



Virginia Department of Corrections

General Services

Operating Procedure 320.6

Tobacco/Smoking Related Products

Authority:

Directive 320, *General Services*

Effective Date: October 1, 2022

Amended: 4/1/24

Supersedes:

Operating Procedure 320.6, October 1, 2019

Access: Restricted Public Inmate

ACA/PREA Standards:

5-ACI-3B-04; 4-ACRS- 1C-16; 2-CI-1B-1-1; (added 4/1/24)

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REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

The content owner reviewed this operating procedure in September 2023 and determined that no changes are needed.

The content owner reviewed this operating procedure in September 2024 and determined that no changes are needed.

COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections (DOC). Practices and procedures must comply with applicable State and Federal laws and regulations, American Correctional Association (ACA) standards, Prison Rape Elimination Act (PREA) standards, and DOC directives and operating procedures.

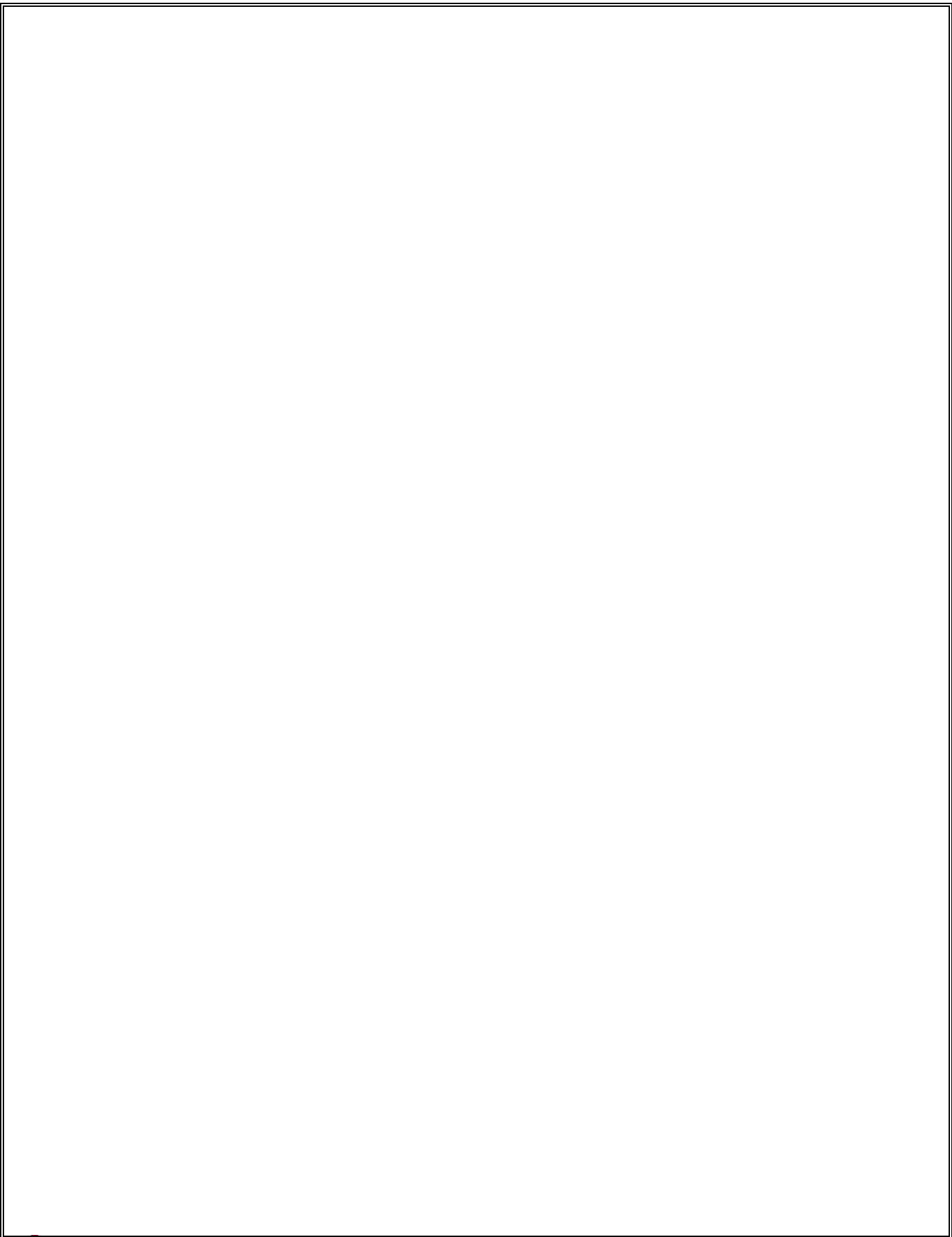


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DEFINITIONS

Facility - Any institution or Community Corrections Alternative Program.

