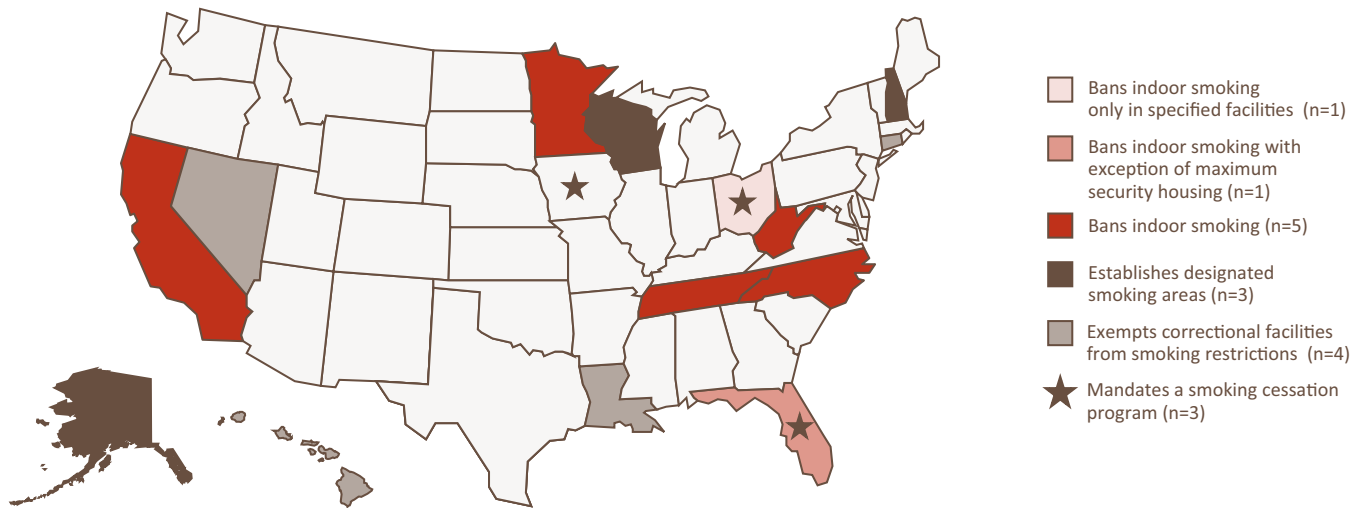


States With Laws Addressing Inmate Smoking Inside of Correctional Facilities (laws effective as of September 30, 2008)



It is estimated that 60 to 80 percent of prison inmates in the United States are smokers.¹ Smoking poses a serious health hazard to all inmates, as some of the highest concentrations of secondhand smoke in living quarters have been measured in correctional facilities.² Recent studies have indicated that bans on indoor smoking in correctional facilities can significantly reduce inmate exposure to secondhand smoke.³ In 2004, the Federal Bureau of Prisons restricted smoking by inmates in all federal facilities.⁴ Legislative action at the state level, however, has remained minimal over the past decade, with only 10 states passing laws that either restrict or ban inmate smoking in indoor areas of correctional facilities.⁵

Five of these states—**California, Minnesota, North Carolina, Tennessee, and West Virginia**—have banned inmate smoking in all indoor areas of correctional facilities, with the first three states making exemptions for cultural or religious purposes. Three states—**Alaska, New Hampshire, and Wisconsin**—have restricted inmate smoking to designated areas within correctional facilities. **Florida** prohibits smoking in all indoor areas within state correctional facilities with the exception of maximum security inmate housing areas. **Ohio** prohibits indoor smoking in certain facilities while restricting it in others. **Kentucky** has passed a law requiring state governments to adopt smoking policies either restricting or prohibiting smoking in state operated correctional facilities. Effective March 1, 2009, **Michigan** will require its state Department of Corrections to make all state correctional facilities tobacco-free.

In four states—**Connecticut, Hawaii, Louisiana, and Nevada**—state correctional facilities are exempt from smoking prohibitions applicable to other state and public buildings.

However, **Louisiana** has enacted a smoking ban in correctional facilities that will become effective August 5, 2009. Finally, **Hawaii** recently adopted a resolution calling for its state Department of Public Safety and Department of Human Services to develop a plan to ban smoking in prisons by 2011.

As the withdrawal symptoms of tobacco include the risk of physical discomfort, weight gain, and stress-related difficulties, a number of states have enacted smoking cessation programs in conjunction with their smoke-free air laws. In 1999, **Florida** became the first state to pass a law requiring that smoking-cessation assistance be made available to inmates. Since then, **Iowa** and **Ohio** have passed similar pieces of legislation. **West Virginia** authorized its state prison authority to establish smoking cessation programs, while **North Carolina** established a 2005 pilot program for the provision of smoking cessation services. In **Michigan**, the state Department of Corrections must make efforts to provide smoking cessation programs in conjunction with its 2009 smoking ban.

1. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. (2006). *The health consequences of involuntary exposure to tobacco smoke: A report of the Surgeon General*. Atlanta, GA: Author.
2. Hammond, S.K. & Emmons, K.M. (2005). Inmate exposure to secondhand smoke in correctional facilities and the impact of smoking restrictions. *Journal of Exposure Analysis and Environmental Epidemiology* 15, 205-211.
3. Proescholdbell, S.K, et al. (2008). Indoor air quality in prisons before and after implementation of a smoking ban law. *Tobacco Control* 17 (2), 123-127.
4. U.S. Department of Justice. (2004, March 22). Federal Bureau of Prisons, Program Statement No. P1640.04. Retrieved December 1, 2008, from http://www.bop.gov/policy/progstat/1640_004.pdf.
5. Other states have addressed this issue via mechanisms other than state-level laws, but any such policies fall outside the scope of the SCLD Program.