



Annual Report 2018

Smoke-Free Arizona Act

It's A Benefit, Not a Ban





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 140
Phoenix, Arizona 85007-3245
(602) 364-3118

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 Program Background and History	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	Compliance	8
	2.1 Verifying Compliance through Complaint Response and Routine Inspections	8
	2.2 Complaint Numbers Stabilize With Increased Compliance Throughout Arizona	8
	2.3 Investigation	11
3.0	Enforcement	12
	3.1 Initiating Legal Procedures	12
	3.2 Achieving Compliance Through Legal Proceedings	12
4.0	Education	13
	4.1 The Smoke-Free Arizona Website: www.smokefreearizona.org	13
	4.2 Answering the Information Hotline: 1-877-297-8677	14
	4.3 “No Smoking” Signs	15
	4.4 Advisory Visits and Consultations	16
5.0	Outreach	17
	5.1 Reaching Out to Public Places and Places of Employment	17
	5.2 Reaching Out to the Community: Success Stories	19
	5.3 Educational Newsletter	21
	5.4 Working with Smoke-Free Arizona Partners	22
6.0	Protecting the Health of Arizonans	23
	6.1 State of Tobacco Control Report Card: Smoke-Free Arizona Scores a Grade A	23
	6.2 Empower Program	24
	6.3 The City of Douglas Adopts the Tobacco 21 Initiative - Preventing Tobacco Addiction Foundation	25
7.0	Conclusion	26

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 proprietors of an establishment does not correct violations as requested, demonstrates willful violations, or exhibits a pattern of noncompliance with the Act, they are 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 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, 2017 and April 30, 2018, a total of 23,332 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 eleventh year after the Law went into effect, between May 1, 2017 and April 30, 2018, a total of 1,148 complaints alleging violations of the Smoke-Free Arizona Act were filed statewide. Most of the complaints were regarding people smoking keeping or having ashtrays located outside within twenty feet of an entrance.

A total of seven NOVs were issued statewide between May 1, 2017 and April 30, 2018, four of which were issued by the Coconino County Public Health Services District, two of which were issued by ADHS for Maricopa County Health Department and one which was issued by the Mohave County Environmental Health Department. No new cases were brought before the Superior Court for injunctive relief this year.

With our eleventh year, the Smoke-Free Arizona (SFA) Program continues to ensure the health and wellness of Arizonans by protecting them from secondhand smoke exposure in most enclosed public places and places of employment.

1.0 SMOKE-FREE ARIZONA PROGRAM

1.1 BACKGROUND AND HISTORY

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, with 11 having 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:

Private residences, except when used as a licensed child care, adult day care, or health care facility

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

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

Veterans and fraternal clubs when they are not open to the general public

Smoking when associated with a religious ceremony practice pursuant to the American Indian Religious Freedom Act of 1978

Outdoor patios so long as tobacco smoke does not enter areas where smoking is prohibited through entrances, windows, ventilation systems, or other means

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:

<p>Removing all indoor ashtrays and smoking receptacles, and moving all outdoors ashtrays and smoking receptacles at least 20 feet away of entrances</p>	<p>Posting the required “No Smoking” signs at every entrance into the establishment</p>	<p>Educating all existing and prospective employees about the Act</p>	<p>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</p>	<p>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</p>
---	--	--	---	--

If proprietors of an establishment do not correct violations as requested, or demonstrate willful violations or a pattern of noncompliance with the Act, they are subject to enforcement action. They 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:

