



Operating Procedure

Effective Date	May 1, 2016	Number	320.6
Amended		Operating Level	Department
Supersedes	Operating Procedure 320.6 (5/1/13)		
Authority	COV §15.2-2820 et seq.; Executive Order 41 (2006)		
Subject	TOBACCO PRODUCTS AND SMOKING		
ACA/PREA Standards	None		
Office of Primary Responsibility	General Services Unit		
Incarcerated Offender Access	FOIA Exempt	Yes	No
Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
No <input checked="" type="checkbox"/>	Attachments	Yes	No
		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

I. PURPOSE

This operating procedure provides guidance for Department of Corrections compliance with the Virginia Indoor Clean Air Act and [Executive Order 41 \(2006\)](#), *Banning Smoking in State Offices and Vehicles*.

II. COMPLIANCE

This operating procedure applies to all units operated by the Department of Corrections (DOC). Practices and procedures shall comply with applicable State and Federal laws and regulations, Board of Corrections policies and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

III. DEFINITIONS

Facility - Any Community Corrections facility or institution

Tobacco Free - Possession or use of tobacco or tobacco related products will not be allowed on Department of Corrections property; however tobacco products may be kept locked in an employee's, contractor's, or visitor's secured personal vehicle. This applies to all employees, contractors and volunteers on duty, regardless of work location. Facility staff working off facility grounds (such as road crews, warehouse, transportation, etc.) shall not use or possess tobacco products while on duty.

Tobacco Related Products - Items, including but not limited to cigarettes, cigars, tobacco (chewing or smoking type), electronic smoking devices, lighters, matches, pipes, rolling papers, tobacco pouches, ash trays, cigarette rolling machines, and cigarette cases.

IV. PROCEDURE

A. Smoking and use of other tobacco products are prohibited on all Department of Corrections owned or leased properties including parking lots and other exterior spaces.

1. Institutional staff working with offenders off facility grounds (such as road crews, warehouse, transportation) shall not use or possess tobacco products while on duty.
2. When DOC Administrative Offices are located within or share a building with non DOC agencies or businesses, this smoking prohibition shall apply to the DOC leased space.
 - a. Other areas of the building or office complex will be subject to the tobacco use rules established by the lease holder or owner.
 - b. DOC staff shall not smoke within 25 feet of any entrance and exit doors leading to DOC leased spaces.
3. Smoking and the use of other tobacco products (i.e. chewing tobacco, etc.) are prohibited in any state-owned or leased vehicle. (see Operating Procedure 323.1, *Vehicle Acquisition, Operations, and Maintenance*) Tobacco products shall not be possessed or transported in institutional offender transport vehicles.
4. Violations of this procedure shall be handled within the scope of Operating Procedure 135.1, *Standards of Conduct*, or other applicable sanctions.

5. All DOC facilities are tobacco free.
 - a. Information related to tobacco free facilities shall be provided in employee and offender orientation materials.
 - b. For employees, visitors, volunteers, contractors, and offenders on facility grounds, all tobacco and tobacco related products shall be contraband, subject to confiscation and action under applicable disciplinary procedures, including sanctions appropriate to their status (i.e. visitor suspension).
 - c. Staff, visitors, volunteers, and contractors may keep tobacco products locked in personal vehicles on DOC property for use commuting to and from work; however tobacco may not be used in any vehicles on DOC facility grounds.
6. If DOC staff utilizes properties adjacent to DOC owned or leased properties for tobacco use, they must:
 - a. Obtain permission of the property owner
 - b. Remove all trash and keep the property clean
 - c. Utilize the area only during authorized break and meal times; note that corrections staff assigned to a post may not leave DOC property even when relieved for a break or meal.
 - d. Not interfere with vehicular or pedestrian traffic

B. Smoking cessation

1. Employees may obtain nicotine replacement therapies at no cost by enrolling in Virginia CommonHealth's Quit for Life program. For further information see <http://commonhealth.virginia.gov/tlc/quitforlife.htm> or the unit's Human Resource office.
2. Nicotine patches and lozenges are authorized for staff. Staff shall be allowed to bring tobacco cessation gum (products such as Nicorette) into facilities for personal use.

V. REFERENCES

Operating Procedure 135.1, *Standards of Conduct*

Operating Procedure 323.1, *Vehicle Acquisition, Operations, and Maintenance*

VI. FORM CITATIONS

None

VII. REVIEW DATE

The office of primary responsibility shall review this operating procedure annually and re-write it no later than three years from the effective date.

Signature Copy on File

3/9/16

N. H. Scott, Deputy Director of Administration

Date