

**DECREE OF THE MINISTER OF INTERNAL AFFAIRS AND ADMINISTRATION**

of 14 September 2001

**on regulating the admissibility of the use of tobacco products on the premises of facilities supervised by the minister in charge of internal affairs.**

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 1996 No. 10, item 55, of 1997 No. 88, item 554 and No. 121, item 770, as well as of 1999 No. 96, item 1107), it is decreed as follows:

**§ 1** The provisions of the decree shall apply in:

- 1) rooms of Police organizational units designated for detainees,
- 2) rooms of Police organizational units designated for pre-deportation detention,
- 3) Police child custody centers,
- 4) guarded centers for aliens subject to deportation,
- 5) centers for refugees,
- 6) rooms of organizational units of the Border Guard designated for detained persons,

hereinafter referred to as the "facilities".

**§ 2** 1. Smoking tobacco products at facilities is permissible only in places designated for that purpose by the directors (officers, commanders, and managers) of those facilities.

2. Places where tobacco smoking is to be permitted shall be designated in separate and enclosed spaces and shall be clearly marked.

3. If a facility cannot fulfill the conditions referred to in section 2, then places where tobacco smoking is permitted may be designated outside the facility, with the exception of facilities referred to in § 1 clauses 1, 2 and 6.

**§ 3.** 1. At facilities referred to in § 1 clauses 1, 2, 4,

and 6, it is permitted for imprisoned persons, hereinafter "prisoners", to smoke tobacco products in cells and residential rooms.

2. The director of the organizational unit of the Police or Border Guard at which facilities referred to in section 1 are located shall designate cells and residential rooms for prisoners who smoke tobacco products.

3. If it is not possible to fulfill the conditions set out in section 2, it is permitted to smoke tobacco products outside of cells and residential rooms in designated and appropriately adapted spaces at times set by the director of the Police or Border Guard organizational unit.

**§ 4** 1. Smoking tobacco products in a police ward is permissible only for employees and only in smoking places fulfilling the requirements set out in the decree of the Minister of Labor and Social Policy of 26 September 1997 on the General Provisions for Workplace Safety and Hygiene Safety and Health (Journal of Laws No. 129, item 844).

2. Children placed in a police child custody center may not be witnesses to tobacco products being smoked.

**§ 5.** The decree shall enter into force after 14 days from the date of promulgation.

Minister of Internal Affairs and Administration:

*M. Biernacki*