



# Clayton County Police Department PROCEDURES

Subject <b>SMOKING &amp; TOBACCO USE</b>		Procedure # <b>C17</b>	
Authorizing Signature 	Effective <b>03-05-2026</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Rescinds	Total Pages <b>3</b>

## I. PURPOSE

This policy establishes limitations on smoking and the use of tobacco products by all employees while on-duty or while in Clayton County Police Department (CCPD) facilities, buildings, or County vehicles. For the purpose of this policy, the term “smoking” includes the use of electronic smoking devices (producing aerosol or vapor) or any oral device used to circumvent these restrictions.

## II. POLICY

The Clayton County Police Department (CCPD) recognizes that smoking and tobacco use are health risks and can be offensive to other employees and the public. Therefore, it is the policy of the CCPD to prohibit or limit these activities for employees while on-duty.

## III. DEFINITIONS

Alternative Nicotine Product: “Alternative nicotine product” means any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. Such term shall not include any tobacco product, vapor product, or product regulated as a drug or device by the United States Food and Drug Administration under *Chapter V of the Food, Drug, and Cosmetic Act*. O.C.G.A. § 16-12-170(1).

Cigar Wraps: “Cigar wraps” means individual cigar wrappers, known as wraps, blunt wraps, or roll your own cigar wraps, that consist in whole or in part of reconstituted tobacco leaf or flavored tobacco leaf. O.C.G.A. § 16-12-170(2).

Cigarette: “Cigarette” means roll for smoking made wholly or in part of tobacco when the cover of the roll is paper or any substance other than tobacco. O.C.G.A. § 16-12-170(3).

Public Place: “Public place” means an enclosed area to which the public is invited or in which the public is permitted, including, but not limited to, banks, bars, educational facilities, health care facilities, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a public place unless it is used as a licensed child care, adult day-care, or health care facility. O.C.G.A. § 31-12A-2(10).

Secondhand Smoke: “Secondhand smoke” means smoke emitted from lighted, smoldering, or burning tobacco when the person smoking is not inhaling, smoke emitted at the mouthpiece during puff drawing, and smoke exhaled by the person smoking. O.C.G.A. § 31-12A-2(13).

Smoking: “Smoking” means inhaling, exhaling, burning, or carrying any lighted tobacco product intended for inhalation, including cigarettes, cigars, and pipe tobacco. Such term includes the use of an electronic smoking device which creates an aerosol or vapor or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this chapter. O.C.G.A. § 31-12A-2(16).

Tobacco Product: “Tobacco product” means any cigars, little cigars, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff or snuff powder; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such a manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking. Such term shall not include any alternative nicotine product, vapor product, or product regulated as a drug or device by the United States Food and Drug Administration under *Chapter V of the Food, Drug, and Cosmetic Act*. O.C.G.A. § 16-12-170(7).

Tobacco related Objects: “Tobacco related objects” means any papers, wrappers, or other products, devices, or substances, including cigar wraps, which are used for the purpose of making cigarettes or tobacco products in any form whatsoever. O.C.G.A. § 16-12-170(8).

Vapor Device: “Vapor device” means any system or device developed or intended to deliver a consumable vapor product to an individual who inhales from the device. Such term shall include, but not be limited to, an electronic nicotine delivery system, an electronic cigarette, electronic cigar, electronic pipe, vape pen, vape tool, or electronic hookah. Such term shall not include a fragrance or essential oil diffuser, an air freshener, or any product regulated as a drug or device by the United States Food and Drug Administration under *Chapter V of the Federal Food, Drug, and Cosmetic Act*. O.C.G.A. § 48-11-1(39).

Vapor Product: “Vapor product” means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor or aerosol from nicotine or other substances in a solution or other form. Such term shall include, but shall not be limited to, any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor or aerosol cartridge or other container of nicotine or other substance in a solution or other form, including, but not limited to, a device component, part, or accessory of the device, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Such term shall not include any product regulated as a drug or device by the United States Food and Drug Administration under *Chapter V of the Food, Drug, and Cosmetic Act*. O.C.G.A. § 16-12-170(9).

