

“It’s a Benefit, Not a Ban!”



2015 | The Smoke-Free Arizona Act
Annual Report





Douglas A. Ducey, Governor
State of Arizona

Cara M. Christ
Director, Arizona Department of Health Services

ARIZONA DEPARTMENT OF HEALTH SERVICES
Bureau of Epidemiology and Disease Control

Office of Environmental Health
Smoke-Free Arizona Program
150 N. 18th Avenue, Suite 130
Phoenix, Arizona 85007-3245
(602) 364-3122

This publication can be made available in alternative format.
Please contact the number listed above.

Permission to quote from or reproduce materials from this publication
is granted when due acknowledgment is made.

"Equal Opportunity/Reasonable Accommodation Employer"

Table of Contents

Executive Summary	1
1.0 Smoke-Free Arizona Program	2
1.1 Background	2
1.2 Roles and Responsibilities of ADHS	3
1.3 Roles and Responsibilities of the County Health Departments	4
1.3.1 Education and Compliance	4
1.3.2 Enforcement of the Law	6
1.4 Amount and Source of Program Funding	7
2.0 Education	8
2.1 Enhancing the Website: www.smokefreearizona.org	8
2.2 Answering the Information Hotline: 1-877-AZ-STOPS (1-877-297-8677)	9
2.3 Maintaining the Email Addresses:	11
2.4 “No Smoking” Signs	12
2.5 Advisory Visits	13
2.6 Annual Training	14
3.0 Outreach	14
3.1 Reaching Out to Public Places and Places of Employment	14
3.2 Reaching Out to the Community: Success Stories	16
3.3 Educational Newsletter	18
3.4 Working with Smoke-Free Arizona Partners	19
4.0 Compliance	20
4.1 Verifying Compliance through Complaint Response and Routine Inspections	20
4.2 Complaint Investigation	20
4.3 Complaint Numbers Stabilize With Increased Compliance throughout Arizona	21
5.0 Enforcement	24
5.1 Initiating Legal Procedures	24
5.2 Achieving Compliance through Legal Proceedings	24
6.0 Protecting the Health of Arizonans	26
6.1 State of Tobacco Control Report Card: Smoke-Free Arizona Scores a Grade A	26
6.2 Empower Pack	27
6.3 Centers for Disease Control and Prevention’s Report: E-cigarette Use Triples Among Middle and High School Students in Just One Year	28
7.0 Conclusion	29

Executive Summary

On November 7, 2006, Arizona voters approved Proposition 201, the Smoke-Free Arizona Act, A.R.S. § 36-601.01 (“the Act” or the Law). The Law went into effect on May 1, 2007, prohibiting smoking inside and within 20 feet of entrances, open windows, and ventilation systems of most enclosed public places and places of employment, with a few exemptions.

While the Act prohibits smoking inside most enclosed public places and places of employment in Arizona, smoking is allowed in establishments that meet specific exemption criteria. There are seven exemptions, including private residences, designated smoking rooms in hotels and motels, retail tobacco stores, Veterans and fraternal clubs, smoking when associated with a religious ceremony pursuant to the American Indian Religious Freedom Act of 1978, outdoor patios, and theatrical performances upon a stage or in the course of a film or television production.

Also included in Proposition 201, was the imposition of a two-cent tax per pack of cigarettes to be deposited into the Smoke-Free Arizona Fund, which must be used to enforce the provisions of the Law. If a proprietor of an establishment does not correct violations as requested, demonstrates willful violations, or exhibits a pattern of noncompliance with the Act, (s)he is subject to enforcement action. The proprietor may receive a Notice of Violation (NOV) or an assessment of civil penalty fines between \$100 and \$500 for each violation. If injunctive relief is requested, the Superior Court may impose appropriate injunctive relief and civil penalty fines up to \$5,000 per violation.

The Arizona Department of Health Services (ADHS), through delegation agreements with all but one of Arizona’s counties, works to ensure that Arizonans are protected from secondhand smoke exposure in most enclosed public places and places of employment. The county health departments conduct consultations and on-site visits at public places and places of employment, including but not limited to, local businesses, bars, and restaurants to provide education and to ensure continued compliance with the Smoke-Free Arizona Act. Between May 1, 2014 and April 30, 2015, a total of 25,471 educational visits, consultations, and on-site visits were conducted. Many business proprietors have made steps to go above and beyond the requirements of the Smoke-Free Arizona Act. In addition to making the necessary changes to comply with the Act, such as posting the required “No Smoking” signs and moving ashtrays, proprietors have also continued to build outdoor patios, provide designated smoking areas, and establish in-house policies that are more strict than the Act to accommodate their employees and customers.

During the eighth year after the Law went into effect, between May 1, 2014 and April 30, 2015, a total of 1,278 complaints alleging violations of the Smoke-Free Arizona Act were filed statewide. Most of the complaints were regarding people smoking outside within twenty feet of an entrance and the presence of ashtrays located outside within twenty feet of an entrance.

A total of ten NOVs were issued statewide between May 1, 2014 and April 30, 2015, three of which were issued by the ADHS Smoke-Free Arizona Program. The proprietors that were issued these NOVs faced a total of \$6,100 in civil penalty fines. These NOVs were issued to proprietors that permitted employees, customers, or visitors to smoke inside enclosed public places and places of employment. No new cases were brought before the Superior Court for injunctive relief this year.

In 2015, Arizona earned an “A” grade on the American Lung Association State of Tobacco Control Report for maintaining a strong and comprehensive enforcement program of the Smoke-Free Arizona Act. For the eighth year in a row, the report has recognized the continued success of the Smoke-Free Arizona Act.

1.0 Smoke-Free Arizona Program

1.1 Background

Secondhand smoke is defined as the combination of smoke exhaled by a smoker and the smoke generated by the burning end of a cigarette (or other tobacco product). Secondhand smoke is a mixture of 4,000 chemical compounds that are released into the air as gases and particles. Of these 4,000 compounds, 69 have been identified as carcinogens or cancer-causing agents, 11 of which have been specifically identified as human carcinogens.

Exposure to secondhand smoke is a health concern for people of all ages. In 1992, the U.S. Environmental Protection Agency (EPA) officially listed secondhand smoke as a Class A carcinogen. In 2006, the U.S. Surgeon General's report stated that there is no risk-free level of exposure to secondhand smoke. Breathing even a little secondhand smoke can be harmful to your health.

In November of 2006, Arizona voters made their voices heard by passing the Smoke-Free Arizona Act, A.R.S. § 36-601.01 ("the Act" or "the Law"). The Act protects all Arizonans from the harmful effects of secondhand smoke exposure in most enclosed public places and places of employment and within 20 feet of entrances, open windows, and ventilation systems. Also included in the Act, is a two-cent tax per pack of cigarettes to be deposited in the Smoke-Free Arizona Fund, which must be used to enforce the provisions of the Law. The Act went into effect on May 1, 2007.

The Act prohibits smoking inside enclosed public places and places of employment with a few exemptions:

1. Private residences, except when used as a licensed child care, adult day care, or health care facility;
2. Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided however that not more than fifty percent of rooms rented to guests in a hotel or motel are so designated;
3. Retail tobacco stores that are physically separated so that smoke from retail tobacco stores does not infiltrate into areas where smoking is prohibited under the provisions of this section;
4. Veterans and fraternal clubs when they are not open to the general public;
5. Smoking when associated with a religious ceremony practiced pursuant to the American Indian Religious Freedom Act of 1978;
6. Outdoor patios so long as tobacco smoke does not enter areas where smoking is prohibited through entrances, windows, ventilation systems, or other means; and
7. A theatrical performance upon a stage or in the course of a film or television production.

For each exemption to the Act, there are specific requirements that must be met to qualify. These criteria are defined in the Act and in the Arizona Administrative Code, Title 9, Chapter 2, Article 1.

Under the Act, the proprietor of a public place or a place of employment is responsible for:

- Removing all indoor ashtrays and smoking receptacles and moving all outdoors ashtrays and smoking receptacles at least 20 feet away of entrances;
- Posting the required “No Smoking” signs at every entrance into the establishment;
- Educating all existing and prospective employees about the Act;
- Prohibiting anyone, such as employees, vendors, visitors, and customers from smoking within 20 feet of all entrances, open windows, and ventilation systems, and inside the establishment; and
- Informing violators by politely requesting that they extinguish their lit tobacco product or that they smoke outside at least 20 feet away from the entrance, open window, or ventilation system.

If a proprietor of an establishment does not correct violations as requested, or demonstrates willful violations or a pattern of noncompliance with the Act, (s)he are subject to enforcement action. (S)he may receive a Notice of Violation (“NOV”) or an assessment of civil penalty fines between \$100 and \$500 for each violation. If injunctive relief is requested, the Superior Court may impose appropriate injunctive relief and civil penalty fines up to \$5,000 per violation.

1.2 Roles and Responsibilities of ADHS

The provisions of the Act assign implementation and enforcement of the Law to ADHS. In order to accomplish this, the Office of Environmental Health, due to its extensive experience with education, inspections, investigations, and enforcement, oversees the Smoke-Free Arizona Program.

