

Content

Title :	The Regulations Governing Smoking by Prisoners and Defendants and Incentives to Quit Smoking CH
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Legislative :	1.Promulgated on August 16, 1993 2.Amended on July 15, 2020

- Article 1 These Regulations are established in accordance with the provisions of Paragraph 3, Article 48 of the Prison Act and Paragraph 3, Article 43 of the Detention Act.
- Article 2 The terms used in these Regulations are defined as follows:
1. Authority: Referring to prison or detention center under the Agency of Corrections of Ministry of Justice, including any branch or female unit set up by the prison, and any branch or female unit set up by the detention center.
2. Inmate: Referring to a prisoner or a detained defendant.
3. Officer: Referring to the security, edification, counseling and health/medical personnel of an Authority under Subparagraph 1.
- Article 3 For any Inmate newly admitted into the Authority, the Authority shall investigate and record his/her smoking habit, willingness to quit smoking and whether there is any event under Article 5 for which smoking should be prohibited.
After an Inmate is admitted into the Authority, if the Inmate changes his/her smoking habit or if the Inmate wishes to quit smoking, the Officer may make records either based on the Officer' s authority or pursuant to the statements made by the Inmate as consideration for treatment.
- Article 4 Inmates with smoking habits shall smoke at the time and in the locations designated by the Authority in accordance with these Regulations.
- Article 5 Inmates with any of the following events shall be prevented from smoking:
1. During pregnancy period.
2. Prohibition against smoking in accordance with the Tobacco Hazards Prevention Act.
3. Prohibition against smoking in accordance with the Prison Act, the Detention Act or other correction legislations.
- Article 6 Smoking is prohibited throughout patient wards of the Authority, medical branches established by prisons or indoor premises where pregnant women or children under the age of 3 are present and a non-smoking sign shall be set up at the entrance thereto.
The Authority may set up smoking areas in premises other than those mentioned in the preceding paragraph. Smoking areas shall be clearly identified, reviewed at proper times and reinforced with ventilation and fire prevention equipment in order to maintain the health of relevant personnel. Smoking is prohibited in any premises without smoking areas.
- Article 7 Authorities may designate smoking hours depending on the situation. Inmates are prohibited from smoking at time other than the designated hours.
- Article 8 Cigarettes purchased and used by the Inmates shall be limited to tobacco products purchased at market prices from cooperatives established by the

Authorities in accordance with the law or purchased by the Authorities on behalf of the Inmates and shall not be sent from or brought in from outside.

Cigarettes sold to or purchased on behalf of Inmates may be limited to certain brands and shall be calculated by packs.

Persons recorded as non-smokers according to the investigation result under Paragraph 1, Article 3 and persons prevented from smoking under Article 5 are prohibited from purchasing cigarettes.

Inmates may purchase up to 5 packs of cigarettes every 2 weeks.

Authorities may increase or decrease such limit depending on the quantities of cigarettes in the Inmates' custodies and the space for storage. Cigarettes purchased by Inmates shall not be transferred or re-sold to any other person.

Unopened cigarettes purchased by any Inmate before leaving an Authority shall only be brought into the new Authority after inspection by the new Authority.

The cigarette purchase prices shall be deducted from the Inmates' money under safekeeping or labor wage.

Article 9	<p>Authorities are responsible for the control over cigarette lighting devices. No such device shall be used by Inmates other than in the smoking areas and during designated smoking hours.</p> <p>Cigarettes purchased by Inmates shall be controlled and issued by the Authorities during the smoking hours designated in accordance with Article 7.</p> <p>Inmates shall receive no more than a total of 10 cigarettes per day. Hoarding or any other unlawful act is prohibited.</p>
Article 10	<p>Authorities shall reinforce publicity about the link between smoking and fire prevention to facilitate responsive measures.</p>
Article 11	<p>Authorities shall establish Inmate smoking management and incentive program to quit smoking and shall implement such program after it is submitted to and approved by the supervisory authority. The same shall be applicable in case of any amendment.</p>
Article 12	<p>Authorities shall provide Inmates with education and publicity about the prevention of tobacco hazards and health and shall actively encourage Inmates to quit smoking.</p> <p>The education and publicity under the preceding paragraph may be done by inviting medical institutions, psychological counseling institutions or public-interest organizations to set up clinics to quit smoking or to provide services.</p>
Article 13	<p>Authorities shall review records of Inmates who do not smoke and who quit smoking every 3 months.</p> <p>The review under the preceding paragraph may be performed by Authorities through the assistance of technological equipment.</p> <p>Inmates who do not smoke and Inmates who quit smoking under Paragraph 1 may be given one or more rewards as follows by prisons:</p> <ol style="list-style-type: none">1. 1 additional point to the total score of the current month.2. 1 to 3 additional visits or correspondences.3. Issuance of a certificate of merit after 1-year record of non-smoking or quitting. <p>Defendants who do not smoke or who quit smoking under Paragraph 1 may be given one or more rewards as follows by detention centers:</p> <ol style="list-style-type: none">1. 1 to 3 additional visits.2. Issuance of a certificate of merit after 1-year record of non-smoking or quitting.
Article 14	<p>Officers shall make records about Inmate who changed his/her smoking habit, before admission into the Authority or under Paragraph 2, Article 3, from non-smoking to smoking or resumed smoking after quitting, and shall actively encourage such Inmate to quit smoking.</p>
Article 15	<p>Each Authority shall make monthly reports about the status of Inmate smoking management and incentives to quit smoking to the supervisory authority for records before the 10th day of the following month.</p>

Article 16 These Regulations may apply mutatis mutandis to smoking management and incentives to quit smoking for people under observation or rehabilitation, people under drug rehabilitation treatment, people subjected to compulsory labor and people under custody.

Article 17 These Regulations shall take effect as of July 15, 2020.
