

**SAN DIEGO POLICE DEPARTMENT
PROCEDURE**

DATE: JUNE 1, 2021
NUMBER: 5.05 – PERSONNEL
SUBJECT: USE OF TOBACCO PRODUCTS
RELATED POLICY: 5.05
ORIGINATING DIVISION: OPERATIONAL SUPPORT
NEW PROCEDURE:
PROCEDURAL CHANGE: **MINOR CHANGES**
SUPERSEDES: DP 5.05 –3/19/2018

I. PURPOSE

This Department procedure establishes the rules and regulations regarding the use of tobacco products within police facilities or while on duty.

II. SCOPE

This procedure applies to all members of the Department.

III. BACKGROUND

California Government Code 7597(a) states, “No public employee or member of the public shall smoke a tobacco product inside a public building, or in an outdoor area within 20 feet of a main exit, entrance, or operable window of a public building, or in a passenger vehicle, as defined by Section 465 of the Vehicle Code, owned by the state.” This section shall not preempt the authority of any county, city, city and county, California Community College campus, campus of the California State University, or campus of the University of California to adopt and enforce additional smoking and tobacco control ordinances, regulations, or policies that are more restrictive than the applicable standards required by this chapter. The intent of this law is to protect the health of non-smoking employees and ensure that they are provided with a smoke-free environment when possible.

IV. **DEFINITIONS**

- A. Police Facility – any building or structure solely or jointly operated by the Department.
- NEW** B. Smoking - California Business and Professions Code 22950.5 (c) states, “‘Smoking’ means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. “Smoking” includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.
- NEW** C. Smoking Prohibited Area – encompasses the following areas in and around police facilities:
1. Outside concrete and landscaped areas within 20 feet of building entrances and exits;
 2. Covered areas;
 3. Stairwells, inside or outside;
 4. Roof of the Headquarters Building; and,
 5. Any other area posted “No Smoking.”
- NEW** D. Tobacco Product means any of the following:
1. A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff.
 2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.

V. **PROCEDURES**

- A. The use of smokeless tobacco presents an unprofessional appearance and is prohibited under the same conditions as is smoking.
- B. Members are prohibited from smoking, vaping, or using smokeless tobacco under the following conditions:

1. Inside any police facility;
2. In or around any Smoking Prohibited Area;
3. In police vehicles;
4. While dealing with the public;
5. When conducting an investigation or interview; or,
6. When it would be offensive to other individuals.