The Smoke-Free Arizona Program is responsible for:

- Providing free signage to businesses;
- Maintaining the Smoke-Free Arizona website: www.smokefreearizona.org;
- Answering inquiries coming via the information line: 1-877-AZSTOPS (1-877-297-8677), or from the smokefreearizona@azdhs.gov mailbox;
- Taking complaints coming through the complaint line: 1-877-4AZNOSMOKE (1-877-429-6676), or from the nosmokingarizona@azdhs.gov mailbox;
- Conducting on-site advisory visits;
- Maintaining a statewide database used by the county health departments for complaint investigations and referrals;
- Providing training to new and existing health educators and environmental health inspectors;
- Providing educational materials to county health departments;

- Assisting county health departments during complaint investigations or advisory visits by riding along with the health educators or the environmental health inspectors;
- Providing guidance to the county health departments with regards to education, compliance, and enforcement;
- Initiating enforcement procedures for cases referred by Cochise, Gila, Maricopa, Pinal, Santa Cruz, and Yavapai Counties; and
- Conducting education and compliance activities in Santa Cruz County.

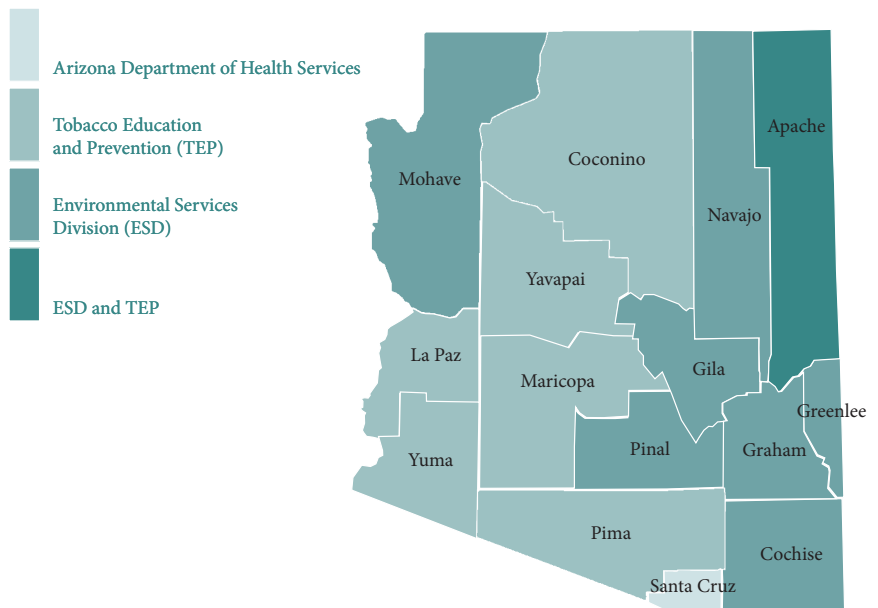
1.3 Roles and Responsibilities of the County Health Departments

1.3.1 Education and Compliance

ADHS and the county health departments work diligently to protect all Arizonans from secondhand smoke exposure and to ensure uniform compliance with the Law throughout the State. Delegation agreements have been signed with all but one of the State’s fifteen counties to assist ADHS with education and compliance assistance. Funding is provided to these counties using money from the Smoke-Free Arizona Fund.

Depending on the infrastructure of the county health department, education and compliance assistance are performed by either health educators from their Tobacco Education and Prevention Program or by environmental health inspectors from their Environmental Services Division. The map below represents the lead program for each county:

Map 1.1
Lead Program Responsible for Education and Compliance for Each County Health Department



Environmental Services Division

The Environmental Services Division is the lead program for education and compliance in Cochise, Gila, Graham, Greenlee, Mohave, Navajo, and Pinal Counties. Environmental health inspectors verify compliance and provide education about the Act during routine food safety and environmental health inspections. Smoke-Free Arizona violations have been included on inspection checklists to monitor compliance with the Act. In addition, environmental health inspectors carry “No Smoking” signs and educational brochures for distribution during routine inspections and complaint investigations.

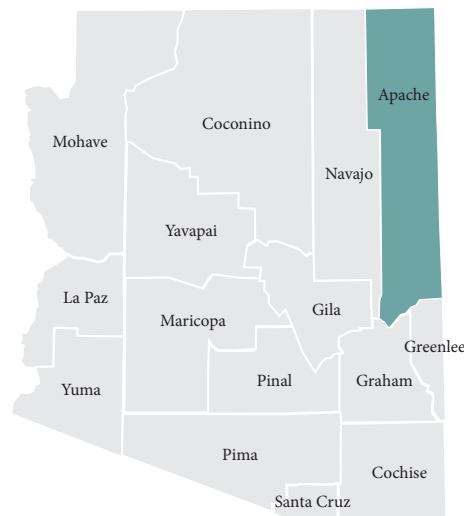
Tobacco Education and Prevention Program

The Tobacco Education and Prevention Program is responsible for compliance and education in Apache, Coconino, La Paz, Maricopa, Pima, Yavapai, and Yuma Counties. Health educators have been actively working with businesses in their communities by providing education about the Smoke-Free Arizona Act and explaining the benefits of smoke-free environments.

In the majority of these counties, a solid partnership exists between the Tobacco Education and Prevention Program and the Environmental Services Division. For example if an environmental health inspector observes a smoking violation during a routine inspection in a food establishment, he or she will notify the health educator. The health educator will follow-up with the person in charge of the food establishment to ensure compliance with the Law.

Apache County Dual Lead Programs: Environmental Services Division & Tobacco Education and Prevention Program

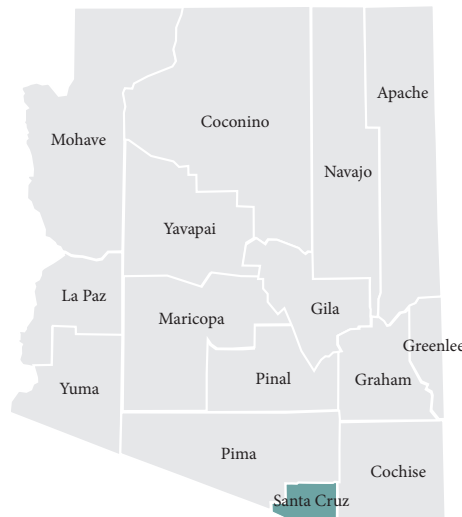
Joining efforts of health educators from the Tobacco Education and Prevention Program and environmental health inspectors from the Environmental Health Services Division is the key to ensuring compliance in Apache County.



For establishments permitted under the Apache County Health Code, such as restaurants, bars, grocery stores, hotels/motels, and public accommodations, education and complaint investigations are conducted by environmental health inspectors. For non-permitted establishments such as retail stores, repair shops, business offices, and shopping centers, education and complaint investigations are conducted by health educators from the Tobacco Education and Prevention Program.

ADHS – Santa Cruz County

The ADHS Smoke-Free Arizona Program is responsible for education and compliance in Santa Cruz County. This includes investigating complaints, conducting on-site inspections, and educating the community about the Law and its requirements.

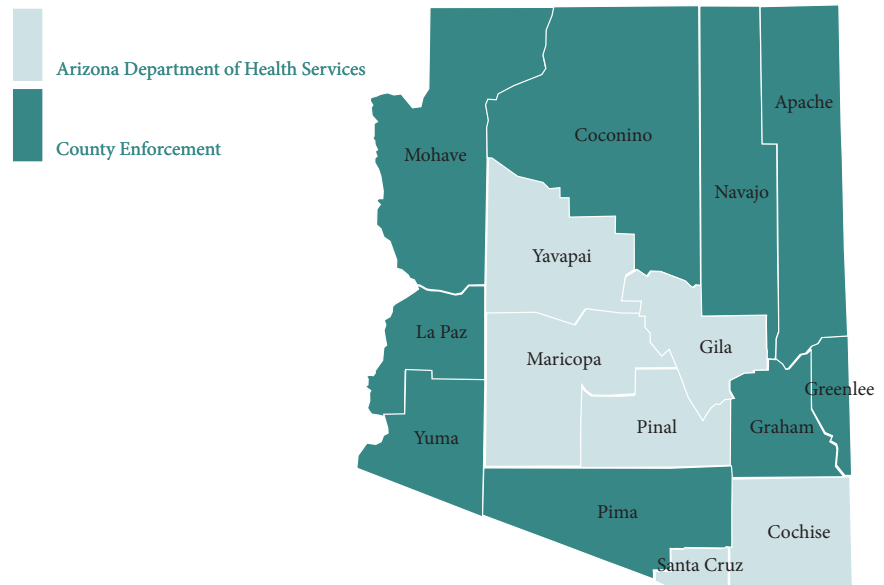


1.3.2 Enforcement of the Law

Nine county health departments have the delegated authority for enforcement activities such as issuing NOV's, assessing civil penalty fines, attending administrative hearings, and seeking injunctive relief.

The map below illustrates who is responsible for enforcement in each county.

Map 1.2
Enforcement Responsibilities for each County Health Department



The counties conducting their own enforcement activities are Apache, Coconino, Graham, Greenlee, La Paz, Mohave, Navajo, Pima and Yuma. For these counties, the delegation agreement delineates the enforcement duties and additional funding is provided to support these duties.

