



U.S. Department of Justice
Federal Bureau of Prisons

OPERATIONS MEMORANDUM

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Electronic Cigarettes

/s/

Approved: RADM Newton E. Kendig
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1. PURPOSE AND SCOPE

The Bureau's current regulations and policy regarding staff tobacco smoking do not control the staff use of electronic cigarettes (E-cigarettes). An E-cigarette is defined as any electronic device capable of being a nicotine delivery system.

Management has a responsibility under Occupational Safety and Health Administration (OSHA) regulations to provide a safe and healthful workplace for all workers. Caution should be exercised in the use of these devices in the workplace due to the relative sparseness of health and safety information that is currently available.

2. PROGRAM OBJECTIVES

Staff will follow the guidelines in this Operations Memorandum when using E-cigarettes at BOP facilities.

3. GUIDELINES FOR E-CIGARETTE USE

After review and exploration of E-cigarette uses and possible misuses, the following guidance is provided:

- E-Cigarettes may be used within the secure confines of a BOP facility, but may not be used inside a building.
- Within 90 days of the date of this Operations Memorandum, the parties at the local level will engage in pre-decisional involvement discussions to develop the local plans and address any mutual concerns. A plan to fully comply with this OM should be implemented within the 90-day timeframe, unless the local parties are unable to reach an agreement. In such instances, the respective Regional Director and Regional Vice-President will meet to resolve the local plan.
- The use of the device will be limited to outdoor areas that are reasonably accessible to employees and provide a measure of protection from the elements. These areas may only be used by employees, but must be separate from the areas presently designated as “Smoking Areas” for use of tobacco products. These locations should also be in compliance with DOJ order 2400.2, Subpart 128-20.105-3(e), with respect to points of ingress or egress into the workplace.
- Indoor use of E-cigarettes shall not be permitted in BOP facilities except in perimeter towers and perimeter patrol vehicles when occupied by one person.
- The device that is allowed within the secure perimeter cannot have any extra electronic purpose (Bluetooth, radio, etc.). No device charger or refilling liquid is allowed within the secure perimeter, and no electronic nicotine delivery system (ENDS) device will be connected to BOP computers.