



INTERNAL MANAGEMENT POLICY & PROCEDURE

Applicability: Adult Operation Only JUVENILE Operations Only DEPARTMENT-WIDE

IMPP #: 09-107D

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SAFETY, SANITATION AND INSPECTIONS: Tobacco-Free Environment

Original Date Issued: 11-24-15 Replaces IMPP Issued: 02-21-18 **CURRENT EFFECTIVE DATE: 06-13-23**

Approved By: , Secretary Next Scheduled Review: 02/2026

POLICY

The Kansas Department of Corrections is committed to providing a safe and secure working and living environment that is clean and sanitary, promotes good health, and in which resources are efficiently utilized. As a means of achieving such an environment, all department facilities and grounds are, and shall remain, tobacco-free.

Management and supervisory staff shall be responsible for ensuring ongoing compliance with this tobacco-free environment policy within their work area. They shall adhere to standard practices in resolving issues of nonconformance and maintaining expected levels of productivity within their respective departments.

DEFINITIONS

Contract Personnel: Any person who works in a Kansas Department of Corrections' operated facility or office and is employed by an entity under contract to provide services to the Department.

Employee: Any person employed full-time, part-time or on a temporary appointment to the Kansas Department of Corrections.

Off-Site Functions: Includes activities away from the normal work location or field work, which are outside of regular day-to-day tasks and responsibilities (i.e. training, conferences, workshops, etc.).

Smoking Paraphernalia: Items that would facilitate the use of tobacco products to include, but not limited to lighters, matches, altered batteries, cigarette papers, rolling machine, electronic cigarette related devices.

Tobacco or Tobacco Related Products: Includes cigarettes; electronic cigarettes (also known as e-cigarettes), pipes; pipe tobacco; loose-leaf tobacco; tobacco substitutes, including chemical supplies for electronic cigarettes; chewing tobacco; smokeless tobacco including tobacco pouches; cigars; matches; cigarette lighters; smoking paraphernalia, including chargers, batteries, atomizers, and any other items related to the functioning of electronic cigarettes; personal vaporizers or PV's; and all items developed or processed for the primary purpose of facilitating the use or possession of tobacco, tobacco related, or tobacco-based products. Tobacco or tobacco related products do not include pharmacological aids for smoking cessation approved by the Food and Drug Administration (FDA).

Tobacco Substitutes: Any substance ingested by smoking or herbal/leaf-based substitutes for chewing tobacco.

Volunteer: Any person who works at a facility or for the Kansas Department of Corrections on a voluntary basis, including interns.

Work Hours: Time spent at work, excluding non-compensated lunch periods.

PROCEDURES

I. Prohibition of Tobacco or Tobacco Related Products

- A. The use or possession of all tobacco or tobacco related products by any person is prohibited on property under the supervision and control of the Secretary, except as provided herein.
 - 1. Persons in non-correctional facility offices may have tobacco or tobacco related products within their possession but may neither consume nor openly display such products on the premises where the office is located.
 - 2. Individuals may secure tobacco and tobacco-based or tobacco related products in their personal motor vehicles in the parking lot of a Department facility or office, unless they are intended for distribution within an office or facility. If the items in a vehicle are intended for distribution to a resident, they shall be considered contraband and the involved individuals shall be subject to prosecution.
 - a. Tobacco or tobacco related products may not be removed from such personal motor vehicles or be used and/or consumed until the vehicle and its operator and passengers are off any property under the supervision and control of the Department.
 - 3. Staff may transport tobacco or tobacco related products in a state vehicle if they are not in the presence of a resident or offender. Tobacco or tobacco related products may not be consumed in a state vehicle.
- B. Appointing authorities shall be authorized to allow exceptions regarding the use and storage of matches and lighters by staff so they can fulfill their job duties or to perform authorized functions.
- C. Employees (including off-site detail supervisors), contract personnel, and volunteers shall not be allowed to use tobacco or tobacco related products during work hours, except that they shall be allowed to utilize tobacco or tobacco related products off-site when in a personal vehicle or while attending off-site functions when not in the presence of residents or offenders.
 - 1. An employee whose duty assignment places that employee in direct contact with a resident while away from facility grounds, including during the supervision of work details, while providing transportation, and during hospital supervision, shall not be in possession of tobacco or tobacco related products.
- D. Each employee, volunteer, and contract personnel shall read, sign, and date a copy of the Affirmation of Policy Form (Attachment A).
 - 1. Candidates for these positions shall complete the form prior to employment or delivery of services to a facility or office.

II. Enforcement Sanctions

- A. Any person who is found in violation of the tobacco prohibition provisions of this document may be subject to corrective or disciplinary action, and possible prosecution in accordance with the provisions of K.S.A. 21-5914.
- B. Violations of this policy by a volunteer, mentor, visitor, or contractor may result in termination of their visits and/or delivery of services to the Department and may be subject to prosecution.
- C. Vendors making deliveries inside the secured confines of a facility shall secure their tobacco and tobacco substitute products with appropriate staff at entrance and exits points.
 - 1. At all times while making deliveries on-site, outside of the secured perimeter, vendors shall ensure these items are secured in their vehicles.

III. Religious Use

- A. An exception to the tobacco-free environment shall be in effect for religious activities in accordance with IMPP 10-110D.

IV. This IMPP must serve as final policy in all departmental facilities, and no General Orders shall be developed or implemented on this subject.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff, residents, and residents and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees, residents, or residents, or an independent duty owed by the Department of Corrections to employees, residents, residents, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS

None.

REFERENCES

K.S.A. 21-5914, 2016 Supp. 21-6109 through 21-6116, and amendment thereto
IMPP 10-110D

HISTORY

11-24-15 Original
01-30-18 Revision 1
02-21-18 Revision 2
06-05-19 Policy Memorandum 1
06-13-23 Revision 3

ATTACHMENTS

Attachment	Title of Attachment	Page Total
A	Affirmation of Policy form	1 page

AFFIRMATION OF POLICY FORM

Statement of Policy

The Kansas Department of Corrections is committed to providing a safe and secure working and living environment, an environment that is clean and sanitary, an environment that promotes good health, and an environment in which resources are efficiently utilized. As a means of achieving such an environment, all Department correctional facilities shall be tobacco-free effective March 17, 2003.

Persons may possess tobacco or tobacco related products at non-correctional facility offices, but may not consume or openly display such products while on the premises of where the office is located.

The use or possession of all tobacco products by any person is prohibited on all correctional facility property. Employees may possess, but not consume, tobacco products while in a state vehicle. No tobacco products can be transported if a state vehicle is on facility grounds, and no tobacco products can be in a state vehicle if there is an anticipated presence of a resident or offender during any portion of a trip. Individuals may secure tobacco and tobacco-based products in their personal motor vehicles in the parking lot of a Department facility or office, unless it is intended for distribution within an office or facility. On and after March 17, 2003, any person who is found in violation of the tobacco prohibition provisions may be subject to discipline and possible prosecution in accordance with K.S.A. 2016 Supp. 21-6109 through 21-6116, and amendment thereto.

Affirmation of Policy

As an employee, volunteer, or contract personnel or as a candidate for these positions, I affirm that I have read and understand the meaning of the above statement of policy regarding the Kansas Department of Corrections' tobacco-free environment. I am aware of my obligations to adhere to this policy.

Signature of Employee/Volunteer/Contract Personnel or Candidate

Date

Signature of Supervisor or Agency Representative

Date