

**CHAPTER: 100**

**Agency Administration/Management**

**DEPARTMENT ORDER:**

**109 – Smoking and Tobacco Regulations**

**OFFICE OF PRIMARY  
RESPONSIBILITY:**

**DIR**

# **Arizona Department of Corrections**

## **Department Order Manual**

**Effective Date:**

**March 2, 2015**

**Amendment:**

**November 7, 2016**

**Supersedes:**

**DO 109 (2/25/13)**

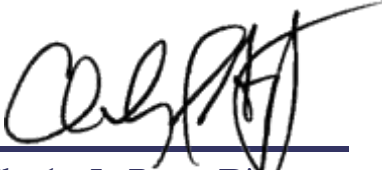
**Scheduled Review Date:**

**TBD**



**ACCESS**

**Contains Restricted Section(s)**

  
\_\_\_\_\_  
Charles L. Ryan, Director

## TABLE OF CONTENTS

<b>PURPOSE .....</b>	<b>1</b>
<b>APPLICABILITY .....</b>	<b>1</b>
<b>PROCEDURES .....</b>	<b>1</b>
<b>1.0 GENERAL REGULATIONS.....</b>	<b>1</b>
<b>2.0 REGULATIONS FOR EMPLOYEES .....</b>	<b>2</b>
<b>3.0 REGULATIONS FOR INMATES .....</b>	<b>2</b>
<b>4.0 COMPLAINTS .....</b>	<b>3</b>
<b>DEFINITIONS/GLOSSARY .....</b>	<b>3</b>
<b>AUTHORITY .....</b>	<b>4</b>

## **PURPOSE**

This Department Order establishes smoking and tobacco regulations which contribute to healthier and safer environments for inmate housing areas, for employee work environments and for members of the public visiting Department facilities.

## **APPLICABILITY**

This Department Order applies to all employees, inmates, visitors, volunteers, contractors and vendors, using cigarettes, electronic cigarettes (e-cigarettes), cigars, pipes and smokeless tobacco products in all Department institutions, offices, state vehicles, and rental/contract properties.

## **PROCEDURES**

**1.0 GENERAL REGULATIONS** – The following regulations apply to all Department institutions and offices, including rental and contract properties:

- 1.1 Smoking/vaping is prohibited in enclosed areas and buildings.
- 1.2 Smoking/vaping is prohibited 20 feet from any building entrance. Smoking/vaping outside is prohibited in any area which area may subject normal traffic to second-hand smoke or may result in drifting smoke entering into buildings through entrances, windows, ventilation systems or other means.
- 1.3 Smoking/vaping is prohibited in all state vehicles, including domicile vehicles.
- 1.4 All used smokeless tobacco (i.e., chewing tobacco, plug tobacco and/or snuff) shall be maintained in a covered non-clear receptacle or Styrofoam cup with a lid, and disposed of in a sanitary condition. *[Revision – November 7, 2016: Sections 1.4 and 1.4.1]*
  - 1.4.1 Employees, volunteers, contractors and vendors are prohibited from using smokeless tobacco while attending meetings, training and group events.
- 1.5 Electronic – Cigarettes, Cigars, and Pipes
  - 1.5.1 Inmates are prohibited from possessing e-cigarettes, e-cigars, e-pipes and related accessories.
  - 1.5.2 Employees, volunteers, contractors and vendors are allowed to possess an e-cigarette at their security posts or work stations; however, accessories (i.e., nicotine cartridges, electronic chargers, flavor tips, etc.) must remain secured in the their privately owned vehicle as outlined in Department Order #513, Employee Property. E-cigarettes may be used on approved rest and lunch breaks, and only in designated smoking/vaping areas, if so desired.
    - 1.5.2.1 E-cigarettes, e-cigars, e-pipes and related accessories are permitted at non-prison facilities and are subject to the same restrictions as tobacco cigarettes.

- 1.5.3 Visitors are allowed to possess an e-cigarette; however, accessories (i.e., nicotine cartridges, electronic chargers, flavor tips, etc.) must remain secured in their privately owned vehicle. E-cigarettes may be used only in designated smoking areas.
- 1.6 Retaliation or discrimination against any person who files a complaint concerning smoking/vaping related issues shall not be tolerated.
- 1.7 Smoking cessation information shall be made available to employees and inmates.
- 1.8 The Arizona Department of Health may enter into any public place or place of employment for the purpose of determining compliance with this law if there is reason to believe a violation of Arizona Revised Statute (A.R.S.) §36-601.01 has occurred.

