



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

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| Policy No. DOC 3.4.3 | Subject: TOBACCO USE REGULATIONS |
| Chapter 3: FACILITY/PROGRAM OPERATIONS | Page 1 of 3 |
| Section 4: Rules and Discipline | Effective Date: Jan. 1, 1998 |
| Signature: /s/ Mike Batista, Director | Revised: 03/01/2016 |

I. POLICY

The Department of Corrections will provide a smoke-free work and living environment for employees, visitors, and offenders in accordance with the Montana Clean Indoor Air Act and outline tobacco use provisions appropriate to the functions of the Department.

II. APPLICABILITY

All divisions, facilities, and programs Department-owned and contracted, as specified in contract.

III. DEFINITIONS

Administrator – The official, regardless of local title (division or facility administrator, bureau chief, warden, superintendent), ultimately responsible for the division, facility or program operation and management.

Smoking – The act of lighting, smoking, or carrying a lighted cigar, cigarette, pipe or any smokable product or any product that is inhaled to mimic smoking.

Smokeless Tobacco – Tobacco or a tobacco product that is used by means other than smoking.

Tobacco Product – Includes cigarettes, pipes, pipe tobacco, tobacco substitutes, chewing tobacco, cigars, matches, cigarette lighters, smoking paraphernalia, electronic cigarettes and all other items developed or processed for the primary purpose of facilitating the use or possession of nicotine, tobacco and tobacco-related products.

Tobacco Use – Refers to using a tobacco product or tobacco substitute.

IV. DEPARTMENT DIRECTIVES

A. General Smoking Regulations

1. In compliance with the Montana Clean Indoor Air Act, smoking is prohibited in enclosed areas and buildings in order to:
 - a. protect the public health and welfare in public places and places of employment;
 - b. recognize the right of nonsmokers to breathe smoke-free air; and
 - c. recognize that the need to breathe smoke-free air has priority over the desire to smoke.
2. Administrators may establish designated outdoor smoking areas away from building entrances and in locations where smoke does not enter through entrances, windows, or ventilation systems that may affect nonsmoking areas on Department property that does not house offenders.

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3. Tobacco use is prohibited in all State-owned and leased vehicles in accordance with the Montana Department of Transportation (Motor Pool) and Department of Corrections lease agreement.

B. General Tobacco Regulations

1. Administrators will ensure signs prohibiting smoking within Department buildings and offices are prominently displayed at the appropriate entrances.
2. For consistency, the recommended language for entrance signs will include:
Attention: All Employees and Visitors to DOC Properties
The Department prohibits smoking in Department buildings and offices in accordance with DOC Policy 3.4.3, Tobacco Use Regulations.
3. Vacancy announcements for Department positions will contain tobacco use restrictions and newly hired employees will review the provisions of this policy upon employment.

C. Facilities Not Housing Offenders

1. Department employees, offenders, and visitors within Department buildings and offices that do not house offenders may possess tobacco products for personal use.
2. Smokeless tobacco products may be used inside Department buildings and offices that do not house offenders. Employees must use professional judgment and discretion when using smokeless tobacco products while on duty.

D. Facilities Housing Offenders

1. Administrators will prohibit employees and visitors from possessing, using, or transferring tobacco products in facilities housing Department offenders and may ban the use of tobacco products on all facility property.
2. Administrators will ensure signs prohibiting the possession, use, or transfer of tobacco products in facilities are prominently displayed at appropriate entrances.
3. Department employees who work in or are visiting Department buildings and offices will secure tobacco products for personal use in locations that comply with facility operational procedures.

E. Regulations for Offenders

1. Offenders are prohibited from using, possessing and transferring tobacco products while housed in Department facilities or programs, tobacco products are considered contraband or illegal in adult and youth secure facilities and will be confiscated.
2. Administrators may approve exceptions to tobacco use restrictions for legitimate offender spiritual practices in accordance with *DOC Policy 5.6.1 Religious Programming* and the American Indian Religious Freedom Act of 1978.
3. Offenders under community supervision will comply with Department policies and procedures regarding tobacco use while on Department property.

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4. Administrators of contracted facilities or programs housing Department offenders will prohibit the use, possession and transfer of tobacco products in accordance with the provisions of this policy.

V. CLOSING

Questions concerning this policy should be directed to the appropriate administrator.

VI. REFERENCES

- A. *2-15-112, MCA; 45-7-307, MCA; 53-1-203, MCA; 53-30-101(3)(c), MCA; Title 50, Chapter 40, MCA*
- B. *State of Montana Motor Pool Lease Agreement, 2007*
- C. *American Indian Religious Freedom Act of 1978*
- D. *DOC Policy 5.6.1 Religious Programming*

VII. ATTACHMENTS

None