



State of North Carolina
Department of Public Safety
Prisons

Chapter: A
Section: .1800
Title: **Tobacco Policy**
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POLICY & PROCEDURES

.1801 PURPOSE

It is the policy of NCDPS Prisons to provide a safe and healthy environment for employees, offenders and visitors who enter its correctional facilities. To further that goal, Prisons 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, during the supervision of offenders, and while operating any vehicles owned or leased by Prisons.

.1802 DEFINITIONS

As used in this policy the following definitions apply:

- (a) **Building** - includes any building or other enclosed structure owned, operated or leased by Prisons.
- (b) **Grounds** - includes all buildings and property owned or operated by Prisons, including parking lots, firing ranges, and state vehicles.
- (c) **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.
- (d) **Unauthorized Lighting Devices** - include matches, lighters or other devices used to ignite flames or fire. This does not include electric lighters installed by Prisons.
- (e) **State Vehicles** – Vehicles owned by Department of Public Safety or leased from Motor Fleet Management. This covers all vehicles with tags and titles as well as motorized vehicles that are not tagged.
- (f) **Tobacco Paraphernalia** - includes rolling papers, pipes or other products used to smoke, inhale or ingest tobacco products. This does not include American Indian Ceremonial Pipes which may remain with the offender.
- (g) **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.

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- (h) **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.

.1803 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 Prisons, including parking lots, towers, firing ranges, and state vehicles.

(b) **Offenders**

- (1) Offenders may not possess or use tobacco products, tobacco-less products, paraphernalia or lighting devices except for religious services authorized by the Prisons' Chaplaincy Services section. (See the Religious Practice Operational Manual).

- (A) American Indian Religion Practitioners will use ceremonial herbal mix for corporate worship service only.
- (B) The Practitioner's ceremonial herbal mix is the only item that may be removed from the sacred items box.
- (C) The Facility Head will designate a secure and appropriate location for the ceremonial herbal mix to be stored. The facility Chaplain or designated staff will distribute to the Practitioner the required amount of ceremonial herbal mix for the corporate worship. The Chaplain or designated staff will assist in lighting the ceremonial herbal mix and Sacred Herb – herbal gray sage, sweet grass, and cedar for smudging.
- (D) A sign-in and sign-out log will be kept in the designated area for recording offender usage of ceremonial herbal mix for corporate worship. 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 ceremonial herbal mix.
- (E) The Practitioner may possess the ceremonial herbal mix 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 will designate the days and time for the American Indian Religion Practitioners to have corporate devotions. The Practitioners should be allowed to smudge and pray for no less than two (2) times a week. If requested a talk circle may be approved.

- (G) American Indian Religious Practitioners should have use of a lighting device during Individual Private Devotion for the lighting of herbal mix in a Personal Prayer Pipe and/or Sacred Herbs in a smudging vessel. The facility head should select the time for the lighting device to be available to American Indian Religious Practitioners for daily Individual Private Devotion.
- (2) Upon admission, all tobacco products, tobacco-less products, paraphernalia and lighting devices shall be removed from the offender's possession and personal property. The receiving officer shall obtain the unauthorized items and handle according to Prisons' Disposition of Unauthorized Items Policy F.0504.
- (3) Offenders 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 Prisons' Disposition of Contraband Policy F.0802 (e).
- (c) **Employees**
- (1) Employees may not possess, use, or distribute tobacco products, tobacco-less products, paraphernalia or lighting devices while on the grounds of a 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 shall be prohibited from the use of or distribution of tobacco products and tobacco-less products while involved in the supervision of offenders 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 **NCVIP** entry/coaching and/or depending upon the circumstances may receive disciplinary action up to and including dismissal.
- (d) **Vendors, Visitors, Volunteers, Custodial Agents**

- (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 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.

(e) **Violations**

- (1) In accordance with N.C.G.S. 14-258.1, effective March 1, 2010 any person (employee, vendor, visitor, volunteer, custodial agent, etc.) who knowingly gives or sells any tobacco product to an offender or knowingly gives or sells any tobacco product to a person for delivery to an offender in the custody of the Department of Public Safety and on the premises of a correctional facility, other than for authorized religious purposes, is guilty of a Class 1 misdemeanor.

.1804 NOTICE

- (a) Facility signs should be placed at the street entrance and at the entrance gates of the facility.
- (b) As part of the diagnostic process, offenders should receive an explanation of Prisons' policy on tobacco use and possession.
- (c) As part of the orientation process all new hire employees and custodial agents should receive an explanation of Prisons' policy on tobacco use and possession.
- (d) Each facility shall ensure all new hires, volunteers, visitors, and custodial agents are aware of Prisons' Tobacco Free policy and North Carolina's G.S. 14-258.1.



Commissioner of Prisons

07/14/20
Date

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