## **2.0 REGULATIONS FOR EMPLOYEES**

- 2.1 The Deputy Director, Division Directors, Assistant Director, Regional Operations Directors, Wardens, Deputy Wardens and Administrators shall:
  - 2.1.1 Enforce all provisions of this Department Order.
  - 2.1.2 Ensure all employees are notified of smoking/vaping in public places or places of employment which are prohibited and no smoking/vaping may occur within 20 feet of public places or places of employment.
  - 2.1.3 Ensure "no smoking" signs or the international "no smoking" symbol is conspicuously posted at every entrance and other areas where smoking is prohibited.
  - 2.1.4 Post information where the general public, visitors and contractors may register complaints regarding non-compliance with this Department Order.
- 2.2 Institutions shall identify smoking/vaping areas for employees which do not conflict with section 1.0, subsection 1.2 of this Department Order. Employees shall be advised of the permitted smoking/vaping areas.
- 2.3 Employees with outside duty shall not leave their assigned post to smoke, unless they are relieved of their post. Post relief is not mandated and shall be contingent upon the security and staffing needs of the affected posts.
- 2.4 Employees violating the provisions of this Department Order shall be subject to disciplinary action in accordance with Department Order #601, Administrative Investigations and Employee Discipline.
- 2.5 Any person who smokes/vapes where prohibited is guilty of a petty offense and is subject to imposition of a fine not less than \$50 and not more than \$300. A.R.S. §36-601.01 (K).

## **3.0 REGULATIONS FOR INMATES**

- 3.1 Inmates shall not smoke inside any building, including but not limited to the housing areas, visitation areas, dining areas, kitchens and warehouses within the prison.

- 3.2 Smoking and/or the possession of tobacco and all smoking-related materials is prohibited for inmates assigned to the following areas:
  - 3.2.1 Reception Centers
  - 3.2.2 Minors Units
  - 3.2.3 All Detention Units
  - 3.2.4 Special Management Units I and II
  - 3.2.5 Brent W. Lumley Special Management Area
  - 3.2.6 Medical Units
- 3.3 Institutions shall identify smoking areas for inmates which do not conflict with section 1.0, subsection 1.2 of this Department Order. Inmates shall be advised of the permitted smoking areas.
- 3.4 Inmates assigned to general population cellblocks and dormitories may possess smoking-related materials, but shall smoke only outside of all buildings in approved areas.
- 3.5 Inmates shall dispose of used smokeless tobacco in a covered receptacle, such as an empty soda can or Styrofoam cup with a lid, which shall be maintained and disposed of in sanitary conditions.
- 3.6 The use of smoking materials in non-smoking areas, including but not limited to housing areas, visitation areas, dining areas, kitchens and warehouses, shall result in confiscation of all smoking materials on the inmate's person and in the inmate's property as disposable contraband.
- 3.7 Inmates violating the provisions of this Department Order shall be subject to disciplinary action, which shall include restricting inmates who are found guilty of violations from purchasing tobacco from the inmate store. (See Department Order #803, Inmate Disciplinary Procedure.)
- 3.8 Smoking is permitted when associated with religious ceremony practiced pursuant to the American Indian Religious Freedom Act of 1978 and A.R.S. §36-601.01 (B).

#### **4.0 COMPLAINTS**

- 4.1 Inmate complaints may be submitted in accordance with Department Order #802, Inmate Grievance Procedure.
- 4.2 Employees shall attempt to resolve smoking/vaping related complaints informally through their chain of command.
  - 4.2.1 Employees who work in private prison facilities shall use the grievance process of the respective facility.

### **DEFINITIONS/GLOSSARY**

Refer to the Glossary of Terms

## **AUTHORITY**

A.R.S. §36-601.01, Smoke-Free Arizona Act

A.R.S. §41-1033, Petition for a rule or review of a practice or policy

A.R.S. §41-1034, Declaratory judgment

American Indian Religious Freedom Act of 1978