

*USA Today* (2A) – Wednesday, March 25, 2010  
“Half of states ban tobacco use in prisons”  
By Andrew M. Seaman

**Nation**

# Half of states ban tobacco use in prisons

## Trend aims to trim costs of health care

By **Andrew M. Seaman**  
Special for USA TODAY

A month before Virginia banned smoking in its prisons, Warden Daniel Braxton decided to kick his own 50-year smoking habit.

“I figured I’d be a good role model,” said Braxton of Augusta Correctional Center in Craigsville, Va.

A growing number of states are cracking down on tobacco use on prison grounds to prevent illness and help bring down health care costs.

Virginia, which instituted its ban in February, is the most recent state to do so, said Larry Traylor, spokesman for the Virginia Department of Corrections.

A USA TODAY review of the 50 states found that 25 states ban tobacco for staff and inmates on prison grounds.

Georgia plans to enact a smoking ban Dec. 1, according to Bronson Frick, associate director of the Americans for Nonsmokers’ Rights Foundation.

Many other states have bans that primarily outlaw tobacco use but have some type of exception such as staff smoking areas, the review found.

The trend is growing, Frick



By Dipti Vaidya, The (Nashville) Tennessean

**No cigarettes allowed:** A sign designates a building as smoke-free at Turney Center Industrial Prison in Only, Tenn.

said, because the bans help save the states money on health care and prevent guards and inmates from being exposed to second-hand smoke on the job.

“These policies work once they are in effect,” he said.

### A gradual approach

Instead of a “cold turkey” approach, some prisons allowed their bans to phase in gradually, hoping that would create less of a stir among the prison populations.

In Virginia, inmates were notified in January 2009, more than a year before the ban launched, Traylor said.

“We already had eight facilities in our system that were either tobacco-free or had designated smoking areas for staff away from inmate areas,” Traylor said. “These eight facilities have proven that a gradual process is possible.”

The phase-in process for Virginia gave Braxton time to quit smoking. As for the prisoners, Braxton said he’s pretty sure some of them stashed tobacco at the facility, but none has been caught smoking.

“I’m not having any issues with them at all,” he said. “They hid some in the yard, but we have cameras, and I haven’t seen any one dig up any tobacco.”

### Tobacco-free

Twenty-five states completely ban tobacco on prison grounds. Georgia will ban it as of Dec. 1. Most other states have partial bans.



Source: USA TODAY research

By Julie Snider, USA TODAY

Ohio went tobacco-free March 1, 2009. The Ohio Department of Rehabilitation and Corrections has had to discipline a few staff members over tobacco use, said Julie Walburn, chief of communication.

“In the past year, we’ve disciplined 33 staff for violations in some form of the tobacco ban, but when we employ over 13,000 staff, that really isn’t a demonstrative number,” Walburn said. Tobacco products have become a popular item on the inmate contraband market, she said.

“We are used to dealing with contraband. This is just another type,” Walburn said.

When Wyoming banned smoking in its prisons in 2006, it was more of an issue for staff than prisoners, said Melinda Brazzale, a spokeswoman for the Wyoming Department of Corrections.

“They did not break the rule, however,” she said. “They were used to just walking out the door and smoking, and now they actually had to go across a road or out of the facility and be away from it.”

### Some opposition

Not all plans to ban prison smoking have been successful. Arizona attempted to ban smoking in its state prisons last year,

but the legislation failed.

The bill’s sponsor, Republican state Rep. Bill Konoprnick, said there are plans to reintroduce the bill.

Michael McFadden, a spokesman for the Citizens Freedom Alliance, which mostly focuses on government interference with private-property owners, said the group is concerned with what prison smoking bans mean.

“Bans on smoking in prisons are not really separate from such things as bans on beaches, bans in bars or bans in private apartments: They are all facets of a larger and very well-funded movement to ban smoking from all aspects of life,” he said.

The American Civil Liberties Union National Prison Project supports some bans, Director David Fathi said, because in some cases, smoking in prisons can be a violation of the Eighth Amendment, which prohibits “cruel and unusual punishments.”

“Just like prisoners have the right to drink clean water and eat edible food, prisoners have the right to breathe non-contaminated air,” he said.

Braxton said he’s glad he got the opportunity to see the benefits of not smoking, which have surfaced in the months since he quit.

“I can tell there’s a big, big improvement in my health just in that short period,” he said.

Contributing: Katharine Lackey, *The News Leader*, Staunton, Va.