



*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 products by prohibiting the use of tobacco 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, 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** - include any product containing tobacco, including cigarettes, cigars, snuff, smokeless tobacco, chews or other substance. Tobacco products do not include nicotine replacement therapies.
- (i) **Nicotine Replacement Therapies** - include 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 Prison's 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, 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 Division's Chaplain Services section.

- (b) The use of tobacco 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.
 - (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's 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, paraphernalia and lighting devices on their person or in their belongings, but may only use tobacco products, paraphernalia, and lighting devices in designated outdoor smoking/tobacco areas.
 - (2) Inmates may not board a transfer bus with tobacco products, paraphernalia or lighting devices in their possession. Tobacco products, paraphernalia and lighting devices must be stored in the inmates' personal property bags while the inmate is on the transfer bus.

- (3) Inmates found using tobacco 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, paraphernalia and lighting devices on their person or in their belongings, but may only use tobacco products, paraphernalia and/or lighting devices in designated outdoor smoking/tobacco areas.
- (2) Employees may possess tobacco products, paraphernalia and lighting devices in state vehicles but may not use tobacco products, paraphernalia and/or lighting devices inside the vehicle.
- (3) Violations of this policy will constitute unacceptable personal conduct. Employees in violation will be subject to a minimum Appraisal Performance Coaching and depending upon the circumstances and previous disciplinary history disciplinary action up to and including dismissal.

(f) **Vendors, Visitors, Volunteers**

- (1) Vendors, Visitors, Volunteers may possess tobacco products, paraphernalia and lighting devices on their person or in their belongings, but may only use tobacco products, paraphernalia and/or lighting devices in designated outdoor smoking/tobacco areas.
- (2) Vendors, Visitors, Volunteers found using tobacco 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 visitation privileges.

.2504 TOBACCO-FREE FACILITIES

- (a) The use of tobacco 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, paraphernalia or lighting devices except for religious services authorized by the Division's Chaplain Services section.

- (2) Upon admission into a tobacco-free facility, all tobacco 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 F.0504.
- (3) Inmates found using or in possession of tobacco 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 F.0802 (e)

(c) **Employees**

- (1) Employees of a tobacco-free facility may not possess or use tobacco products, paraphernalia or lighting devices while on the grounds of a tobacco-free facility.
- (2) Employees may have tobacco products, paraphernalia and lighting devices in their secured vehicles.
- (3) Employees are prohibited from using tobacco 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 tobacco 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 Appraisal Performance Coaching and depending upon the circumstances and previous disciplinary history disciplinary action up to and including dismissal.

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

- (1) Vendors, visitors, or volunteers may not possess or use tobacco products, paraphernalia or lighting devices while on the grounds of a tobacco-free facility.
- (2) They may have tobacco products, paraphernalia and lighting devices in their secured vehicles.
- (3) They are prohibited from using tobacco 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 visitation privileges.

.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.

.2506 TOBACCO PRODUCTS IN CANTEENS

- (a) Sale of tobacco 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 Central Pharmacy.
 - (3) Therapies shall be available for purchase only by inmates housed and/or staff employed at tobacco-free facilities.

.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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