of tobacco for the devotional and corporate worship. The Chaplain or designated staff will assist in lighting the tobacco and white sage (herbs) for smudging.
- (D) A sign-in and sign-out log will be kept in the designated area for recording inmate usage of tobacco products for individual devotional. The Chaplain or designated staff is responsible for maintaining the records, attendance, and supplying the lighting device for the purpose of lighting the sacred herbs and tobacco.
- (E) The Practitioner may possess the ceremonial tobacco, paraphernalia and lighting devices only when they are in the prayer circle at a tobacco free facility. The lighting device should be secured by the designated staff member.
- (F) The Facility Head at a tobacco free facility will designate the days and time for the American Indian Religion Practitioners to have individual devotions. The Practitioners should be allowed to smudge and pray for no less than three (3) times a week. The facility head may allow daily individual devotional.

- (G) When transferring to another tobacco free facility, the American Indian Religion Practitioner's ceremonial tobacco shall be secured by the transporting officer.
 - (H) If the Practitioner transfers to a facility other than a tobacco free facility, the ceremonial tobacco shall be placed back in the Practitioner's sacred items box.
- (2) Upon admission into a tobacco-free facility, all tobacco products, tobacco-less products, paraphernalia and lighting devices shall be removed from the inmate's possession and personal property. The receiving officer shall obtain the unauthorized items and handle according to the Division's Disposition of Unauthorized Items Policy F.0504.
 - (3) Inmates found using or in possession of tobacco products, tobacco-less products, paraphernalia and/or lighting devices shall face appropriate disciplinary action as defined in Disciplinary Procedures policy B.0200. Such items will be considered contraband and items will be handled according to the division's Disposition of Contraband Policy F.0802 (e)

(c) **Employees**

- (1) Employees of a tobacco-free facility may not possess, use, or distribute tobacco products, tobacco-less products, paraphernalia or lighting devices while on the grounds of a tobacco-free facility. Lighting devices as authorized by the facility head are acceptable for maintenance purposes.
- (2) Employees may have tobacco products, tobacco-less products, paraphernalia and lighting devices in their secured vehicles.
- (3) Employees are prohibited from using tobacco products and tobacco-less products in their personal vehicles until the vehicle has left the grounds of the tobacco-free facility.
- (4) Employees assigned to tobacco-free facilities shall be prohibited from the use of or distribution of tobacco products and tobacco-less products while involved in the supervision of inmates outside the grounds of the tobacco-free facility.
- (5) Violations of this policy will constitute unacceptable personal conduct. Employees in violation will be subject to a minimum of TAP entry/coaching and/or depending upon the circumstances may receive disciplinary action up to and including dismissal.

(d) **Vendors, Visitors, Volunteers**

- (1) Vendors, visitors, or volunteers may not possess, use, or distribute tobacco products, tobacco-less products, paraphernalia or lighting devices while on the grounds of a tobacco-free facility.
- (2) They may have tobacco products, tobacco-less products, paraphernalia and lighting devices in their secured vehicles.
- (3) They are prohibited from using tobacco products and tobacco-less products in their vehicles until the vehicle has left the grounds of the tobacco-free facility.
- (4) Those found in violation of this policy shall be subject to removal from the grounds of the tobacco-free facility and possible loss of access to the facility.

.2505 NOTICE

- (a) Tobacco-free Facility signs should be placed at the street entrance and at the entrance gates of the facility.
- (b) Indoor Tobacco-free signs should be placed at the entrance gates of the facility.
- (c) As part of the diagnostic process, inmates should receive an explanation of the Division's policy on tobacco use and possession.
- (d) As part of the orientation process all new hire employees and custodial agents should receive an explanation of the Division's policy on tobacco use and possession.

.2506 TOBACCO PRODUCTS IN CANTEENS

- (a) Sale of tobacco products, tobacco-less products and paraphernalia is allowed in the canteens of facilities who are not tobacco-free.
- (b) **Over-the-Counter Nicotine Replacement Therapies**
 - (1) Therapies shall be available for sale in the canteens only at the tobacco-free facilities and with the approval of the Director of Health Services who shall develop protocols and criteria relative to use and sale.
 - (2) Supplies shall be obtained through Division of Prisons Central Pharmacy.
 - (3) Therapies shall be available for purchase only by inmates housed at tobacco-free facilities who have completed the Tobacco Cessation program.
 - (4) Inmates are not allowed to purchase more than 2 patches at a time. The therapies shall be available to purchase for 120 days after the inmate has completed the

tobacco cessation program.

- (5) The tobacco cessation program and therapy may be repeated only once in a one year period.
- (6) Inmates are not allowed to have more than a week's supply, seven (7) patches, in his/her possession at any one time.
- (7) Inmates found misusing or experiencing a reaction to the therapy should be referred to medical.
- (8) Inmates housed at tobacco-free facilities, who are using a cessation therapy to stop tobacco use are permitted to bring their current supply of therapy to Administrative Segregation, Disciplinary Segregation, Maximum Control, Intensive Control and High Security Maximum Control. They may continue to purchase cessation therapy through the canteen until their cessation therapy certificate expires.
- (9) Inmates who are found in possession of therapies and who have not completed the tobacco cessation program will be referred for investigation for disciplinary action.

.2507 TOBACCO CESSATION

- (a) Tobacco-free facilities will make available to inmates and employees on a voluntary basis a tobacco cessation program that has been approved by the Division.
- (b) Employees are encouraged to seek out tobacco cessation programs offered in the community including those available to state employees through the State Health Plan.

Director's Signature Date

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