


**U.S. DEPARTMENT OF JUSTICE  
Federal Bureau of Prisons**



**PROGRAM STATEMENT  
Smoking/No Smoking Areas and Electronic Cigarettes**

Approved by	 William K. Marshall III Director, Federal Bureau of Prisons
OPI	HSD
Number	1641.01
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**Summary of Changes**

<p><i>Program Statement Rescinded:</i></p> <ul style="list-style-type: none"><li>▪ 1640.05 Smoking/No Smoking Areas (1/7/2015)</li><li>▪ 1640.06 Electronic Cigarettes (11/9/2017)</li></ul>
<p><i>Changes:</i></p> <ul style="list-style-type: none"><li>▪ Combined Program Statements <b>Smoking/No Smoking Areas and Electronic Cigarettes</b>.</li><li>▪ Updated to add lozenges or patches may be utilized for smoking cessation.</li><li>▪ Updated the BP-A1019, Inmate Nicotine Replacement Therapy Approval form, which is prescribed by this program statement.</li></ul>

**1. PURPOSE AND SCOPE**

To advance towards becoming a clean air environment and protect the health and safety of staff and inmates, the Bureau of Prisons (Bureau) will restrict areas and circumstances where smoking and the use of electronic cigarettes (E-cigarettes) are permitted within its institutions and offices.

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

Medical and public health authorities have established the hazards of tobacco smoke. Of particular concern are risks posed to nonsmokers by passive inhalation of environmental tobacco smoke (ETS) and vaping compounds.

a. **Program Objectives.**

- The designation of smoking/vaping areas may reduce exposure to second-hand substances that may be harmful to health.
- All Bureau facilities will be free of second-hand smoke and vaping fumes, except staff housing when used as a residence. Perimeter patrol vehicles and towers will be smoke and vape free.
- Areas where smoking and vaping are permitted will be clearly identified.

b. **Institution Supplement.** Each institution must develop an Institution Supplement identifying any authorized outdoor smoking/vaping areas within the institution only. The Safety Department, or designee will develop the Institution Supplement with recommended regional legal review.

2. **DEFINITIONS**

**§ 551.161 Definitions.**

For the purposes of this subpart, *smoking* is defined as inhaling the smoke of any substance through the use of smoking apparatus including, but not limited to, cigars, cigarettes, or pipes.

An E-cigarette is defined as any electronic device capable of being a vaporizing delivery system.

An area designated as free of second-hand smoke is defined as one in which there are no lighted tobacco products or vaping (e.g., cigars, cigarettes, pipes, E-cigarettes).

Designated area is defined as a smoking/vaping area which the Warden has clearly identified.

3. **SMOKING GENERALLY PROHIBITED**

a. **Inmate Smoking.**

**§ 551.162 Smoking generally prohibited.**

Smoking is generally prohibited in and on the grounds of Bureau institutions and offices, with the following two exceptions:

- (a) Smoking is permitted as part of an authorized inmate religious activity; and

b. **Staff Smoking/No Smoking Areas & Vaping/No Vaping Areas.** This section also applies to visitors, volunteers, and contractors.

(b) For Bureau staff and official visitors, smoking is permitted only in smoking areas designated by the Warden.

For Bureau staff and official visitors, vaping is permitted only in smoking/vaping areas designated by the Warden.

Only outside locations can be designated by the Warden as smoking/vaping areas for staff and official visitors. Designated areas must not be located in front of air intake ducts.

**Indoor Smoking/Vaping.** Indoor smoking/vaping is not permitted in perimeter towers and perimeter patrol vehicles.

**Outdoor Smoking/Vaping.** The Warden designates outdoor smoking/vaping areas that are reasonably accessible to staff and are protected from the elements. Designated areas are for use only by staff.

The vaping device, to include E-cigarette 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 device will be connected to Bureau computers.

#### 4. INMATE POSSESSION OF SMOKING APPARATUS AND TOBACCO

##### **§ 551.163 Possession of smoking apparatus and tobacco prohibited.**

Possession of smoking apparatus and tobacco in any form is prohibited for inmates, unless as part of an authorized inmate religious activity.

Inmate possession or use of smoke or smokeless tobacco products is subject to disciplinary action.

The Warden must designate a smoking area for use in instances where smoking is part of an authorized religious activity. See the Program Statement **Religious Beliefs and Practices** for further information regarding smoking as part of religious ceremonies.

#### 5. INMATE SMOKING/VAPING CESSATION PROGRAMS

a. **Components and Creation.** Wardens must establish an institution Smoking/Vaping Cessation Program consistent with local resources for newly committed inmates within the first 90 days of incarceration.

The institution Admission and Orientation (A&O) Handbook will inform inmates of a Smoking/Vaping Cessation Program's availability, including application and participation procedures. A Smoking/Vaping Cessation Program must, at a minimum, address:

- Nutrition
- Physical activity (i.e., exercise)
- Stress management
- Nicotine Replacement Therapy (NRT)

Institutions conduct these activities through a combination of:

- Videos
- Classroom presentations
- Recreation activities
- The sale of nicotine replacement products (e.g., patches or lozenges) in the Commissary
- Group or individual counseling

b. **Nicotine Replacement Therapy (NRT).** Nicotine replacement products may assist with the gradual tapering of nicotine consumption. Each institution Commissary will stock or sell NRT through the Special Purchase Order (SPO) process. Inmates may purchase NRT with staff approval.

An inmate requesting NRT must obtain written approval from a Bureau health care provider using the BP-A1019, Inmate Nicotine Replacement Therapy Approval form, certifying they are approved to use NRT.

The inmate takes the signed BP-A1019 to the Commissary, which allows them to purchase two weeks of NRT at a time. The Commissary staff member initials the BP-A1019 each time the inmate purchases NRT. The inmate keeps the BP-A1019 until the final supply of NRT has been purchased.

## REFERENCES

### *Program Statements*

Religious Beliefs and Practices

### *Bureau Form Prescribed by 1641.01*

BP-A1019 Inmate Nicotine Replacement Therapy Approval

### *Federal Regulations*

28 CFR Part 551 Subpart N

### *ACA Standards*

Performance-Based Standards and Expected Practices for Adult Correctional Institutions (5th Edition): 5-ACI-3B-04M, 5-ACI-3C-01, 5-ACI-6A-20

Performance-Based Standards and Expected Practices for Adult Local Detention Facilities (5th Edition): 5-ALDF-1A-20, 5-ALDF-3A-01, 5-ALDF-4C-22

### *Records Retention Requirements*

Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) on the Bureau's intranet site.