



**DEPARTMENT OF CORRECTIONS
MONTANA STATE PRISON
OPERATIONAL PROCEDURE**

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| Procedure: | MSP 3.4.3 TOBACCO USE REGULATIONS |
| Effective Date: | January 1, 1998 Page 1 of 2 and no Attachments |
| Revision Date(s): | March 14, 2017, October 30, 2020, April 30, 2021 |
| Reference(s): | DOC Policy 3.4.3 |
| Signature: | /s/ Jim Salmonsens /Warden |

I. PURPOSE

To provide a tobacco free work and living environment for employees, visitors, and inmates in accordance with the Montana Clean Indoor Air Act.

II. DEFINITIONS

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.

Staff – Includes employees of the state of Montana and contracted staff.

Tobacco Product – Includes cigarettes, pipes, pipe tobacco, tobacco substitutes, chewing tobacco, cigars, matches, cigarette lighters, smoking paraphernalia, electronic cigarettes and all other items develop 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.

Smoking Paraphernalia – Includes items such as lighters, matches, altered batteries, cigarette papers, rolling machine, and other items that would facilitate one in smoking.

III. PROCEDURES

A. Posting

1. Department building and vehicles shall be conspicuously posted with signs prohibiting smoking.

B. Tobacco Restrictions

1. All state employees and visitors will be required to cease the use of tobacco products when exiting their personal vehicle or when leaving the Main Prison parking lot.
2. All persons seeking employment within the Montana State Prison will be advised that Montana State Prison is smoke-free and tobacco-free.
3. Use of tobacco products is prohibited on prison property, except when in personal vehicles or in the Main Prison parking lot.
4. Tobacco use is prohibited in all state-owned and leased vehicles.

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4. Tobacco products and paraphernalia may be kept in a staff member's personal vehicle or visitor's vehicle, but may not be used on prison property, except as outlined in number 3 of this section.
5. Staff who live in state housing may use tobacco products while they are at home unless conditions set forth in the rental agreement dictate otherwise.
6. Staff who violate the conditions of this operational procedure by using tobacco products on MSP/MCE property, (in areas other than those specifically authorized) will be subject to progressive discipline.
7. Any staff member who brings tobacco products on MSP / MCE property (other than in personal vehicle or Main Prison parking lot) will be subject to disciplinary action. If he/she is discovered to have given an inmate tobacco products or paraphernalia, the staff member will be subject to disciplinary action leading up to and including termination, and may face criminal charges
8. Visitors who bring tobacco products or paraphernalia into the Prison will be terminated from visiting.
9. Admissions staff will confiscate tobacco, tobacco substitutes, and smoking paraphernalia (cigarette papers, pipes, matches, lighters, etc.) from inmates during the intake process and dispose of it as contraband.
10. Inmates are prohibited from smoking and use of tobacco or tobacco substitutes. Staff will cite any inmate who violates this prohibition for a disciplinary rule infraction.
 - a. tobacco use for legitimate inmate spiritual practices in accordance with *DOC Policy 5.6.1 Religious Programming* and the *American Indian Religious Freedom Act of 1978*.
11. Tobacco products, tobacco substitutes, and smoking accessories are contraband. If staff find these items on an inmate, in his cell or work area/station, or in his belongings the items will be confiscated and disposed of, and the inmate will receive a disciplinary infraction.

IV. CLOSING

Questions concerning this operational procedure will be directed to the Warden.

V. ATTACHMENTS (none)