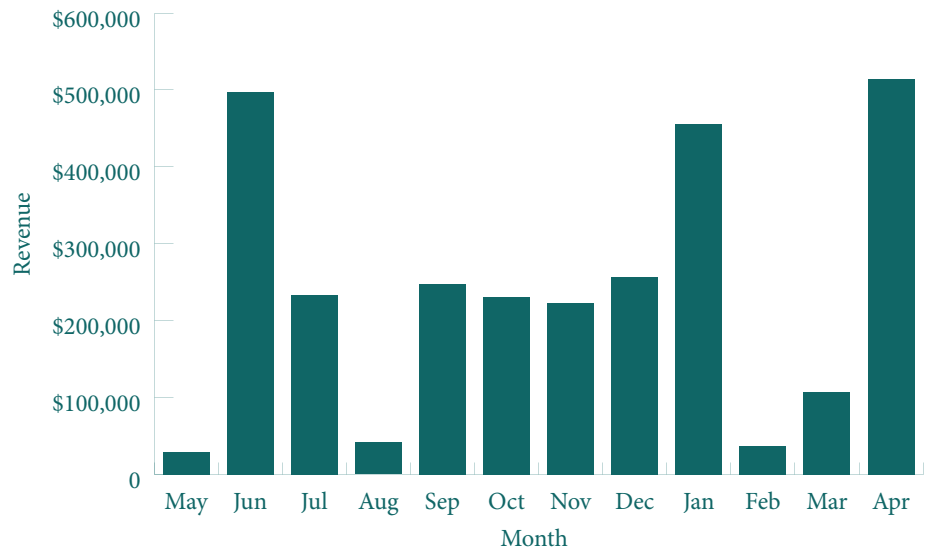
For the remaining six counties, Cochise, Gila, Maricopa, Pinal, Santa Cruz, and Yavapai, ADHS provides assistance for enforcement. This means that once a pattern of noncompliance is documented, or there is evidence of willful violation of the Act, the county health department refers the case to ADHS for enforcement. The enforcement procedures are explained in Section 5.0 of this report.

1.4 Amount and Source of Program Funding

The Smoke-Free Arizona Act includes a two-cent tax that is imposed on each pack of cigarettes purchased. The money collected from this tax is deposited into the Smoke-Free Arizona Fund and used to enforce the Act. Any money remaining in the Smoke-Free Arizona Fund, after ADHS and its delegates have met enforcement obligations for the fiscal year, is deposited into the Tobacco Products Tax Fund and used for education programs to reduce and eliminate tobacco use.

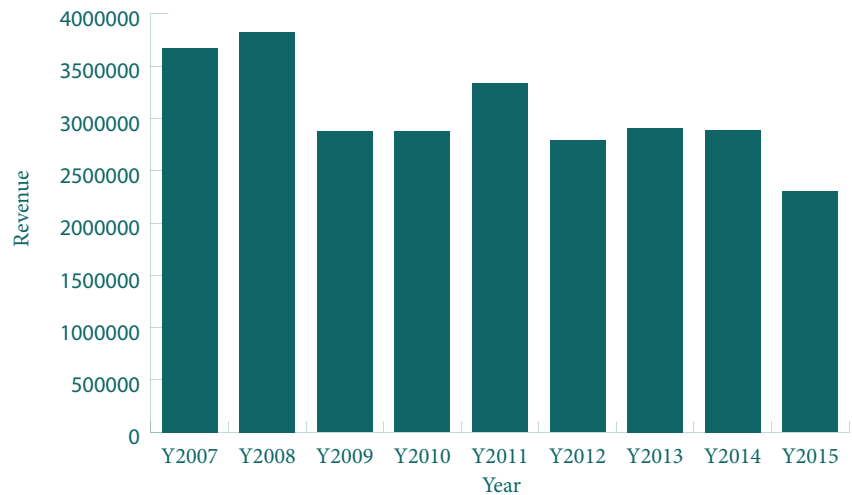
The graph below shows the amount of money received monthly in the Smoke-Free Arizona Fund from May 1, 2014 to April 30, 2015. The total revenue for the Smoke-Free Arizona Fund from May 1, 2014 to April 30, 2015 was \$2,348,465.74

Graph 1.1
Smoke-Free Arizona
Fund Monthly Tax
Revenue from May 1,
2014 to April 30, 2015



The graph below shows the amount of money received yearly in the Smoke-Free Arizona Fund from May 1, 2007 to April 30, 2015.

Graph 1.2
Smoke-Free Arizona
Fund Year Tax Revenue
from May 1, 2007 to
April 30, 2015



2.0 Education

As we cross the threshold of the eighth year after implementation of the Smoke-Free Arizona Act, we continue to make major strides to improve the communication and educational information about the Act that is disseminated to the public and businesses of Arizona.

2.1 Enhancing the Website: www.smokefreearizona.org

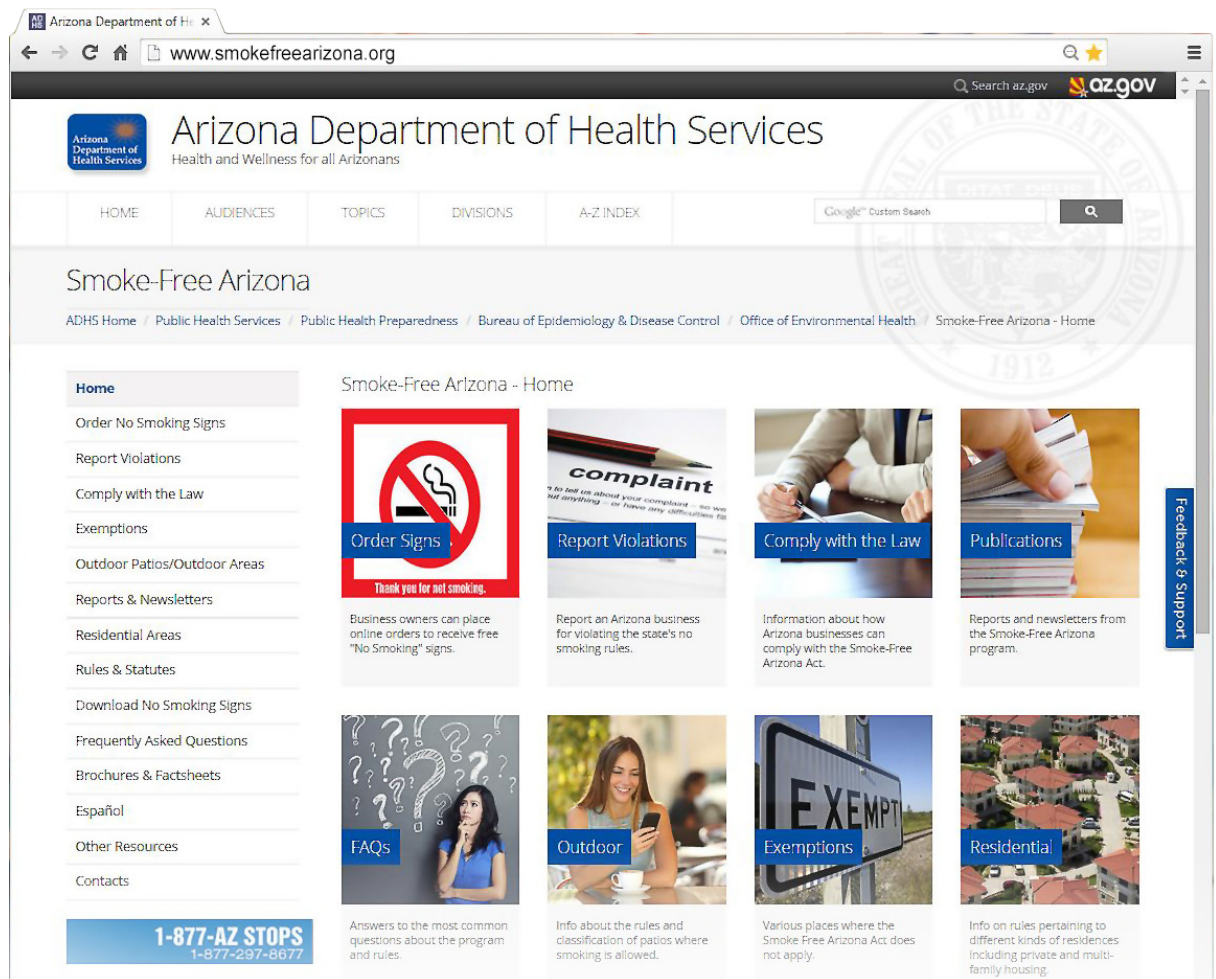
As the main channel of communication with the public, business owners, and other partners throughout Arizona, the Smoke-Free Arizona website is an essential part of the educational outreach of the Smoke-Free Arizona (SFA) Program. The SFA website contains detailed information about all the requirements of the Act and how these requirements apply to different indoor and outdoor areas. Useful tips for compliance, program updates, answering frequently asked questions about the Law, and links to valuable resources are also available. In addition, users can order free “No Smoking” signs, and report violations by either filling out an easy online form or by downloading the mySmokeFreeAZ mobile phone application.

In March 2015, the Smoke-Free Arizona Program launched a new website design with a streamlined layout that features a fresh look with user-friendly navigation. There are easy to access information boxes that highlight important features of the program such as reporting violations, ordering signs, complying with the law, outdoor areas, residential areas and publications. The FAQ section also provides answers to many of the most frequently asked questions. Visitors to the website can also still access links to the rules and statutes and other resources.

The Smoke-Free Arizona website is continuously maintained by updating or adding relevant information that can aid in reaching the general public and assisting proprietors to comply with the Act. In addition, the Smoke-Free Arizona Timeline provides an overview of important milestones in the Smoke-Free Arizona Program history. The Timeline also provides a quick insight into the types of activities and responsibilities of the Smoke-Free Arizona Program.

To date, the most popular features of the website are still the sign order page and the online reporting system. Since the Law went into effect, business owners have been able to order required “No Smoking” signage free of charge from the website. In addition, concerned citizens continue to report violations of the Act by filing a complaint form online in three easy steps. Allowing concerned citizens to file complaints alleging violations of the Law is not only mandated by the Act, but it is also an effective tool to aid in education and compliance assistance.

