

DECREE OF THE MINISTER OF JUSTICE

of 26 November 1996

on regulating the admissibility of the use of tobacco products in enclosed facilities supervised by the Ministry of Justice.

On the basis of article 5 section 3 of the Law of 9 November 1995 on Protecting the Health from the Adverse Effects of Tobacco and Tobacco Products Use (Journal of Laws of 1996 No. 10, item 55), it is hereby decreed as follows:

§ 1. Within the meaning of this decree, enclosed facilities are:

- 1) remand centers, district remand centers, penitentiaries, district penitentiaries and their outside branches, hereinafter referred to as "penitentiaries",
- 2) correctional facilities and shelters for juveniles, hereinafter referred to as "facilities for juveniles."

§ 2. 1. At enclosed remand centers and penitentiaries, the use of tobacco products for residential purposes is permitted for imprisoned persons, hereinafter referred to as "prisoners".

2. Separate residential cells are to be designated for prisoners who use tobacco products.

3. The use of tobacco products outside of the residential cells referred to in paragraph 2 is permitted at times and places designated by the head officer of the penitentiary.

§ 3. At half-open and open penitentiaries, the use of tobacco products is permissible only outside of residential cells at places and times designated by the head officer of the penitentiary.

§ 4. Should the head officer of the penitentiary decide to enclose cells or other premises at which prisoners reside or work pursuant to § 131, section 1 clause 8 of the Decree of the Minister of Justice of 2 May 1989

on the regulations regarding imprisonment (Journal of Laws No. 31, item 166, of 1991 No. 3, item 14, of 1994 No. 72, item 320, and of 1995 No. 153, item 788) the rules set out for penitentiaries are to be applied.

§ 5. At penitentiaries for convicts requiring the use of specific medical and educational measures, the rules for tobacco product use specified for enclosed penitentiaries shall apply.

§ 6. 1. At facilities for juveniles, the use of tobacco products is prohibited, except in cases specified in the rules and in clearly designated places.

2. Places referred to in section 1 may not be designated in bedrooms, classrooms, rooms for vocational training courses, or other rooms used for educational purposes.

§ 7. The Decree shall enter into force after 14 days from the date of promulgation.

Minister of Justice: *L. Kubicki*