

By Senator Burt

16-72-98

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 the act to be fully
9 implemented by a specified date; providing
10 definitions; prohibiting an inmate within a
11 state or private correctional facility from
12 possessing or using tobacco products regardless
13 of an inmate's location; prohibiting visitors
14 from possessing tobacco products while in a
15 state or private correctional facility;
16 authorizing the superintendent of each
17 correctional facility to designate special
18 smoking areas within the facility for use by
19 employees; authorizing employees to possess and
20 use tobacco products outdoors within a facility
21 perimeter; requiring policies for the disposal
22 of used tobacco products; providing penalties;
23 providing an effective date.

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

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27 Section 1. Tobacco-free Prisons Act.--
28 (1) SHORT TITLE.--This section may be cited as the
29 "Tobacco-free Prisons Act."
30 (2) LEGISLATIVE INTENT.--The purpose of this section
31 is to protect the health, comfort, and environment of

1 nonsmoking employees of the Department of Corrections and the
2 Correctional Privatization Commission and of nonsmoking
3 inmates by prohibiting inmates from using tobacco products in
4 state correctional facilities. Scientific evidence links the
5 use of tobacco products with numerous significant health
6 risks. The use of tobacco products by inmates is contrary to
7 efforts by the Department of Corrections to reduce the costs
8 of inmate health care and limit unnecessary litigation. The
9 Department of Corrections and the Correctional Privatization
10 Commission shall make smoking-cessation assistance available
11 to inmates in order to implement this section. The Department
12 of Corrections and the Correctional Privatization Commission
13 shall implement this section as soon as possible and all
14 provisions of this section must be fully implemented by
15 January 1, 2000.

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

17 (a) "Commission" means the Correctional Privatization
18 Commission or a private vendor in a contractual relationship
19 with the Correctional Privatization Commission.

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

21 (c) "Employee" means an employee of the department or
22 the commission, including a contractor, volunteer, or law
23 enforcement officer.

24 (d) "Private correctional facility" means a
25 correctional institution operated under section 944.105,
26 Florida Statutes, or chapter 957, Florida Statutes.

27 (e) "State correctional facility" means a state
28 correctional institution as defined in section 944.02, Florida
29 Statutes.

30 (f) "Tobacco products" means items such as cigars,
31 cigarettes, snuff, loose tobacco, or similar goods made with

1 any part of the tobacco plant, which are prepared or used for
2 smoking, chewing, dipping, sniffing, or other personal use.

3 (4) POSSESSION OR USE OF TOBACCO PRODUCTS

4 PROHIBITED.--An inmate within a state or private correctional
5 facility may not possess or use tobacco products at any time
6 while in the custody of the department or a state or private
7 correctional facility. This prohibition applies regardless of
8 an inmate's location in relation to the physical plant of a
9 state or private correctional facility. Any person who visits
10 a state or private correctional facility, other than an
11 employee, may not use or possess any tobacco products while in
12 the state or private correctional facility. The superintendent
13 or supervisor of each state or private correctional facility
14 shall take reasonable steps to ensure that the tobacco
15 prohibition for visitors is strictly enforced.

16 (5) DESIGNATION OF EMPLOYEE SMOKING AREAS.--The

17 superintendent or supervisor of each state or private
18 correctional facility may designate special smoking areas, as
19 necessary, for use by employees. While on the grounds of a
20 state or private correctional facility, an employee may use
21 tobacco products outdoors within the perimeter of the
22 correctional facility. The superintendent or supervisor shall
23 use due care to designate other smoking areas in locations to
24 prevent employee and inmate exposure to secondhand smoke. The
25 superintendent or supervisor shall establish policies for the
26 disposal of used tobacco products by employees.

27 (6) PENALTIES.--An inmate who violates this section

28 commits a disciplinary infraction and is subject to punishment
29 determined to be appropriate by the disciplinary authority in
30 the facility, including, but not limited to, forfeiture of

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1 gain-time or the right to earn gain-time in the future under
2 section 944.28, Florida Statutes.

3 Section 2. This act shall take effect upon becoming a
4 law.

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7 SENATE SUMMARY

8 Creates the "Tobacco-free Prisons Act." Prohibits the
9 possession or use of tobacco products by inmates within
10 state correctional facilities. Defines the term "tobacco
11 tobacco, or similar goods. Provides that an inmate who
12 violates the act is subject to forfeiting gain-time or
13 the right to earn gain-time. Requires the superintendent
14 or supervisor of each state correctional facility to
15 designate smoking areas for use by employees of the
16 facility. Requires the Department of Corrections and the
17 Correctional Privatization Commission to make
18 smoking-cessation assistance available to inmates.
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