The image below is a print screen of the recently updated Smoke-Free Arizona Program website.



2.2 Answering the Information Hotline: 1-877-AZ-STOPS (1-877-297-8677)

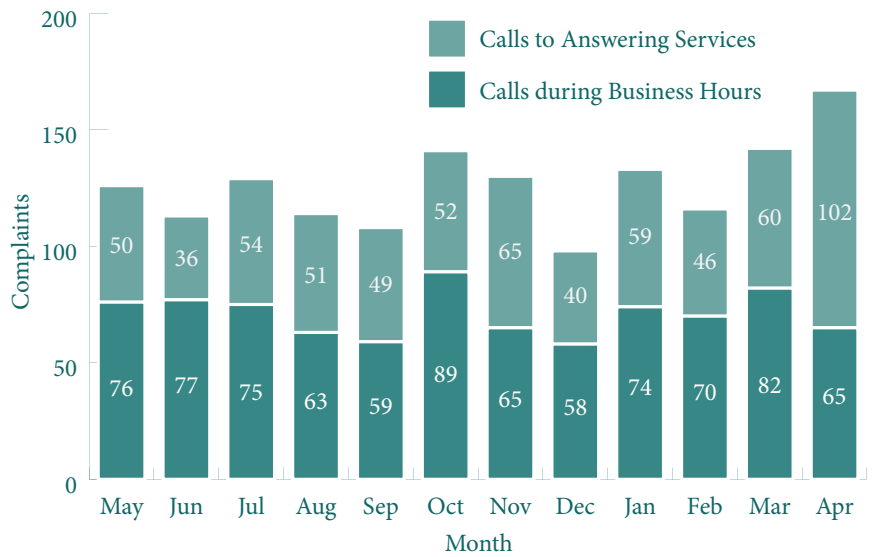
An approximate combined total of 1,510 calls were received between May 1, 2014 and April 30, 2015

As required by the Smoke-Free Arizona Act, ADHS provides a 24/7 toll-free information line to answer inquiries from the general public and business owners. During business hours, ADHS Smoke-Free Arizona Program staff answers the calls. After business hours, live assistance is provided by an answering service agency. The answering service agency staff is trained to answer general questions about the Act, fulfill requests for free signage, and document reports of violations. The ADHS Smoke-Free Arizona Program and the after hour answering service agency provide live assistance to citizens, business owners and property management specialists inquiring about the Smoke Free Arizona Act. An approximate combined total of 1,510 calls were received between May 1, 2014 and April 30, 2015. 60% of the calls received were inquiries about the Smoke-Free Arizona Act, while the remaining calls were either requests for free signage or from individuals reporting violations of the Act.

The graph below shows the number of calls received during and after business hours.

Graph 2.1

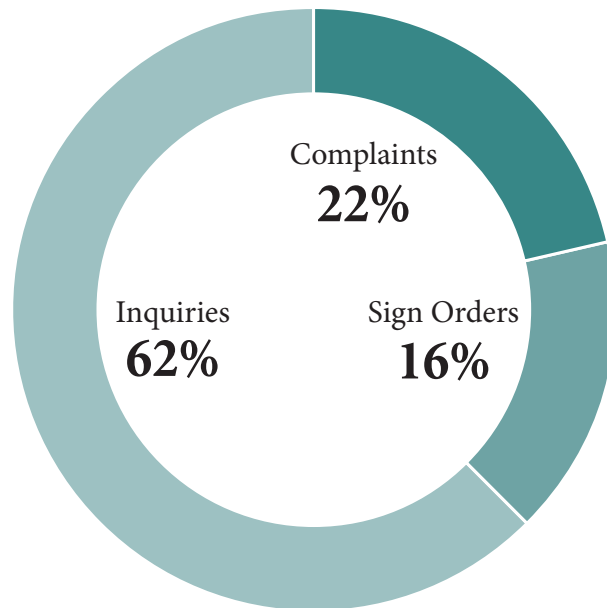
Number of Calls Received by ADHS and by the After Hours Answering Service between May 1, 2014 and April 30, 2015



The pie chart below shows the categories of calls (by percentage) received during business hours by ADHS.

Pie Chart 2.1

Percentage of Calls by Category Received by ADHS between May 1, 2014 and April 30, 2015

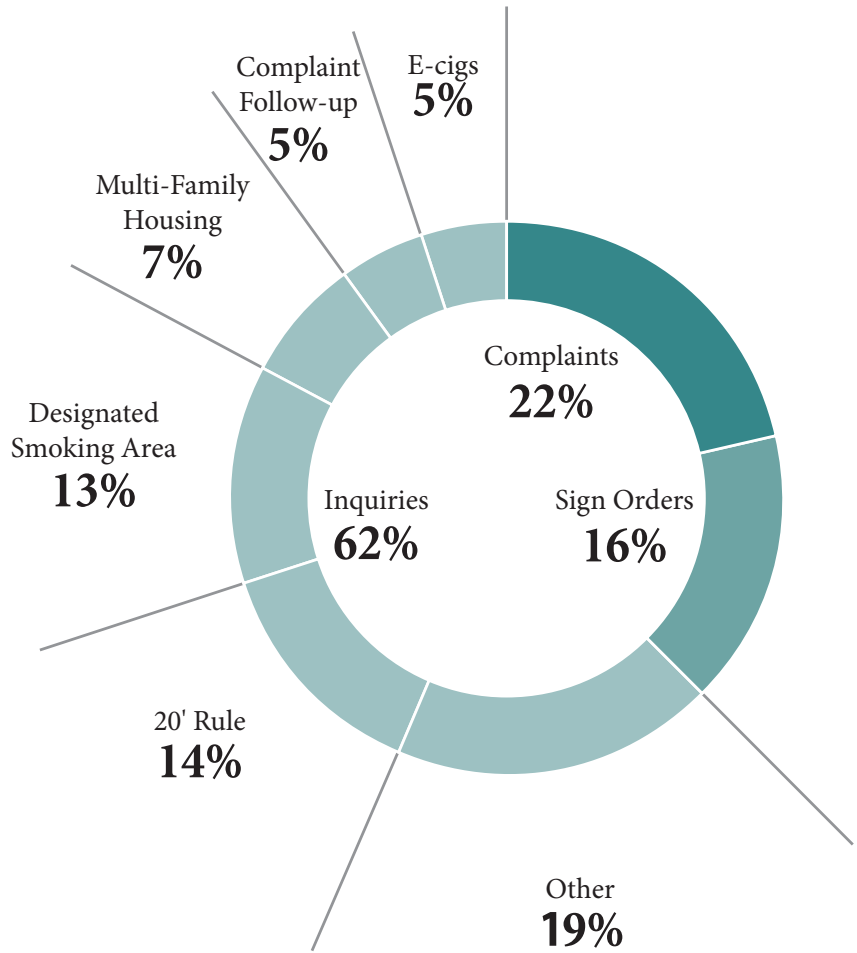


Of these calls, the top five types of inquiries received during business hours were regarding:

- The reasonable distance from entrances where smoking is prohibited (the “20 Foot Rule”);
- “ Designated smoking areas”;
- Smoking in multi-family housing;
- Following-up on complaint status and
- Electronic cigarettes;

The pie chart below illustrates the types of calls received and the most frequent questions received.

Pie Chart 2.1
 Percentage of Calls by Category Received by ADHS between May 1, 2014 and April 30, 2015 Including the Top Five Inquiries



2.3 Maintaining the Email Addresses: smokefreearizona@azdhs.gov and nosmokingarizona@azdhs.gov

The smokefreearizona@azdhs.gov email address is solely dedicated to answering questions and providing information to the general public and business owners about the requirements of the Smoke-Free Arizona Act. The ADHS Smoke-Free Arizona Program Specialists are responsible for replying to all inquiries received in this email mailbox.

The nosmokingarizona@azdhs.gov email address is used to process reports of violations. Occasionally this email mailbox will receive general questions from citizens and business owners, which are answered by an ADHS Smoke-Free Arizona Program Specialist.

2.4 “No Smoking” Signs

The Smoke-Free Arizona Act requires that most enclosed public places and places of employment in Arizona have a “No Smoking” sign posted at every entrance. All entrances should have signs posted except for doors leading to an outdoor patio and doors used as an emergency exit. Signs should include all the required information and be clearly and conspicuously posted. Business owners have the option to order “No Smoking” signs free of charge from the Smoke-Free Arizona Program or they may choose to create their own signs as long as the required information is included.

The Smoke-Free Arizona Program offers four unique 4 x 6 inch “No Smoking” stickers with an adhesive on the back that easily attaches to any surface. A larger, more conspicuous 4 x 12 inch sticker was created. This sign is clearly visible, contains all the required language and reporting information, and accentuates the 20 Foot Rule. The larger 20 Foot Rule helps businesses communicate to their employees and customers that smoking is prohibited inside and within 20 feet of entrances. The newest sign created is a 4 x 6 English sticker with the 20 Foot Rule accentuated with a larger font. The 4 x 6 sticker is the most popular sign because of its size and design, adhesive back, and its ultraviolet (UV) coating on the front to protect the sign from fading in the Arizona sun.

The Smoke-Free Arizona Program provides the following types of signs:

- 3 x 5 inch vehicle sticker
- 4 x 6 inch English sticker (with or without the 20 Foot Rule disclosure)
- 4 x 6 inch Bilingual sticker (with or without the 20 Foot Rule disclosure)
- 4 x 12 inch English sticker (with the 20 Foot Rule disclosure)

The image below is the newest 4 x 6 “No Smoking” sticker.



