

Subject: 180320 Smoking in prison – answers from ITALY.

As far as Italian penitentiary administration is concerned we are pleased to provide you with the following information.

The ban on smoking indoors was introduced with art. 51 of the law 16 January 2003, n. 3 (and subsequent amendments which aimed to make the ban more effective and extended) which defines the measures to eliminate exposure to secondhand smoke in closed workplaces and public places.

In fact, the legislator has extended the smoking ban to all closed public and private premises, therefore also to professional offices, private offices, bars, restaurants and other businesses, establishing the principle that non-smoking, in closed premises, is the rule and that smoking in enclosed spaces is the exception.

It has been established that in addition to private residences, it is possible to smoke only in rooms reserved for smokers provided that the latter are equipped with systems, for ventilation and the exchange of air, regularly functioning, having certain characteristics and that they are identified with appropriate signs.

As far as penitentiary institutions are concerned, the Italian prison Department issued a circular letter in 2004, which, resuming the contents of an earlier Circular of 1994, provided indications to prison directorates to protect all those people working in the penitentiary field and prisoners, on the damage caused by secondhand smoke.

Extension of the ban:

At penitentiary institutions smoking is prohibited in all public spaces, recreation rooms, classrooms, hallways, interview rooms, kitchens etc ..

According to the available spaces, at each facility detention rooms or entire prison floors are identified to be used to house non-smoking prisoners to ensure their adequate separation from smokers.

The nonsmoker prisoner, who intends to share a room with fellow smokers, is required to make a statement exempting the administration from any liability.

As for smoking prisoners it is established that they can smoke only during the stay in the room, ensuring adequate ventilation of the premises to avoid air stagnation and then of smoke in the corridors of the detention wings.

The control over the observance of the prohibition by prisoners and by all the staff working in penitentiary institutions is ensured through the appointment of persons (appointed by the Director with a formal act) among the staff on duty.

The recipients of a report of contestation of violation of the anti-smoking regulations can appeal against this provision, sending their own defense brief to the Prefect , as the competent body.

Electronic cigarettes.

Regarding the possibility of making the prisoners purchase electronic cigarettes, the Department of Prison Administration requested an opinion from the Ministry of Health in 2016 about the possibility of using them in public premises, open to the public or in public offices and therefore also in penitentiary structures.

Given the favorable opinion expressed on this issue by the Ministry of Health, with circular no. 0405371 of 07.12.2016, Prison Department ordered that prison Directorates may allow prisoners to purchase, through an external enterprise, disposable electronic cigarettes equipped with non-rechargeable batteries, which do not contain the rechargeable reservoirs for flavored fluid as it was considered that these vials could be used to disclose improper harmful substances in detention wings.

Over the years, information campaigns on the harmful consequences of smoking have been and are frequently organized at penitentiary institutions.

These activities are organized by healthcare units of Local healthcare authorities operating inside prisons.