	<b>DEPARTMENT OF CORRECTIONS AND REHABILITATION</b> <b>CORRECTIONS ADMINISTRATION</b> <b>POLICY AND PROCEDURES</b>	<b>EFFECTIVE DATE:</b> January 01, 2024	<b>POLICY NO.:</b> COR.01.22
		<b>SUPERSEDES (Policy No. &amp; Date):</b> COR.01.22 of December 28, 2011	
<b>SUBJECT:</b> <b>SMOKING IN THE WORKPLACE</b>		Page 1 of 4	

## 1.0 PURPOSE

To provide all correctional facility employees with guidelines regarding smoking in the workplace.

## 2.0 SCOPE

This policy applies to all Correctional Facilities within the Department.

## 3.0 REFERENCES, DEFINITIONS & FORMS

### .1 References

Hawaii Revised Statutes (HRS) 328J-2, 3, 4, 6, 7(7), 9, 12, Smoking.

### .2 Definitions

- a. Branch or Facility- all the structures and ground areas that are enclosed within a fence, other buildings or other boundary markers that establish the furthest limits of any one of the Correctional Centers or Correctional Facilities of the Department.
- b. Employee - any person employed by the Department, including volunteers.
- c. Smoking or to Smoke - inhaling or exhaling the fumes of burning tobacco or any other plant material, or burning or carrying any lighted equipment for smoking tobacco or any other plant material; or the personal habit commonly known as smoking.
- d. Warden - the person who has discretionary decision-making authority over Correctional Center/Facility employees and use of the buildings, workplaces, or work areas and any other areas designated as being under their jurisdiction.
- e. Workplace or Work Areas - any area, structure or portion thereof located within a branch facility where an employee or inmate is assigned to work and is supervised.
- f. Common Area - those areas within a branch facility that are utilized by more than one employee or inmate.

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- g. Enclosed Office or Area - an area or office that is enclosed by four (4) solid walls and a roof with an opening for ingress and egress.
- h. Posted Signs - affixed portable signs or some other available and readily visible barrier stating that smoking is or is not permitted within the vicinity of the sign.
- i. Open Area - any area that is not fully enclosed from the elements.

#### 4.0 POLICY

The U.S. Environmental Protection Agency (EPA) has classified tobacco smoke as a Class A human carcinogen. The EPA has published a major assessment of the respiratory health risks of passive smoking (Respiratory Health Effects of Passive Smoking: Lung Cancer and Other Disorders, EPA/600/6-90/006F). The report concludes that exposure to environmental tobacco smoke, commonly known as second-hand smoke, is responsible for 3,000 lung cancer deaths a year in nonsmoking adults and impairs the respiratory health of hundreds of thousands of children.

To protect the health and welfare of employees and inmates, all correctional facilities shall adopt, implement, and maintain a smoking policy that shall contain the following:

- .1 Clearly inform employees that all tobacco and tobacco-related items such as cigarettes, cigars, pipes, rolling papers, matches, smokeless devices etc. are not allowed into any Correctional Center or Correctional Facility.
- .2 Signs shall be posted to indicate the smoking or no smoking status of an area according to the provisions of the Hawaii Revised Statutes and this policy.
- .3 No Warden is required to make any expenditures or structural changes to their facility in order to accommodate the preferences of smoking or non-smoking employees and inmates.

#### 5.0 PROCEDURES

- .1 Smoking is prohibited within a presumptively reasonable minimum distance of twenty feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed or partially enclosed area. Prohibited areas are:

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- a. For facilities owned by the State or the counties, smoking shall be prohibited in all enclosed or partially enclosed areas, including buildings and vehicles owned, leased or operated by the State or any county.
- b. Enclosed or partially enclosed places to the public.
- c. Enclosed or partially enclosed places of employment.

.2 Areas Where Smoking May be Permitted:

Smoking is prohibited within a presumptively reasonable distance of twenty feet from entrances, exits, windows that open and ventilation intakes that serve an enclosed or partially enclosed area. The location of permitted smoking areas shall take into consideration that smoke will not infiltrate into the place open to the public or place of employment.

.3 Accommodations

Smoking shall only be authorized for employees and volunteers of a Correctional Facility in an area outside the secure confines of a correctional facility restricted from access by inmates or detainees that has been designated by the warden of a correctional facility.

For employees covered by a Collective Bargaining Agreement, any changes to the designated smoking areas shall be subject to consultation.


.4 Signs

Clearly legible signs that include the words "Smoking Prohibited by Law" with letters of not less than one inch in height or the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be clearly and conspicuously posted in and at the entrance to every place open to the public and place of employment where smoking is prohibited.


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APPROVAL RECOMMENDED:

  
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Deputy Director for Corrections                      JAN 0 1 2024  
Date

APPROVED:

  
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DIRECTOR    JAN 0 1 2024  
Date

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