A total of 1,185 sign orders were placed by businesses. In addition, signs are distributed to businesses during complaint inspections, advisory visits, educational visits, and routine inspections conducted by county health educators and health inspectors. A total of 40,375 signs were distributed statewide. The demand for free signs has remained steady over the years. On average, the Smoke-Free Arizona Program has distributed approximately 51,478 signs yearly in the last seven years.

2.5 Advisory Visits

Smoke-Free Arizona Program staff provides compliance assistance to proprietors by performing advisory visits at their public place or place of employment. Upon request, county environmental health inspectors, county health educators, and ADHS Smoke-Free Arizona Program Specialists visit public places and places of employment to assist with answering any questions that the proprietor may have about a specific area of concern. Between May 1, 2014 and April 30, 2015, 2 advisory visits were conducted at the request of proprietors. In previous years, the Smoke-Free Arizona Program created two advisory forms as a tool to document compliance efforts during these educational visits and to provide information to business proprietors. The standard Advisory Form not only documents the visit and the establishment's information, but it also includes a list of requirements of the Act with which proprietors must comply.

Since most advisory visits are requested by proprietors that have questions about outdoor patios and/or designated smoking areas, the Smoke-Free Arizona Program also created an Outdoor Patio Advisory Form. This advisory form is used frequently to provide guidance about the requirements of outdoor patios as defined by Arizona Administrative Code R9-2-108. The advisory form also defines the 20 Foot Rule and further clarifies how it applies to outdoor patios. County environmental health inspectors, county health educators, and Smoke-Free Arizona Program Specialists do not perform plan review for outdoor patios; however, they can ensure that proprietors understand the requirements of the outdoor patio exemption. The Outdoor Patio Advisory Form informs proprietors that the advisory visit does not indicate compliance with any other code, law, or regulation that may be required - federal, state, or local, and that it does not constitute endorsement or acceptance of the current or proposed patio.

Over the years, both the Advisory Form and the Outdoor Patio Advisory Form have proven to be useful tools. These two forms serve as documentation for the advisory visits and as a tracking method used to account for educational activities conducted. For this reason, the ADHS Smoke-Free Arizona Program has shared the forms with the county health departments and encouraged their use.

2.6 Annual Training

To attain consistent implementation of the Act statewide, training is given by ADHS to each county health department. The annual training provides an opportunity for all existing and new inspectors to receive uniform training to ensure all inspectors are implementing the Smoke-Free Arizona Act consistently throughout the State. The annual training gives inspectors a chance to receive a refresher on the various items concerning the Act.

ADHS is currently finalizing a comprehensive Smoke-Free Arizona training format for August 2015. The goal of the training is to provide coverage of Smoke-Free Arizona related items, rule and statute components with each county health department, and as a means to ensure uniform education and enforcement of the Smoke-Free Arizona Program statewide.

3.0 Outreach

3.1 Reaching Out to Public Places and Places of Employment

Arizona county health departments conduct consultations and on-site visits at local businesses, bars, and restaurants and provide education to ensure continued compliance with the Smoke-Free Arizona Act. Between May 1, 2014 and April 30, 2015, a total of 25,471 educational visits and consultations were conducted.

Between May 1, 2014 and April 30, 2015, the ADHS Smoke-Free Arizona Program Specialists as well as county health educators and county environmental health specialists conducted educational presentations to large employers and community partners such as Head Start programs, after school programs, juvenile detention centers, women's transitional housing facilities, multi-family housing complexes, grocers, youth groups, summer camps, a church, and a rotary club. All combined, an estimated 7,384 people attended these educational presentations.

The Smoke-Free Arizona Program and county health educators used health fairs as an effective forum to provide education to the public regarding the requirements of the Smoke-Free Arizona Act. Some of the wellness fairs and events attended by program specialists and health educators included a large, industrial equipment company, two professional environmental association conferences, a conference for home visiting providers, car dealerships, and employee benefit trust and insurance provider and senior community centers.

County Health Department Assessments

In 2012, the Smoke-Free Arizona Program commenced a new venture with the each of the State's county health departments by conducting on-site assessments. The assessment visits, which will occur every two calendar years, are intended to provide the counties with a platform to showcase their educational and outreach efforts, share experiences, highlight strengths, discuss difficult inspections, seek guidance, and detail their enforcement practices. As a result, the assessments not only give the Smoke-Free Arizona Program an opportunity to become more familiar with how the counties operate their programs, but to also improve communication between partners and provide feedback and resources that were geared toward creating Smoke-Free programs that are more consistent statewide.

The 2014 county health department assessments began in February and concluded in September. The assessments have allowed the county health departments and the Smoke-Free Arizona Program to complete joint inspections at local businesses to provide education and compliance with the Act. These joint inspections have proven to be invaluable opportunities for training, and to provide education to proprietors, business owners and community partners. As the Smoke-Free Arizona Program moves forward, these assessments will only continue to prove valuable in ensuring the health of Arizonans.

Health Fairs

The Smoke-Free Arizona Program actively participates in forums that can reach the community on a one-to-one basis, such as health fairs. The Smoke-Free Arizona Program partners with the Wellness Council of Arizona to outreach to large employers and distribute information at wellness health fairs. This year, the Smoke-Free Arizona Program attended an employee health fair hosted by Toyota Earnhardt, Lexus Earnhardt, Ford Earnhardt, Honda Earnhardt, Dodge Earnhardt, Safety Awareness Week at Grand Canyon University, Highway Patrol Public Safety, United Web, Arizona Environmental Health Association, Home Visiting Conference 2014, Sanitarian's Conference and the Spring Festival Health and Wellness Exposition at Sunstate Equipment. Questions were answered and information about the Act was distributed to approximately 1,500 attendees.



3.2 Reaching Out to the Community: Success Stories Graham County: Present in the Community

The Graham County Health Department promoted the Smoke-Free Arizona Act at the Gila Valley Health, Safety & Science Festival held February 26-28, 2015. Approximately 2,000 people attended the event at the Eastern Arizona College in Thatcher, AZ. To attract festival-goers to the booth, a drawing for a \$50 gift card was held, encouraging people to stop by and fill out a ticket and talk about Health Department services. Smoke-Free Arizona brochures were offered and decals were available. This annual event has been consistently successful in attracting the public to receive free health-related services and information. The addition of the science component this year increased the numbers even more.



Maricopa County: Improving Efficacy through Streamlining Processes

In July 2014, the Maricopa County Smoke-Free Arizona Program acknowledged an opportunity to improve upon existing systems and embarked on a project to tackle current challenges. Over the past year, Maricopa County began developing a more secure database fed by a paperless reporting system for staff and the businesses they serve. By eliminating paper, the inspections are expedited and cause less interruptions for businesses. This migration from paper to digital also allows for the Program to more efficiently receive information in the field, report out data, and research businesses. The database is nearly complete; equipment is being acquired and the County is preparing to train staff on the new system. It is expected to be live on July 1, 2015.

Yuma County: Living Smoke-Free

Smoke-Free policies are becoming increasingly common and increasingly popular nationwide. From parks to college campuses, there has been widespread support to protect non-smokers from the exposure and health hazards of second-hand smoke. This trend has also included public housing and multi-family properties. Yuma County's Smoke Free Arizona Program has worked diligently to provide assistance and support to public housing and multi-family properties in the area with their efforts to adopt smoke-free policies.

An exciting development this year was that of an affordable housing complex for seniors expressed their desire to become a smoke-free living facility. A meeting was held in July 2014 with the Property Manager of this apartment complex to discuss going smoke-free; the Yuma County Smoke-Free Arizona Program was able to provide technical guidance to assist them in reaching their objective.

The said apartment complex's goal was to be a smoke-free living facility as of January 1, 2015. Tenant surveys were conducted in the month of September 2014. 96% of tenants surveyed stated that they would prefer smoking to be prohibited indoors and with only outdoor designated smoking areas. A presentation was conducted in the month of October 2014 that included education about the health effects of secondhand smoke and the benefits of the Smoke-Free Arizona Act. The tenants and staff present at that time proved to be an enthusiastic group with many questions, commentaries, and experiences. The successful completion of this project provides a template of the process others can use for achieving smoke-free multi-family housing and a model of a smoke-free living community that others may follow.



3.3 Educational Newsletter

In a continued effort to disseminate information about the Act, two new Smoke-Free Arizona newsletters were created and distributed to citizens and businesses of Arizona during the last year. The second issue of the fifth volume of the newsletter was designed with the intent of educating the public and business proprietors about the various types of “No Smoking” signs that businesses can use to inform their customers about the law, signage requirements, and ordering information. This newsletter was distributed electronically to approximately 9,047 business proprietors. The first issue of the sixth volume of the newsletter outlines the newly designed smokefreearizona.org website with a fresh new look and user friendly navigation, updated with the latest information about the program. This newsletter was sent to approximately 9,352 recipients via email.

The two Smoke-Free Arizona newsletters were distributed electronically to a collective approximate total of 18,399 business proprietors throughout Arizona. The distribution of the Smoke-Free Arizona newsletter is a successful and cost efficient educational outreach effort.

The images below are copies of the Smoke-Free Arizona newsletters.

The two Smoke-Free Arizona newsletters were distributed electronically to a collective approximate total of 18,399 business proprietors throughout Arizona.

