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| NH DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE DIRECTIVE | CHAPTER <u>Health Services</u> STATEMENT NUMBER <u>6.09</u> |
| SUBJECT: TOBACCO FREE DEPARTMENT PROPONENT: <u>William Wrenn, Commissioner</u> <i>Name/Title</i> <u>Commissioner's Office 271-5601</u> <i>Office Phone #</i> | EFFECTIVE DATE <u>08/30/13</u> REVIEW DATE <u>08/30/14</u> SUPERSEDES PPD# <u>6.09</u> DATED <u>05/01/12</u> |
| ISSUING OFFICER: <hr/> <i>William Wrenn, Commissioner</i> | DIRECTOR'S INITIALS: _____ DATE: _____ APPENDIX ATTACHED: YES _____ NO _____ |
| REFERENCE NO: See reference section on last page of PPD. | |

I. PURPOSE:

To comply with RSA 154:64, the health of the public, inmates and staff, and to keep the environment clean by prohibiting the use of tobacco in all departmental facilities and restricting use on institutional grounds.

II. APPLICABILITY:

To all Division Directors and Wardens, their staff and all persons who utilize or come into areas for which the Division Director is responsible.

III. POLICY:

It is the policy of the Department of Corrections to substantially comply with both the spirit and intent of RSA 155:64 (attachment 1). To that end, the Department will protect the public, the health of inmates and staff, and the environment by prohibiting smoking at all facilities. For the purpose of this subpart, smoking is defined as carrying or inhaling a lighted cigar, cigarette, pipe or other lighted tobacco products. This is to also include chewing tobacco products. The use of tobacco is allowed on institutional grounds within the limitations set forth in this PPD.

IV. PROCEDURE:

- A. No person shall publicly smoke except as noted in F 1 below. Tobacco products may be consumed privately in personal vehicles so as not to expose others and shall be subsequently secured in personal vehicles.
- B. Tobacco and tobacco products are contraband per COR 306.01 (attachment 2) and are not to be brought into any departmental building except as noted in F 1 & 2 below.
- C. Tobacco and tobacco products are prohibited in all departmental vehicles.
- D. No departmental employee having custody of or supervising inmates shall smoke (such as transporting inmates, supervising work crew off grounds, etc.)
- E. Anyone found in violation of this policy will be subject to disciplinary action. Smoking **is allowed in designated areas outside Community Corrections Centers.** Non combustible receptacles will be provided in the designated areas. All receptacles will be

emptied and cleaned daily. Residents are expected to dispose of their smoking materials properly.

1. Smoking is prohibited *inside* the facilities. Any resident found smoking inside the center may be returned to custody.

REFERENCES:

Standards for the Administration of Correctional Agencies
Second Edition Standards

Standards for Adult Correctional Institutions
Fourth Edition Standards

Standards for Adult Community Residential Services
Fourth Edition Standards

Standards for Adult Probation and Parole Field Services
Third Edition Standards

Other

NH RSA 642:7

WRENN/clr

Attachments

Indoor Smoking Act

Section 155:64

155:64 Purpose. – The purpose of this subdivision is to protect the health of the public by regulating smoking in enclosed workplaces and enclosed places accessible to the public, regardless of whether publicly or privately owned, and in enclosed publicly owned buildings and offices. This subdivision also regulates smoking in public housing facilities, health care facilities, public primary and secondary educational facilities, and in public conveyances operating within the state. This subdivision shall not be construed as addressing airborne contaminants including toxic, chemical, or biological substances that may be present in indoor air other than tobacco smoke.

Source. 1990, 236:2, eff. Jan. 1, 1991.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES
PART Cor 306 CONTROL OF CONTRABAND ON PRISON GROUNDS

PART Cor 306 CONTROL OF CONTRABAND ON PRISON GROUNDS

Cor 306.01 Contraband.

(a) Contraband shall consist of:

(1) Any substance or item whose possession is unlawful for the person or the general public possessing it including but not limited to:

a. Narcotics;

b. Controlled drugs; or

c. Automatic or concealed weapons, possessed by those not licensed to have them;

(2) Any firearm, simulated firearm, or device designed to propel or guide a projectile against a person, animal or target;

(3) Any bullets, cartridges, projectiles or similar items designed to be projected against a person, animal or target;

(4) Any explosive device, bomb, grenade, dynamite or dynamite cap or detonating device including primers, primer cord, explosive powder or similar items or simulations of these items;

(5) Any drug item, whether medically prescribed or not, in excess of a one day supply or in such quantities that a person would suffer intoxication or illness if the entire available quantity were consumed alone or in combination with other available substances;

(6) Any intoxicating beverages;

(7) Sums of money or negotiable instruments in excess of \$100;

(8) Lock-picking kits or tools or instructions on picking locks, making keys or making surreptitious entry or exit;

(9) The following types of items in the possession of an individual who is not in a vehicle, but shall not be contraband stored in a secured vehicle:

a. Knives and knife-like weapons;

b. Clubs and club-like weapons;

- c. Maps of the prison vicinity or sketches or drawings or pictorial representations of the facilities, its grounds or its vicinity;
- d. Pornography or pictures of visitors or prospective visitors undressed;
- e. Radios capable of monitoring or transmitting on the police band in the possession of other than law enforcement officials;
- f. Identification documents, licenses and credentials not in the possession of the person to whom properly issued;
- g. Ropes, saws, grappling hooks, fishing line, masks, artificial beards or mustaches, cutting wheels, or string, rope or line impregnated with cutting material, or similar items to facilitate escapes;
- h. Balloons, condoms, false-bottomed containers, or other containers which could be used to facilitate transfer of contraband; and
- i. Tobacco products, except those secured in a visitor's locked vehicle.

[Source.](#) (See Revision Note at chapter heading for Cor 300) #7448, eff 2-6-01

Section 642:7

642:7 Implements for Escape and Other Contraband. – A person is guilty of a class B felony if:

- I. He knowingly provides a person in official custody, as defined in RSA 642:6, II, with anything which may facilitate such person's escape or the possession of which by such person is contrary to law or regulation, or in any other manner facilitates such person's escape; or
- II. Being a person in official custody, as defined in RSA 642:6, II, he knowingly procures, makes or possesses anything which may facilitate escape.

Source. 1971, 518:1, eff. Nov. 1, 1973.