#### IV. PROCEDURES

##### A. Responsibilities

1. All employees must comply with this policy and all applicable laws, rules, and regulations governing smoking and the use of tobacco products in and around public buildings, and report any observed violations to their direct supervisor.
2. Supervisors are responsible for ensuring that all subordinates are fully aware of this policy and consistently adhere to these standards.

##### B. Areas where Smoking is Prohibited

1. *Clayton County’s Smoking Policy* follows the *Georgia Smokefree Air Act* to ensure a safe environment for all employees and citizens. Smoking is prohibited in all Clayton County facilities, enclosed buildings, county-owned vehicles and parks.

For additional guidelines, employees must refer to *Clayton County Ordinance Article III. – Smoking Policy*, available in the *Clayton County Municode Library* or by clicking on the following link ([https://library.municode.com/ga/clayton\\_county/codes/code\\_of\\_ordinances](https://library.municode.com/ga/clayton_county/codes/code_of_ordinances)).

2. Hazardous Areas: The Department shall post and enforce "No Smoking" rules in any Department facility or building involved in the storage, handling, or processing of flammable liquids, gases, or vapors, or in any other location where combustible materials are stored.
3. Smoking Prohibited in Designated Non-Smoking Places: Pursuant to O.C.G.A. § 31-12A-7 – Notwithstanding any provision of this chapter, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a non-smoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of subsection (a) of Code Section 31-12A-8 is posted.

#### C. No Smoking Signs

1. The Chief of Police (or authorized designee) shall ensure that proper signage prohibiting smoking is conspicuously at Department facilities and buildings.
2. All ashtrays shall be removed from areas where smoking is prohibited by the Chief of Police (or authorized designee) unless such ashtray is permanently affixed to an existing structure.

#### D. Designated Smoking Areas for Employees

Designated smoking areas must be located in non-work areas where employees are not required to enter in the course of their work duties (except for cleaning/maintenance while unoccupied).

1. Headquarters Building: The rear loading dock is the only designated smoking area; smoking is prohibited elsewhere.
2. Other Departmental Buildings: The Assistant Chief/Deputy Chief (or authorized designee) determines the smoking area, which must be away from public view.
3. The Chief of Police, Assistant Chief, or Deputy Chief (or authorized designee) is responsible for providing adequate ashtrays/receptacles in the designated smoking areas.

#### E. Smoking and Use of Tobacco Products

1. Employees are prohibited from smoking and using tobacco while interacting with the public or when in public view representing the Department.
2. The use of any smoking device is prohibited in all areas where fuel is dispensed, where other flammable materials are stored/used, and in all other designated "No Smoking" areas.
3. Smoking is prohibited inside all Department facilities, buildings, and vehicles in accordance with County Ordinance Section 70-103.
4. Smokeless tobacco contains carcinogens and addictive substances, along with saliva, which can carry bacteria or viral agents. Due to the sanitary concerns, the use of smokeless tobacco is prohibited inside all Department facilities, buildings, and vehicles.
5. Smoking and tobacco use are permitted only during authorized break periods and must take place outdoors. Additional breaks for smoking or tobacco use are not permitted.
6. All tobacco waste must be extinguished and disposed of in an appropriate sanitary manner to maintain a clean and safe work environment.
7. It shall be the responsibility of all supervisors to ensure that no person smokes or uses tobacco products inside Department facilities, buildings, or vehicles.
8. Employees who violate this policy, or the ordinance on which it is based, shall be subject to disciplinary action in accordance with CCPD SOP: *B11: Disciplinary Procedures*.

#### F. Exceptions

Sworn personnel are exempt from this policy when smoking or tobacco use is deemed necessary to maintain undercover integrity or effectively advance a criminal investigation.

### V. CANCELLATION

This procedure amends and supersedes the following standard operating procedure: *C17: Smoking & Tobacco Use*, dated April 28, 2021.