Tobacco/Smoke Free - ~~Possession or use of tobacco or smoking related products will not be allowed on Department of Corrections property; however tobacco/smoking 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.) must not use or possess tobacco/smoking products while on duty.~~ A place where people are not allowed to smoke. (changed 4/1/24)

Tobacco/Smoking 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.



PURPOSE

This operating procedure provides guidance for Department of Corrections (DOC) compliance with COV §15.2-2820 et seq., *Virginia Indoor Clean Air Act* and Executive Order 41 (2006), *Banning Smoking in State Offices and Vehicles*.

PROCEDURE

I. DOC Facilities and Offices

A. Smoking and use or possession of tobacco/smoking related products are prohibited ~~on~~ in all DOC owned or leased properties, ~~including building interior spaces, parking lots, and other exterior spaces.~~ (deleted 4/1/24)

1. Any and all tobacco and tobacco related products in DOC owned or leased buildings/facilities ~~or being used on DOC owned or leased property~~ will be considered contraband, subject to confiscation and action under applicable disciplinary procedures, including sanctions appropriate to the status of the individual, i.e. visitor suspension. (deleted 4/1/24)
2. Information related to tobacco/smoke free facilities/offices will be provided in employee, inmate, or probationer/parolee orientation materials.
3. Staff, visitors, volunteers, and contractors may keep tobacco/smoking products locked in personal vehicles on DOC property for use in designated areas in the parking lot of the facility or office to the extent allowed by law or regulation. ~~away from the facility and facility grounds; tobacco/smoking products may not be used in any vehicle on DOC facility/office grounds.~~ (changed 4/1/24)
4. Smoking will be permitted on DOC owned/leased property only in designated parking lot areas pursuant to the following guidelines:
 - a. Each facility shall provide cigarette receptacles outside that are a minimum of 25 feet from entry/exit ways for disposal of smoking materials.
 - b. Smokers must use cigarette receptacles to dispose of their smoking material waste and will not litter with smoking material waste.
 - c. Tobacco/smoking products and smoking devices must be returned to the person's personal vehicle before returning to their DOC office. (added 4/1/24)

B. State Vehicles

1. Smoking and the use of other tobacco products are prohibited in any state-owned or leased vehicle, see Operating Procedure 323.1, *Vehicle Acquisition, Operations, and Maintenance*.
2. The possession of tobacco/smoking products, by any person, in facility owned or leased transportation vehicle is prohibited.

C. Institutional staff working with inmates or probationers/parolees off facility grounds, such as road crews, warehouse, or transportation, will not use or possess tobacco/smoking products while on duty.

D. When DOC Administrative Offices are located within or share a building with non-DOC agencies or businesses, this smoking/tobacco use prohibition will apply to the DOC occupied space.

1. Other areas of the building or office complex will be subject to the tobacco use rules established by the leaseholder or owner.
2. DOC staff must not smoke within 25 feet of any entrance and exits leading to DOC owned or leased spaces.

E. Violations of this operating procedure will be handled within the scope of Operating Procedure 135.1, *Standards of Conduct*, or other applicable sanctions.

~~F. If DOC staff uses tobacco/smoking products on properties adjacent to DOC owned or leased properties,~~



~~they must:~~

- ~~1. Obtain written permission from any private property owner; Unit Head will keep this approval on file.~~
- ~~2. Leave no trash or other objects behind when they depart the area and keep the property clean.~~
- ~~3. Utilize the area only during authorized break and mealtimes.~~
- ~~4. Not interfere with vehicular or pedestrian traffic.~~
- ~~5. Return all tobacco/smoking products and smoking devices to their personal vehicle before returning to their DOC office or work area. (deleted 4/1/24)~~

II. Smoking Cessation

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

REFERENCES

COV §15.2-2820 et seq., *Virginia Clean Air Act*

Executive Order 41 (2006), *Banning Smoking in State Offices and Vehicles*

Operating Procedure 135.1, *Standards of Conduct*

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

ATTACHMENTS

None

FORM CITATIONS

None

