



NEW MEXICO CORRECTIONS DEPARTMENT

Secretary
Alisha Tafoya Lucero

CD-160400 Smoking, Tobacco, E-Cigarettes	Issued: 8/3/02 Effective: 8/3/02	Reviewed: 4/30/20 Revised: 3/9/15
Alisha Tafoya Lucero, Cabinet Secretary		<i>Original Signed and Kept on File</i>

AUTHORITY:

- A. NMSA 1978, Sections 33-1-6, as revised.
- B. NMSA, 1978, Sections 24-16-1 through 24-16-11.
- C. NMAC 1.5.3 Administration And Use Of State Vehicles
- D. Policy *CD-010100*

REFERENCE:

ACA Expected Practices 5-3B-4214 and 5-6A-4361, *Performance Based Expected Practices for Adult Correctional Institutions*, 5th Edition.

PURPOSE: [4-4361]

To implement the requirements of the New Mexico Dee Johnson Clean Indoor Air Act. To reduce the risks and to protect the health and safety of staff, inmates, probationers, parolees, volunteers and visitors in Departmental facilities from secondhand smoke.

APPLICABILITY:

All employees, contract staff, inmates, probationers, parolees, volunteers and visitors using facilities of the Department.

FORMS:

None

ATTACHMENTS:

None

DEFINITIONS:

- A. *Indoor Place of Employment*: Any indoor area under the control of the Department frequented or used during the course of employment by Department employees, including, but not limited to: offices, lounges, housing units, cafeterias, dining halls, conference rooms, warehouses, lobbies, hallways and other indoor areas of any Department job site, work area or building, including prison buildings, probation and parole offices and Central Office buildings.

- B. *Prison Facilities and Grounds*: Any indoor or outdoor area of a prison facility operated by the Department or which houses Department inmates pursuant to contract, including all prison buildings, all buildings that are used to support prison operations, as well as the entire prison grounds on which said buildings are located. This definition does not include probation and parole offices or Central Office.
- C. *Smoke or Smoking*: The carrying, holding or using of any kind of burning or lighted cigarette, cigar, pipe, electronic cigarette (E-Cigarette) or other smoking equipment.
- D. *Smoking Materials*: Any kind of cigarette, cigar, pipe, electronic cigarette (E-Cigarette), tobacco, rolling paper or other similar materials.
- E. *Smokeless Tobacco*: Any tobacco product such as chewing tobacco, “chew”, “snuff” or similar products.

POLICY:

- A. Each facility shall be a tobacco free/vapor free environment and will limit smoking and the use of smokeless tobacco, e-cigarettes, and the taking, carrying, possessing or introducing of smoking materials, e-cigarettes or smokeless tobacco on or into prison facilities and grounds with the goal of eliminating such use.
- B. Smoking materials, e-cigarettes and smokeless tobacco may be possessed, left or used inside and within the confines of a private residence or personal vehicle on prison facility grounds with the permission of the legal occupant of said private residence or vehicle.
- C. Native American inmates will be allowed to smoke during approved ceremonial events as allowed by policy.
- D. The Health Services Bureau shall implement and continue to make available to all Department employees and inmates a smoking cessation program upon request.
- E. No person shall smoke, use electronic cigarettes or smokeless tobacco in any NMCD building, (owned or leased).
- F. Pursuant to Rule 1.5.3.16 D NMAC, no authorized driver or passenger shall smoke or use smokeless tobacco products of any type in a state vehicle.
- G. Inmates are not allowed to use or possess any smoking materials, electronic cigarettes, or tobacco products. Inmates found to be using or possessing any such items shall be subject to disciplinary action per the Inmate Discipline policy *CD-090100*.

- H. Central Office, including the Academy, Probation & Parole Offices, and each correctional facility shall designate specific outdoor locations separated from inmate populations for the purpose of tobacco use by employees, guests, or visitors. Failure to comply with this policy shall be grounds for disciplinary action.
 - a. This location shall be a reasonable distance beyond doorways so that a person does not have to pass through smoke or vapor to enter a building.
 - b. Smoking and e-cigarette permitted areas must also be beyond windows, doorways and other ventilation intakes so that smoke or vapor does not enter the building.
- I. Each facility and/or office location shall be responsible for the proper posting of “No Smoking” signs at all entrances.
- J. Each facility and/or office location must designate a reasonable area that is a safe distance for employees to smoke or use electronic cigarettes.
- K. Employers are required to post and maintain a written smoking/tobacco policy.
- L. The FSSO will ensure that institution facilities are equipped with noncombustible receptacles for smoking materials and separate containers for other combustible refuse at accessible locations throughout living quarters in the institution. Special containers are provided for flammable liquids and for rags used with flammable liquids. All receptacles and containers are emptied and cleaned daily by designated staff. **[5-3B-4214]**