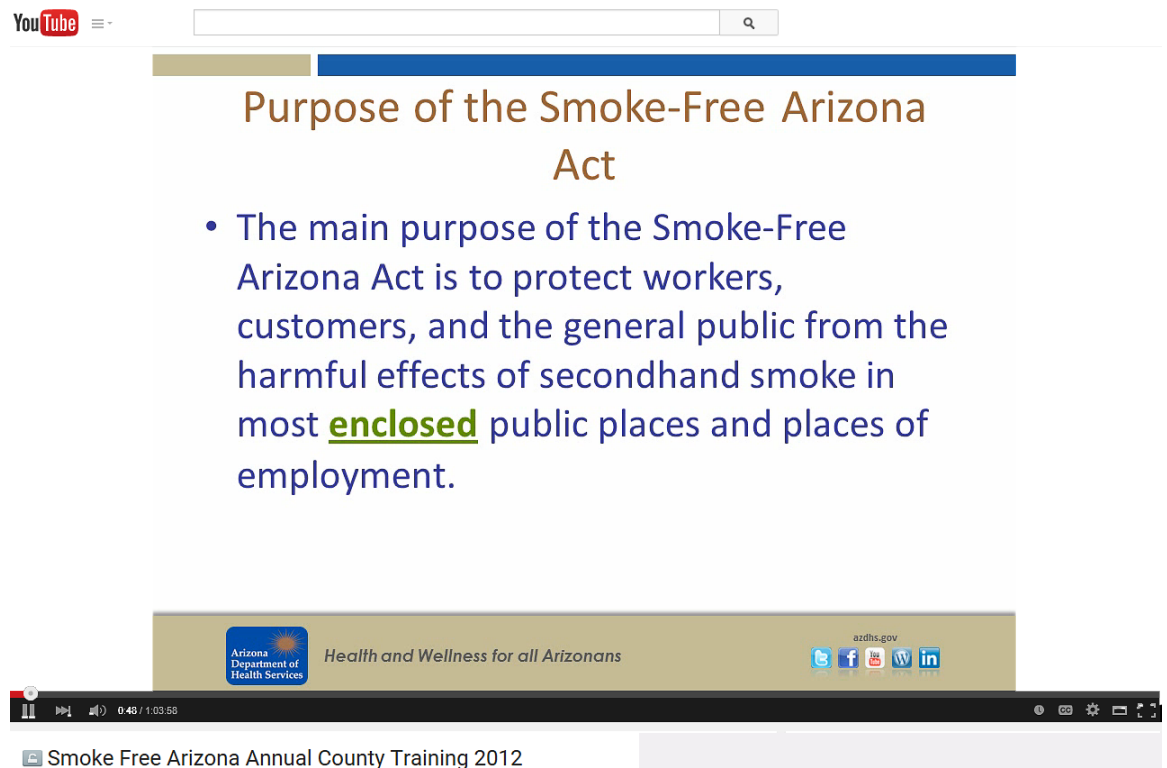


3.4 Working with Smoke-Free Arizona Partners

One of the most important and constant partnerships the Smoke-Free Arizona Program has is with the county health departments and other community partners such as the Arizona Attorney General's Office, the Hot Spot Liquor Taskforce, Department of Liquor and the Wellness Council of Arizona to name a few.

Through delegation agreements, county health departments play a major role in providing education, compliance assistance, and in some instances enforcement of the Smoke-Free Arizona Act. Every year, the Smoke-Free Arizona Program offers county assessments or trainings to provide standard and consistent information to county health educators and county health inspectors. As technology advances, the Smoke-Free Arizona Program is always looking for new ways to provide continuing education to county health educators and county health inspectors. In previous years, the Smoke-Free Arizona Program has provided trainings offered as a YouTube video, county site visits and numerous PowerPoint presentations.

The Smoke-Free Arizona Program strives for consistent program education, compliance, and enforcement throughout the State. The trainings have been used recurrently by county health departments as the primary training for new staff and as a refresher for existing staff.



The screenshot shows a YouTube video player interface. At the top left is the YouTube logo and a search bar. The video content is a slide with a blue header and a white background. The slide title is 'Purpose of the Smoke-Free Arizona Act'. Below the title is a bulleted list. At the bottom of the slide is the Arizona Department of Health Services logo and the tagline 'Health and Wellness for all Arizonans', along with social media icons for Twitter, Facebook, YouTube, and LinkedIn. The video player controls at the bottom show a progress bar at 0:48 / 1:03:58 and the video title 'Smoke Free Arizona Annual County Training 2012'.

YouTube

Purpose of the Smoke-Free Arizona Act

- The main purpose of the Smoke-Free Arizona Act is to protect workers, customers, and the general public from the harmful effects of secondhand smoke in most **enclosed** public places and places of employment.

Arizona Department of Health Services Health and Wellness for all Arizonans

azdhs.gov

0:48 / 1:03:58

Smoke Free Arizona Annual County Training 2012

4.0 Compliance

4.1 Verifying Compliance through Complaint Response and Routine Inspections

Compliance with the Smoke-Free Arizona Act is continuing to increase throughout the State. Compliance is monitored through complaint response inspections at enclosed public places and places of employment. Additionally, compliance is verified during routine food safety inspections conducted at foodservice establishments, such as bars and restaurants.

During the eighth year of the Smoke-Free Arizona Act, business proprietors have continued to go above and beyond the requirements of the Smoke-Free Arizona Act. In addition to making the necessary changes to comply with the Act, such as posting the required “No Smoking” signs and moving ashtrays, proprietors continue to build outdoor patios, provide designated smoking areas, and establish in-house smoking policies that are more strict than the Act to accommodate their employees and customers.

4.2 Complaint Investigations

Complaints alleging violations of the Smoke-Free Arizona Act are investigated by the individual county’s health department in fourteen of the fifteen counties. For Santa Cruz County, Arizona Department of Health representatives from the Smoke-Free Arizona Program conduct the complaint investigations (See Map 1.2). Once a complaint is received and it is determined that the allegations are valid violations of the Act, an unannounced inspection will take place and/or the business proprietor is notified within 15 days of the complaint. When necessary, Smoke-Free Arizona Specialists go in pairs to perform inspections, for example, during night inspections and for cases where the evidence may be difficult to find. If a violation of the Act is observed during an inspection, the proprietor is requested to correct the violation at the time of the inspection. If the violation is not corrected at that time, a re-inspection will take place to verify that a corrective action has been made. Re-inspections have shown to be an effective approach in achieving compliance.

A very effective approach while conducting complaint investigations is to conduct a joint inspection. Occasionally, the county health departments request assistance during difficult inspections. The inspection might involve indoor smoking. When confronted with the evidence of violations, some proprietors can be inflexible to the request to perform the necessary corrective actions as soon as possible. The ADHS Smoke-Free Arizona Program takes this opportunity to partner with the county health departments to approach challenging situations or proprietors and to help these businesses come into compliance with the Act through joint inspections. From May 1, 2014 to April 30, 2015, ADHS Smoke-Free Arizona Program conducted 11 joint inspections with county health departments.

Complainants may follow-up on their complaints by calling the ADHS Smoke-Free Arizona Program or their county health department. Complaint investigation findings are entered into a database that can be accessed by Smoke-Free Arizona Program officials only. Complaints can be located with a complaint identification number that is issued when a complaint is filed, the complainants’ last name (if provided), the business name, address, or cross streets.

4.3 Complaint Numbers Stabilize With Increased Compliance throughout Arizona

The ADHS Smoke-Free Arizona Program continues to encourage members of the public to report violations of the Smoke-Free Arizona Act. Complaints can be filed by one of the following:

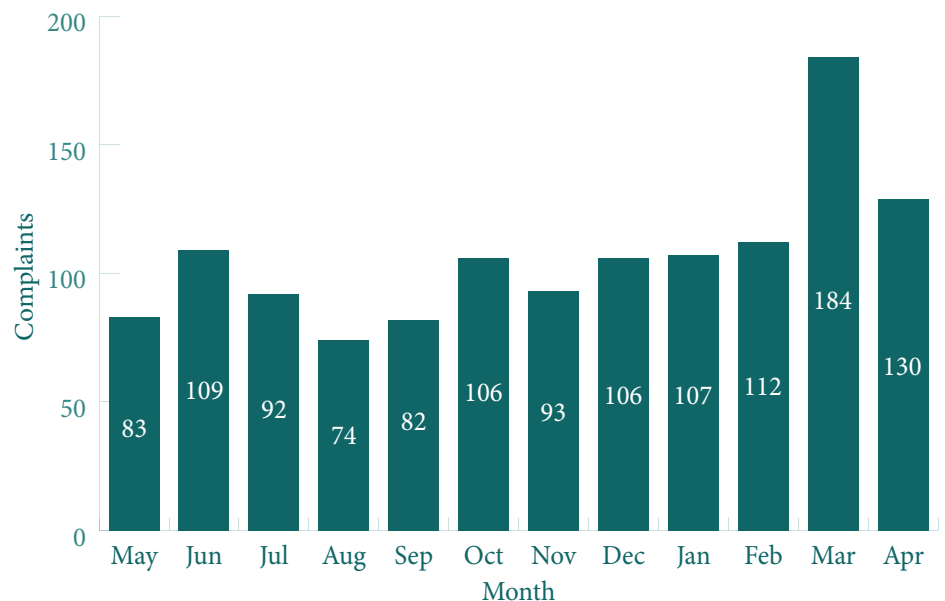
- Filling out an online complaint form at www.smokefreearizona.org;
- Calling the toll-free Smoke-Free Arizona hotline at 1-877-4-AZ-NOSMOKE (1-877-429-6676);
- Sending an e-mail to nosmokingarizona@azdhs.gov; or
- Capturing and sending a complaint using the *mysmokefreeaz* App available for smartphones.

