

STATE OF TENNESSEE
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October 5, 2004

Opinion No. 04-151

Use of tobacco products in local jail facilities

QUESTION

Does the Tennessee Code regulate the use of tobacco products in local jail facilities housing local, state and federal inmates?

OPINION

No. Cities, counties, and counties having a metropolitan form of government are authorized to regulate the use of tobacco products in buildings owned or leased by such entities, including local jail facilities.

ANALYSIS

In Tenn. Code Ann. §39-17-1551 the General Assembly voided all laws and regulation of tobacco products enacted or promulgated after March 15, 1994, by any agency or political subdivision of the state. The Code does permit cities, counties, and counties having a metropolitan form of government to regulate the use of tobacco products in buildings owned or leased by such entities. Tenn. Code Ann. §39-17-1551.

Use of tobacco products is regulated in the state youth development centers. Tenn. Code Ann. §§39-17-1603(9) & (10); 37-5-201(a). There is no comparable code provision regulating the use of tobacco products in local jail facilities housing juveniles except, of course, that tobacco products may not be sold or distributed to minors. Tenn. Code Ann. §39-17-1504.

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