



POLICY STATEMENT
Commonwealth of Pennsylvania • Department of Corrections

Policy Subject: Clean Indoor Air Act		Policy Number: 1.1.7
Date of Issue: June 10, 2016	Authority: Signature on File John E. Wetzel	Effective Date: June 17, 2016

I. AUTHORITY

The Authority of the Secretary of Corrections to direct the operation of the Department of Corrections is established by Sections 201, 206, 506, and 901-B of the Administrative Code of 1929, 71 P.S. §§61, 66, 186, and 310-1, Act of April 9, 1929, P.L. 177, No. 175, as amended.

II. APPLICABILITY

This policy is applicable to all facilities operated under the jurisdiction of, or conducting business with the Department of Corrections.

III. POLICY

It is the policy of the Department to provide a smoke free environment consistent with Senate Bill No. 246 of 2007, Pennsylvania Clean Indoor Air Act.

IV. PROCEDURES

All applicable procedures are contained in the procedures manual that accompanies this policy document.

V. SUSPENSION DURING AN EMERGENCY

In an emergency or extended disruption of normal facility operation, the Secretary/designee may suspend any provision or section of this policy for a specific period.

VI. RIGHTS UNDER THIS POLICY

This policy does not create rights in any person nor should it be interpreted or applied in such a manner as to abridge the rights of any individual. This policy should be interpreted to have sufficient flexibility to be consistent with law and to permit the accomplishment of the purpose(s) of the policies of the Department of Corrections.

VII. RELEASE OF INFORMATION AND DISSEMINATION OF POLICY

A. Release of Information

1. Policy

This policy document is public information and may be released upon request.

2. Confidential Procedures (if applicable)

Confidential procedures for this document, if any, are not public information and may not be released in its entirety or in part, without the approval of the Secretary of Corrections/designee. Confidential procedures may be released to any Department of Corrections employee on an as needed basis.

B. Distribution of Policy

1. General Distribution

The Department of Corrections policy and procedures shall be distributed to the members of the Central Office Executive Staff, all Facility Managers, and Community Corrections Regional Directors on a routine basis. Distribution of confidential procedures to other individuals and/or agencies is subject to the approval of the Secretary of Corrections/designee.

2. Distribution to Staff

It is the responsibility of those individuals receiving policies and procedures, as indicated in the "General Distribution" section above, to ensure that each employee expected or required to perform the necessary procedures/duties is issued a copy of the policy and procedures either in hard copy or via email, whichever is most appropriate.

VIII. SUPERSEDED POLICY AND CROSS REFERENCE

A. Superseded Policy

1. Department Policy

- a. 1.1.7, Clean Indoor Air Act, issued September 10, 2008, by former Secretary Jeffrey A. Bead, Ph.D.;
- b. 1.1.7, Smoking in the Department, issued November 6, 2000, by former Secretary Martin F. Horn;
- c. 15.3.6, Smoking in Department of Corrections Buildings and Facilities, issued November 9, 1998, by former Secretary Martin F. Horn; and
- d. 15.3.7, Central Office Smoking Policy issued May 10, 1995, by former Secretary Martin F. Horn.

2. Facility Policy and Procedures

This document supersedes all facility policy and procedures on this subject.

B. Cross Reference(s)

1. Senate Bill No. 246 of 2007, Pennsylvania Clean Indoor Air Act
2. Administrative Manuals
3. ACA Standards
 - a. Administration of Correctional Agencies: None
 - b. Adult Correctional Institutions: 4-4214, 4-4361
 - c. Adult Community Residential Services: None
 - d. Correctional Training Academies: None



PROCEDURES MANUAL
Commonwealth of Pennsylvania • Department of Corrections

Policy Subject:

Clean Indoor Air Act

Policy Number:

1.1.7

Date of Issue:

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Authority:

**Signature on File
John E. Wetzel**

Effective Date:

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Release of Information:

Policy Document: This policy document is public information and may be released upon request.

Procedures Manual: The procedures manual for this policy may be released in its entirety or in part, with the prior approval of the Secretary/designee. Unless prior approval of the Secretary/designee has been obtained, this manual or parts thereof may be released to any Department employee on an as needed basis only.

**1.1.7, Clean Indoor Air Act Procedures Manual
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Section 1 – General Procedures

A. General

1. The Clean Indoor Air Act prohibits smoking in a public place. This prohibition applies to all Department facilities. This Act became effective on September 11, 2008.
2. As of September 11, 2008, smoking, ***including the use of electronic cigarettes***, is not permitted in any Department building.
3. Except at tobacco free facilities, smoking may be permitted only at designated outdoor locations. Proper disposal receptacles must be used.¹
4. ***All vehicles assigned to the Department of Corrections are considered commonwealth property and, therefore, are subject to the Clean Indoor Air Act as it applies to a public space. Smoking in all vehicles is prohibited with the following exceptions:***
 - a. ***a vehicle that is permanently assigned to an individual during his/her tenure in a qualified position can be identified as a smoking vehicle by the person to whom it is assigned; and***
 - b. ***when a designated smoking vehicle is carrying one or more passengers, any individual must announce his/her intention to smoke and obtain verbal consent from each passenger prior to smoking.***
5. Staff and inmates who smoke will be offered information about the dangers involved in smoking and offered smoking cessation information.² Facility management staff shall encourage smoking cessation programs and may request Inmate General Welfare Fund (IGWF) funding for such programs for inmates.

B. Non-Compliance

1. Inmate violations will be addressed in accordance with Department policy **DC-ADM 801, “Inmate Discipline.”** Staff violations will be addressed in accordance with Department policy **4.1.1, “Human Resources and Labor Relations.”**
2. In addition to the disciplinary action referenced in **Subsection B.1. above**, staff and inmates who do not comply with the smoking ban may also be subject to the administrative and/or criminal penalties provided in the Clean Indoor Air Act.

¹ 4-4214

² 4-4361

1.1.7, Clean Indoor Air Act Procedures Manual
Section 1 – General Procedures

a. Administrative Penalties

A person who smokes in a public place where smoking is prohibited will be subject to an administrative penalty not to exceed \$250.00. If the person violates the act a second time within one year of receiving a penalty, the person will be subject to a penalty not to exceed \$500.00. If the person violates the act within one year of the second penalty, the person will be subject to a penalty not to exceed \$1,000.00.

b. Criminal Penalties

A person who violates the act commits a summary offense and upon conviction will be sentenced to pay a fine not to exceed \$250.00. If the person violates the act within one year of being sentenced, that person commits a summary offense and upon conviction will be sentenced to pay a fine not to exceed \$500.00. If the person violates the act within one year of being sentenced on the second offense, that person commits a summary offense and upon conviction will be sentenced to pay a fine not to exceed \$1,000.00.

3. “No Smoking” signs shall be prominently posted and properly maintained where smoking is prohibited by the act.

1.1.7, Clean Indoor Air Act Procedures Manual
Glossary of Terms

Smoke Free – An area in which smoking is prohibited.

Smoking – The act of emitting or exhaling smoke from a cigarette, cigar, pipe or any other lighted smoking device *or vapor producing device*.