

### **33-401.401 Use of Tobacco and Vapor Products.**

(1) This rule establishes the tobacco and vapor products use policy for the Department of Corrections. For the purposes of this rule, “tobacco products” means items such as cigars, cigarettes, snuff, loose tobacco, or similar goods made with any part of the tobacco plant, which are prepared or used for smoking, chewing, dipping, sniffing, or other personal use. “Vapor products” means aerosolized or vaporized nicotine or other aerosolized or vaporized substance produced by a vapor-generating electronic device or exhaled by the person using such a device, or the vapor-generating electronic device itself.

(2)(a) Pursuant to Section 944.115, F.S., use of any tobacco products shall be prohibited in all indoor areas of any building or office within a state correctional facility except for employee housing on department grounds and inmate maximum security (death row) housing areas. Only unlighted tobacco product use shall be permitted in death row housing.

(b) Pursuant to Section 386.204, F.S., smoking and vaping are prohibited in all enclosed indoor workplaces as defined in Section 386.203, F.S.

(c) Pursuant to Section 944.47, F.S., a vapor-generating electronic device as defined in Section 386.203, F.S., shall not be intentionally and unlawfully introduced inside the secure perimeter of any state correctional institution.

(3) Should Department of Corrections’ offices be located in buildings not totally in the control of the department, smoking and vaping shall be prohibited in all enclosed indoor workplaces occupied or controlled by the department. Employees may not smoke or vape in areas which do not fully meet the requirements of the Florida Indoor Clean Air Act, Sections 386.201-.209, F.S.

(4) Outdoor areas owned or leased by the Department of Corrections may be designated by the secretary or the secretary’s designee as areas where tobacco and/or vapor products may be used. Tobacco waste receptacles shall be provided in all areas where tobacco products use is permitted.

(5) Use of tobacco and vapor products shall be prohibited in all vehicles owned or leased by the department.

(6) All inmates at all state correctional facilities, with the exception of those participating in a community release program under Rule 33-601.602, F.A.C., or as otherwise provided in subsection (8) of this rule shall not be allowed to possess any tobacco products or lighters.

(7) All inmates at all state correctional facilities shall not be allowed to possess any vapor products or vapor-generating electronic device.

(8) Inmates on death row shall not purchase more than two (2) packages of smokeless tobacco products per week and shall not exceed the possession limit of two (2) packages. Inmates assigned to a Community Release Program in accordance with “Community Release Programs,” Rule 33-601.602, F.A.C., shall not possess more than ten (10) packs of cigarettes, or ten (10) packages of smokeless tobacco products, or twenty (20) individual cigars, and one (1) non Bic-style disposable lighter at any time while on the property of a state correctional facility.

(9) Tobacco cessation assistance shall be available to inmates to assist them in making a successful tobacco-free transition.

(10) Violation of this rule shall be grounds for disciplinary action against employees and inmates. Visitors found in violation of this rule shall be subject to having their approval for access to the department facility withdrawn.

*Rulemaking Authority 944.09, 944.115 FS. Law Implemented 386.201, 386.202, 386.203, 386.204, 386.205, 386.206, 944.09, 944.115, 944.47 FS. History—New 12-31-80, Formerly 33-20.01, Amended 3-12-86, 2-24-92, 1-4-94, Formerly 33-20.001, Amended 2-3-00, 10-1-03, 6-18-08, 10-1-11, 6-18-13, 9-11-13, 5-23-21.*