

By Representative Brooks

1                                   A bill to be entitled  
2           An act relating to state correctional  
3           facilities; creating the "Tobacco-free Prisons  
4           Act"; providing legislative intent; requiring  
5           the Department of Corrections and the  
6           Correctional Privatization Commission to make  
7           smoking-cessation assistance available to  
8           inmates; requiring full implementation of the  
9           act by a specified date; providing definitions;  
10          prohibiting an inmate within a state  
11          correctional facility from possessing or using  
12          tobacco products; permitting certain inmates to  
13          possess or use tobacco products; prohibiting  
14          employees or visitors from possessing tobacco  
15          products while in a state correctional  
16          facility; providing penalties; permitting the  
17          department to develop and implement an Employee  
18          Wellness Program; providing an effective date.

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20 Be It Enacted by the Legislature of the State of Florida:

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22           Section 1. (1) SHORT TITLE.--This section may be  
23 cited as the "Tobacco-free Prisons Act."

24           (2) LEGISLATIVE INTENT.--The purpose of this section  
25 is to protect the health, comfort, and environment of  
26 employees of the Department of Corrections and the  
27 Correctional Privatization Commission and of inmates by  
28 prohibiting inmates from using tobacco products in state  
29 correctional facilities, and by ensuring that employees and  
30 visitors do not use tobacco products in state correctional  
31 facilities. Scientific evidence links the use of tobacco

1 products with numerous significant health risks. The use of  
2 tobacco products by inmates, employees, or visitors is  
3 contrary to efforts by the Department of Corrections to reduce  
4 the costs of inmate health care and limit unnecessary  
5 litigation. The Department of Corrections and the Correctional  
6 Privatization Commission shall make smoking-cessation  
7 assistance available to inmates in order to implement this  
8 section. The Department of Corrections and the Correctional  
9 Privatization Commission shall implement this section as soon  
10 as possible and all provisions of this section must be fully  
11 implemented by January 1, 1999.

12 (3) DEFINITIONS.--As used in this section, the term:

13 (a) "Commission" means the Correctional Privatization  
14 Commission or a private vendor in a contractual relationship  
15 with the Correctional Privatization Commission.

16 (b) "Department" means the Department of Corrections.

17 (c) "Employee" means an employee of the department or  
18 the commission, including a contractor, volunteer, or law  
19 enforcement officer.

20 (d) "State correctional facility" means a state  
21 correctional institution as defined in s. 944.02, Florida  
22 Statutes, or a correctional institution operated under s.  
23 944.105, Florida Statutes, or chapter 957, Florida Statutes.

24 (e) "Tobacco products" means items such as cigars,  
25 cigarettes, snuff, loose tobacco, or similar goods made with  
26 any part of the tobacco plant, which are prepared or used for  
27 smoking, chewing, dipping, sniffing, or other personal use.

28 (4) POSSESSION OR USE OF TOBACCO PRODUCTS

29 PROHIBITED.--An inmate within a state correctional facility  
30 may not possess or use tobacco products at any time while in  
31 the custody of the department or a private state correctional

1 facility, unless an inmate leaves the confines of the facility  
2 pursuant to s. 945.091, Florida Statutes. This prohibition  
3 applies regardless of an inmate's location in relation to the  
4 physical plant of a state correctional facility. Any person  
5 who is an employee of a state correctional facility or who  
6 visits a state correctional facility may not possess or use  
7 any tobacco products while in the state correctional facility.  
8 The superintendent or supervisor of each state correctional  
9 facility shall take reasonable steps to ensure that the  
10 tobacco prohibition for employees and visitors is strictly  
11 enforced.

12 (5) PENALTIES.--An inmate who violates this section  
13 commits a disciplinary infraction and is subject to forfeiture  
14 of gain-time or the right to earn gain-time in the future  
15 under s. 944.28, Florida Statutes.

16 Section 2. The Legislature recognizes that a healthy  
17 workforce is a productive workforce and that security of the  
18 state correctional system can best be provided by strong and  
19 healthy employees. The Department of Corrections may develop  
20 and implement an Employee Wellness Program. The department  
21 may include in the program, but not limit the Employee  
22 Wellness Program to, wellness education and incentives, random  
23 employee drug testing, smoking cessation, and nutritional and  
24 health-risk reduction.

25 Section 3. This act shall take effect upon becoming a  
26 law.

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HOUSE SUMMARY

Creates the "Tobacco-free Prisons Act." Provides legislative intent and definitions. Requires the Department of Corrections and the Correctional Privatization Commission to make smoking-cessation assistance available to inmates. Prohibits an inmate within a state correctional facility from possessing or using tobacco products. Permits certain inmates to possess or use tobacco products. Provides penalties. Prohibits employees or visitors from possessing or using tobacco products while in a state correctional facility. Permits the department to develop and implement an Employee Wellness Program.