During the eighth year after the Act went into effect, between May 1, 2014 and April 30, 2015, a total of 1,278 complaints alleging violations of the Smoke-Free Arizona Act were filed statewide. The numbers of complaints filed this year resulted in a slight decrease when compared to last year’s total of 1,295 complaints and the previous year’s total of 1,681 complaints filed statewide. Overall the complaint trend during the last three years has been consistent. Most of the complaints were regarding people smoking outside within twenty feet of an entrance and the presence of ashtrays located outside within twenty feet of an entrance.

The graph below illustrates the number of complaints filed monthly statewide between May 1, 2014 and April 30, 2015.

Graph 4.1

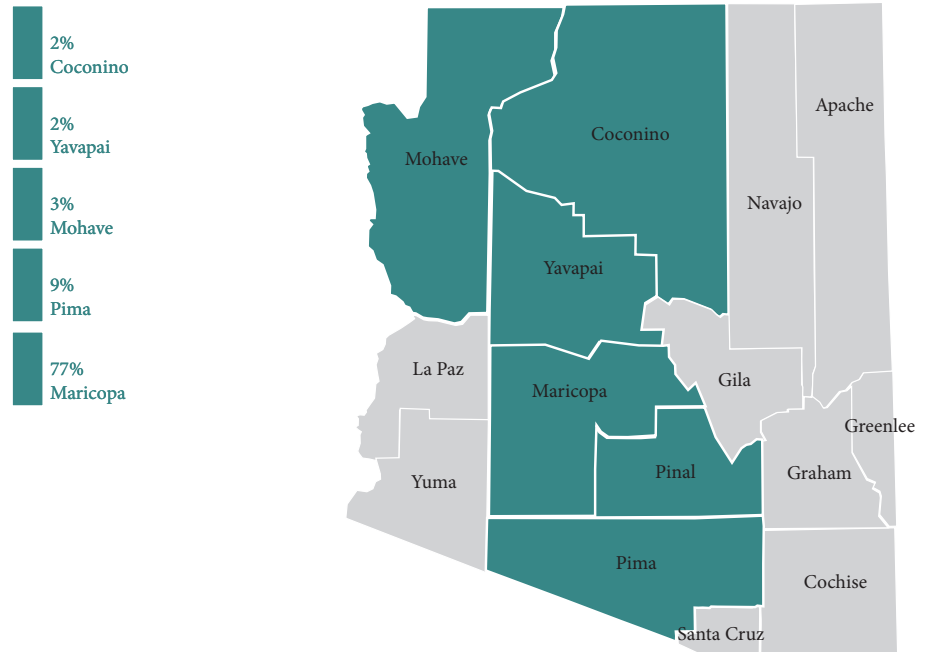
Total Complaints Filed Statewide from May 1, 2014 to April 30, 2015



The counties that received the highest number of complaints are: Maricopa (77%), Pima (9%), Mohave (3%), Yavapai (2%), and Coconino (2%). Of the 1,278 complaints received, 1,201 complaints (94%) reporting violations of the Act were located in these five counties.

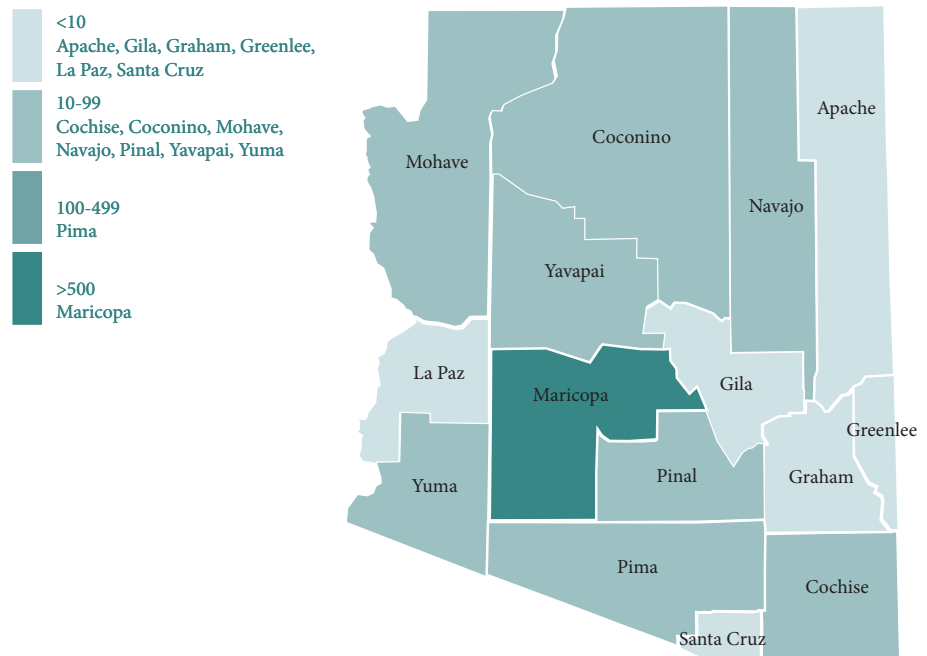
The top five counties that received the highest percentage of complaints between May 1, 2014 and April 30, 2015 are shown in the map below.

Map 4.1
 Top Five Counties with the Highest Percentage of Complaints between May 1, 2014 and April 30, 2015



The number of complaints received for each county between May 1, 2014 and April 30, 2015 is shown in the map below.

Map 4.2
 Number of Complaints for Each County between May 1, 2014 and April 30, 2015



With the exception of year 1, May 1, 2007 – April 30, 2008, which showed 4,803 complaints filed, yearly complaint numbers have been consistent since May 1, 2008, averaging 1,531 complaints per year. Efforts to educate business owners and to incorporate compliance checks into routine food safety inspections continue to result in maintaining a steady number of complaints and thus continuing to achieve compliance statewide.

The graph below illustrates the comparison between the number of complaints received monthly since May 1, 2007.

Table 4.2
Comparison of
Complaints Filed
Monthly Statewide
between May 1, 2007
and April 30, 2015

	May 2007 Apr 2008	May 2008 Apr 2009	May 2009 Apr 2010	May 2010 Apr 2011	May 2011 Apr 2012	May 2012 Apr 2013	May 2013 Apr 2014	May 2014 Apr 2015
May	1395	188	110	106	109	102	118	83
Jun	633	168	146	87	71	75	89	109
Jul	408	163	117	74	187	57	93	92
Aug	344	137	115	121	151	143	138	74
Sep	365	155	141	117	124	146	109	82
Oct	341	166	150	163	135	222	147	106
Nov	268	135	103	149	149	178	90	93
Dec	233	109	88	112	112	154	73	106
Jan	190	150	104	117	117	149	131	107
Feb	212	115	98	121	121	190	95	112
Mar	194	140	107	116	116	118	117	184
Apr	220	150	117	125	102	147	95	130
Total	4803	1776	1396	1408	1494	1681	1295	1278

5.0 Enforcement

5.1 Initiating Legal Procedures

Nine of the fifteen Arizona county health departments have the delegated authority to enforce the provisions of the Smoke-Free Arizona Act. These include Apache, Coconino, Graham, Greenlee, La Paz, Mohave, Navajo, Pima, and Yuma Counties. The ADHS Smoke-Free Arizona Program is responsible for enforcement in the remaining six counties, including Cochise, Gila, Maricopa, Pinal, Santa Cruz, and Yavapai (See Map 1.2).

If a proprietor of an establishment does not correct violations as requested, demonstrates willful violations, or a pattern of noncompliance with the Act, he or she is subject to enforcement action and may receive a Notice of Violation (“NOV”) or an assessment of civil penalty fines between \$100 and \$500 for each violation. If injunctive relief is requested, the Superior Court may impose appropriate injunctive relief and civil penalty fines up to \$5,000 per violation.

5.2 Achieving Compliance through Legal Proceedings

Enforcement actions take place when educational efforts fail to result in compliance with the Smoke-Free Arizona Act in a timely manner. The ADHS Smoke-Free Arizona Program has had tremendous support from the Education and Health Section attorneys from the Office of the Arizona Attorney General and from the Office of Administrative Counsel and Rules at ADHS. This support, combined with an effective enforcement protocol, allows ADHS to better serve the county health departments when cases are referred to the ADHS Smoke-Free Arizona Program for enforcement.

A total of ten NOV's were issued statewide between May 1, 2014 and April 30, 2015, three of which were issued by the ADHS Smoke-Free Arizona Program.

Notices of Violation (NOV) are issued in response to a pattern of noncompliance or willful violations of the Law. An NOV details violations that have been observed and documented during complaint investigations. A total of ten NOV's were issued statewide between May 1, 2014 and April 30, 2015, three of which were issued by the ADHS Smoke-Free Arizona Program. The proprietors that were issued these NOV's faced a total of \$6,100 in civil penalty fines. Out of the total civil penalty fines \$300 were actually collected by Coconino County. One of the NOV's was issued by ADHS at the end of last year and the enforcement process had not been finalized. The proprietor who was issued this NOV faced a total of \$2,400 in civil penalty fines. However, due to the proprietor's failure to appeal the Cease and Desist Order, request a Settlement Agreement, or request a hearing, the proprietor was sent a confirming letter. The confirming letter notified the proprietor that due to the Department not receiving a response, the proprietor had waived his rights and would be referred to collections. Nine of the ten NOV's were issued to proprietors that permitted employees, customers, or visitors to smoke inside enclosed public places and places of employment. One NOV was issued to a proprietor repeatedly allowing smoking within 20 feet of his main front entrance. No new cases were brought before the Superior Court for injunctive relief this year.

