DEPARTMENT OF CORRECTIONS

Policy Number:	**103.200**
Title:	**Smoking and Use of Tobacco Products**
Effective Date:	**6/19/18**

PURPOSE: To protect the public health, comfort, and environment; to protect the non-smoker's right to a smoke-free environment; and to create a "tobacco-free" working and living environment in any owned or leased Department of Corrections building or vehicle and within the designated and/or secured perimeter of each correctional facility.

APPLICABILITY: Minnesota Department of Corrections (DOC); department-wide including all employees, all contractors, and all other members of the public who are visiting any owned or leased DOC building, are in a state vehicle, or are at a correctional facility.

DEFINITIONS:

Electronic delivery devices – is as defined in Minn. Stat. § 609.685, subd. 1(c)

Tobacco – is defined in Minn Stat. § 609.685, subd. 1(a).

Tobacco use – includes the act of chewing or spitting a smokeless tobacco product, holding or smoking a lit cigarette, cigar, or pipe, or inhaling or exhaling vapor from an electronic delivery device.

PROCEDURES:

A. Correctional facilities

Tobacco possession or use are contraband at correctional facilities in accordance with state law and Policy 301.030, "Contraband," other than:

1. Use in accordance with Division Directive 302.310, "Use of Tobacco for American Indian Ceremonies"; or
2. If allowed by a facility in a personal vehicle outside the secure perimeter.

B. Not at correctional facilities

Tobacco use is prohibited within buildings that are not part of a correctional facility that are managed, owned, or leased by the department, in areas within 25 feet of the building entrances, and in state vehicles at any location. Any employee who witnesses a person engaged in tobacco use within these areas must immediately direct the person to stop.

1. Staff using tobacco in any of the above locations may be subject to discipline.

2. Investigatory documentation is retained and stored in accordance with the human resources retention schedule.

INTERNAL CONTROLS:

A. Investigatory documentation is retained and stored in accordance with the human resources retention schedule.

ACA STANDARDS: None

REFERENCES: Minn. Stat. §§144.411 to 144.417; 16B.24, subd. 9; and 243.555
Division Directive 302.310, "Use of Tobacco for American Indian Ceremonies"
Division Directive 301.030, "Contraband"
Division Directive 301.010, "Searches"

REPLACES: Policy 103.200, "Smoking and Use of Tobacco Products," 1/17/17.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: None

APPROVALS:
Deputy Commissioner, Community Services
Deputy Commissioner, Facility Services
Assistant Commissioner, Facility Services
Assistant Commissioner, Operations Support