

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject USE OF TOBACCO PRODUCTS	Policy Number GD-4 Effective Date 09-28-22
Related Information ARS 36-601.01 DH-3, <i>Searches and Contraband Control</i> DO-1, <i>Intake Process</i> GE-4, <i>Use, Assignment, and Operation of Vehicles</i> Maricopa County Policy A1919 Maricopa County Ordinance No.3	Supersedes GD-4 (03-30-16)	

PURPOSE

The purpose of this Office Policy is to establish guidelines and procedures regarding compliance and enforcement with the Maricopa County Smoking Pollution Control Ordinance and the Smoke-Free Arizona Act as specified in Arizona Revised Statutes (ARS) 36-601.01.

POLICY

It is the policy of the Office to take all reasonable steps necessary to provide a healthy environment for employees, inmates, and members of the public in accordance with Arizona state law and Maricopa County Ordinances. This Office Policy establishes regulations regarding the use of tobacco products in and around Office buildings, adjacent areas, and in Office vehicles and equipment.

Although this Office Policy refers to employees throughout, this Office Policy also applies with equal force to all volunteers. Volunteers include, but are not limited to, reserve deputies and posse members.

DEFINITIONS

Adjacent Areas: County property surrounding County-owned buildings such as breezeways, courtyards, parking garages, parking lots, and walkways. This may include areas further than 20 feet away from entrances, windows capable of being opened, or ventilation systems.

Contractor: A person or company that performs work for the Office, Maricopa County, or other County departments on a contractual basis.

Contract Employee: An employee, or representative of a contract holder with Maricopa County or the Office, who regularly enters jail facilities to provide contracted programs or services to inmates.

Designated Smoking Area: Any area within an enclosed public place where smoking is permitted. Designated smoking areas must be located in areas to allow nonsmoking individuals to conduct normal activity in a reasonably smoke-free environment.

Electronic Smoking Devices: A device of any shape or configuration including, but not limited to, cigarette or pipe, containing liquid that is vaporized and inhaled, used to simulate the experience of smoking, regardless of the amount or absence of nicotine.

Employee: A person currently employed by the Office in a classified, unclassified, contract, or temporary status.

Office Building: Any structure, whether owned or leased, which is used by Office employees in the day-to-day operations of the Office.

Smoking: Inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigars, cigarettes, pipe tobacco, and any other lighted tobacco product. The use of electronic smoking devices is considered the same as smoking.

Tobacco Products: Any product made or derived from tobacco intended for human consumption, including any component, part, or derivative of a tobacco product, including cigars, cigarettes, pipe tobacco, and smokeless tobacco.

PROCEDURES

1. **Office Buildings and Adjacent Areas:** The Office prohibits smoking and the use of tobacco products in and around Office buildings and adjacent areas owned or leased by Maricopa County, unless otherwise designated as an exempt area as specified in this Office Policy.
 - A. “No-smoking” signs shall be posted at public and employee entrances indicating Office buildings and adjacent areas are smoke free, as specified in the Maricopa County Smoking Pollution Control Ordinance. Requests for signage shall be made through the Construction and Maintenance Division.
 - B. Certain areas may be designated as exempt based on work necessity or personnel safety as determined by a review committee representative of Maricopa County departments appointed by the County Manager or designee. Exempt areas may be denoted with appropriate signage as designated smoking areas.
 - C. Smoking and the use of tobacco products in **any** form, to include the use of electronic smoking devices, shall only be used in designated exempt outdoor areas at least 20 feet from any doors, windows capable of being opened, and ventilation systems.
 - D. Outdoor ash receptacles must be placed in exempt outdoor smoking areas. The receptacles must not obstruct normal access to, or egress from, Office buildings. Office employees who use tobacco products shall dispose of them in these receptacles.
 - E. The use of electronic smoking devices shall be treated in the same manner as the use of tobacco products.
2. **Office Vehicles and Equipment:** Smoking and the use of tobacco products is prohibited as follows:
 - A. In Office vehicles and equipment, whether County owned or leased; and
 - B. In any private vehicle used on official business if more than one employee is in the vehicle.
3. **Public Perception:** Employees, in the performance of their duties, shall not chew tobacco or gum while making personal contact with members of the public, as specified in Office Policy CP-2, *Code of Conduct*. Office employees shall not smoke or use tobacco products, while on duty or while working in an extra-duty/off-duty law enforcement capacity, when the use of such products may be offensive or may create an unfavorable appearance to the public.

4. **Law Enforcement Actions:** Deputies encountering an individual in violation of the Maricopa County Smoking Pollution Control Ordinance may verbally inform the violator of the requirements of the ordinance and request immediate compliance. If the individual is not compliant the deputy may take further appropriate law enforcement action.

5. **Visitors and Contractors:** If a visitor or contractor smokes or uses tobacco products while in or around an Office building and adjacent area, other than in an exempt outdoor area, they shall be advised of the appropriate requirements of the Maricopa County Smoking Pollution Control Ordinance and request immediate compliance. If the visitor or contractor continues smoking or using the tobacco product after the advisement, they shall not be provided service and shall be asked to leave the building or property. Possession of tobacco products by contractors within Office Jail facilities is a violation of Office security access guidelines and shall be reported to the Construction and Maintenance Division Facility Planning Coordinator or designee.

6. **Tobacco Products in Office Jail Facilities:** Tobacco products and smoking materials of any kind are prohibited within the secured area of any Office jail facility and adjacent areas accessible to inmates.
 - A. Prisoners shall not be allowed to retain any smoking materials, tobacco products, or fire producing devices in their possession when they are booked into any Office jail facility, as specified in Office Policy DO-1, *Intake Process*.

 - B. Office personnel and contract employees shall not use or display any tobacco products or smoking materials in the presence of inmates and shall not furnish tobacco products to any inmate under any circumstance.

 - C. Any tobacco products or smoking materials, including fire producing devices, in the possession of an inmate shall be confiscated and disposed of, as specified in Office Policy DH-3, *Searches and Contraband Control*.