The number of NOVs issued to proprietors of public buildings and places of employment was equal this year to the number of NOVs issued to retail food establishments. Five NOVs were issued to proprietors of places of employment and public places, such as a liquor store, retail tobacco store, a poker club, and a glass auto shop. Five NOVs were issued to proprietors of places that are considered retail food establishments, such as bars, restaurants, and gas station convenience stores.

Previous annual reports indicated that settlement agreements had been met which included a lesser fine; however, the remainder of the original fine was deferred, as long as the business was not found in violation of the Act at any time in the future. Should a business be found in violation after signing a settlement agreement, the deferred amount must be paid and additional fines may be assessed. Between May 1, 2014 and April 30, 2015, ADHS did not reach any settlement agreements with any of the enforcement proceedings and there were no administrative hearings held. Between May 1, 2014 and April 30, 2015, two of the NOVs issued by ADHS were sent to the Attorney General's Office for collections. The third NOV had to be terminated due to the business displacing, vacating the premises, and leaving no traces behind to contact the proprietor or any of its agents.

6.0 Protecting the Health of Arizonans

6.1 State of Tobacco Control Report Card: Smoke-Free Arizona Scores a Grade A



The American Lung Association State of Tobacco Control report tracks progress on key tobacco control policies at the state and federal level and assigns grades to tobacco control laws and regulations enacted based on recognized criteria for effective tobacco control measures. The grading criteria were developed by an advisory committee assembled by the National Cancer Institute. This grading system provides scoring in nine main categories: Government Workplaces, Private Workplaces, Schools, Child Care Facilities, Restaurants, Retail Stores, Recreational/Cultural Facilities, Penalties and Enforcement.

The grade for each state is based on a total of all points received in all categories. A grade of “A” is assigned for excellent tobacco control policies while an “F” indicates inadequate policies. This year, once again and for the eighth consecutive year, Arizona was one of 24 states to earn a grade A in The American Lung Association State of Tobacco Control 2015 Report, for maintaining a strong and comprehensive enforcement program of the Smoke-Free Arizona Act.

The American Lung Association works diligently with organizations, state departments, and legislators to address tobacco control issues since tobacco use remains the leading cause of preventable disease and death in the United States. To address this enormous issue, the American Lung Association and its partners have committed to three bold goals: 1. Reduce smoking rates, currently at about 18 percent, to less than 10 percent by 2024; 2. Protect all Americans from secondhand smoke by 2019; and 3. Ultimately eliminate the death and disease caused by tobacco use. The local chapter of the American Lung Association recognizes that these goals can only be accomplished in Arizona by:

1. Supporting legislation to create a registry of statewide tobacco retailers;
2. Increasing Arizona’s cigarette and tobacco taxes; and by
3. Protecting Arizonans from tobacco industry supported legislation.
4. The American Heart Association, the American Cancer Society and the American Lung Association are also combining forces to redefine e-cigarettes as tobacco products and to create a tobacco retailer registry that would ultimately help researchers understand who is selling tobacco products in the state of Arizona.

The ADHS continues to work in partnership with the American Lung Association in Arizona to make sure that the Law is appropriately enforced throughout the state. This year the Arizona Smoke-Free Living coalition, a program of the American Lung Association in Arizona, made a vast contribution to families living in apartment complexes by assisting approximately 4,200 units in Maricopa County to become completely smoke-free. With the increasing demand for smoke-free housing, the coalition is working hard to support future smoke-free multi-family housing policies.

6.2 Empower Pack

As in years past, the Smoke-Free Arizona Program has partnered with the ADHS Bureau of Nutrition and Physical Activity to provide educational materials for the Empower Pack Program. The Empower Pack Program is a nutrition and tobacco-free program that childcare centers may choose to participate in to receive discounted state licensing fees, with the agreement that centers will adopt more healthy habits by implementing program standards. Empower Centers teach children how to live healthy lives by using the following ten curriculum requirements:

1. Facilities should encourage physical activities as part of their curriculum by scheduling at least 60 minutes of planned activity (which can be broken up in shorter time periods) per day. Encourage “sun safe” physical activities.
2. Limit kids’ screen time to under one hour a day.
3. Avoid more than 60 minutes of sedentary activity at a time, except while the child is sleeping.
4. Offer water at least 4 times during the day.
5. Serve 1% low fat or fat free milk for all children over two years of age.
6. Serve only 100% percent fruit juice (with no added sugars), and limit kids to 4 ounces per day.
7. Serve meals family style and let the child decide how much to eat. Avoid rewarding good behavior or a clean plate with foods of any kind.
8. If able, participate in the USDA Child and Adult Care Food Program.
9. Facilities and homes should be totally (24-hour) smoke-free campuses.
10. All families should receive education and referrals regarding tobacco prevention cessation and second hand smoke at least four times per year.

Empower Pack kits included 600 Smoke-Free Arizona “No Smoking” signs and educational brochures to be sent to childcare centers in Arizona.

The Smoke-Free Arizona Program provided one “No Smoking” 4 x 6 sticker sign per Empower Pack kit. This year 600 signs were provided and 500 of each of the English General brochures and Spanish General brochures were included in the Empower Pack kits. A link to the Smoke-Free Arizona website, www.smokefreearizona.org can also be found on the Empower Pack website as a resource for Empower Centers to utilize.

6.3 Centers for Disease Control and Prevention's Report: E-cigarette Use Triples Among Middle and High School Students in Just One Year

The tobacco marketplace includes electronic cigarettes (e-cigarettes), hookah, cigarettes, cigars, smokeless tobacco, pipes and snus. As the use of these novel products is increasing, the progress that has been made with reduction of youth smoking is being threatened. The huge increase in the use of these products over such a short period of time is one of the main reasons that the Food and Drug Administration (FDA) intends to regulate these products. Currently, the FDA regulates cigarettes, cigarette tobacco, roll-your-own tobacco and smokeless tobacco. The FDA is in the process of finalizing the rules to add e-cigarettes and hookah under the same authority. E-cigarette use has surpassed current use of every other tobacco product overall, including conventional cigarettes.

According to the Centers for Disease Control and Prevention (CDC), e-cigarette use has increased threefold from 2013 to 2014. This is reported from students who have used e-cigarettes at least once in the past 30 days. For high school students, the rate increased from 4.5 percent to 13.4 percent and for middle school students the rate increased from 1.1 percent to 3.9 percent. Approximately 2.4 million students are using e-cigarettes. Hookah use has roughly doubled for middle and high school students; approximately 1.5 million students are using the product. The gains made in declining cigarette and cigar use has been offset by the increases in e-cigarettes and hookah use.

The CDC's position is that nicotine use is dangerous for any child, at any age, no matter the form it comes in. Nicotine exposure at a young age may cause lasting harm to brain development, promote addiction, and lead to sustained tobacco use. The CDC believes that reducing youth tobacco use and initiation is achievable with the regulation of manufacturing, distribution, and marketing of tobacco products. Other proven strategies such as funding tobacco control programs, increasing the prices of tobacco products, implementing and enforcing comprehensive smoke-free laws, and sustaining hard-hitting media campaigns will also help with these efforts. Several states, including Arizona, have passed laws that have established a minimum age for the purchase of e-cigarettes, which will also help to further prevent youth use and initiation. The state of Arizona restricts the sale of e-cigarettes to minors under 18 years of age.



Centers for Disease
Control and Prevention

CDC 24/7: Saving Lives, Protecting People™

7.0 Conclusion

The eighth year of the Smoke-Free Arizona Act saw a continuous number of inquiries from Arizona citizens and a continued stabilization although with a slight decrease in the number of complaints filed by concerned citizens. Partnerships with county health educators and county environmental health inspectors provided education and timely complaint assistance to citizens and business owners throughout their communities.

Providing awareness of the Act results in higher levels of compliance. This was achieved in multiple ways including but not limited to educational outreach, compliance assistance during complaint inspections, advisory visits, health fairs, conferences and the media. For the eighth consecutive year the American Lung Association State of Tobacco Control report card awarded an “A” to the Smoke-Free Arizona Program recognizing the success the program has achieved by using the methods previously mentioned.

The ADHS Smoke-Free Arizona Program continues to encourage members of the public to report violations of the Act by filling out a complaint form online, by calling the toll-free complaint line, by sending an email, or filing a complaint through a smartphone application. A total number of 1278 complaints were filed between May 1, 2014 and April 30, 2015. Most of the complaints, as in years past, were regarding people smoking outside, but within 20 feet of an entrance, and the presence of an ashtray outside within 20 feet of an entrance. Compared to the total number of complaints, only a minimal number of complaints resulted in legal proceedings. Enforcement took place only when educational efforts did not result in timely compliance.

We are pleased to report that the eighth year of implementation of the Smoke-Free Arizona Act has continued to provide cleaner air for the citizens of Arizona demonstrating “It’s a Benefit, Not a Ban.”

For questions regarding this report please contact:

Eric Thomas
Program Manager, Smoke-Free Arizona
Arizona Department of Health Services
Office of Environmental Health
150 North 18th Avenue, Suite 130
Phoenix, AZ 85007
602-364-0929
eric.thomas@azdhs.gov