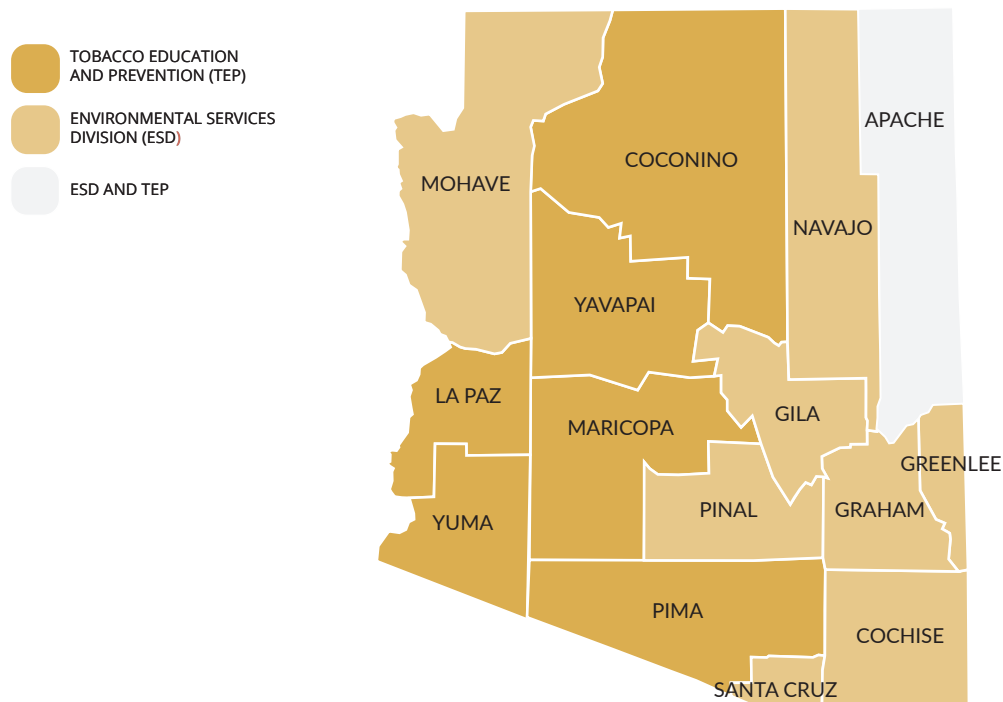
<p>Providing free signage to businesses</p>	<p>Maintaining the Smoke-Free Arizona website: www.smokefreearizona.org</p>	<p>Answering inquiries coming through the information line: 1-877-297-8677, or from the smokefreearizona@azdhs.gov mailbox</p>	<p>Taking complaints coming through the complaint line: 1-877-429-6676, or from the nosmokingarizona@azdhs.gov mailbox</p>
<p>Conducting on-site advisory visits</p>	<p>Maintaining a statewide database used by the county health departments for complaint investigations and referrals</p>	<p>Providing training to new and existing health educators and environmental health inspectors</p>	<p>Providing educational materials to county health departments</p>
<p>Assisting county health departments during complaint investigations or advisory visits by riding along with the health educators or the environmental health inspectors</p>	<p>Providing guidance to the county health departments with regard to education, compliance, and enforcement</p>	<p>Initiating enforcement procedures for cases referred by Cochise, Gila, Maricopa, Santa Cruz, and Yavapai Counties</p>	

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. For the first time in eleven years, delegation agreements have been signed with all fifteen counties to assist ADHS with education and compliance. The new delegation agreements involve Smoke-Free Arizona and Food Safety & Environmental Health inspections. These agreements will be in effect for 15 years. 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.

FIGURE 1
LEAD PROGRAM RESPONSIBLE FOR EDUCATION AND COMPLIANCE FOR EACH COUNTY HEALTH DEPARTMENT



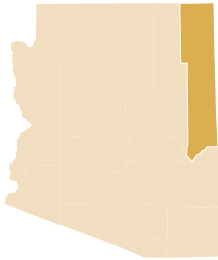
ENVIRONMENTAL SERVICES DIVISION

The Environmental Services Division is the lead program for education and compliance in Cochise, Gila, Graham, Greenlee, Mohave, Navajo, Pinal, and Santa Cruz 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 are responsible for compliance and education in 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.

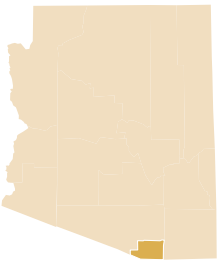
In the majority of these counties, a solid partnership exists between the Tobacco Education and Prevention Program and the Environmental Services Division. For example, if an environmental health inspector observes a smoking violation during a routine inspection in a food establishment, they will notify 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.



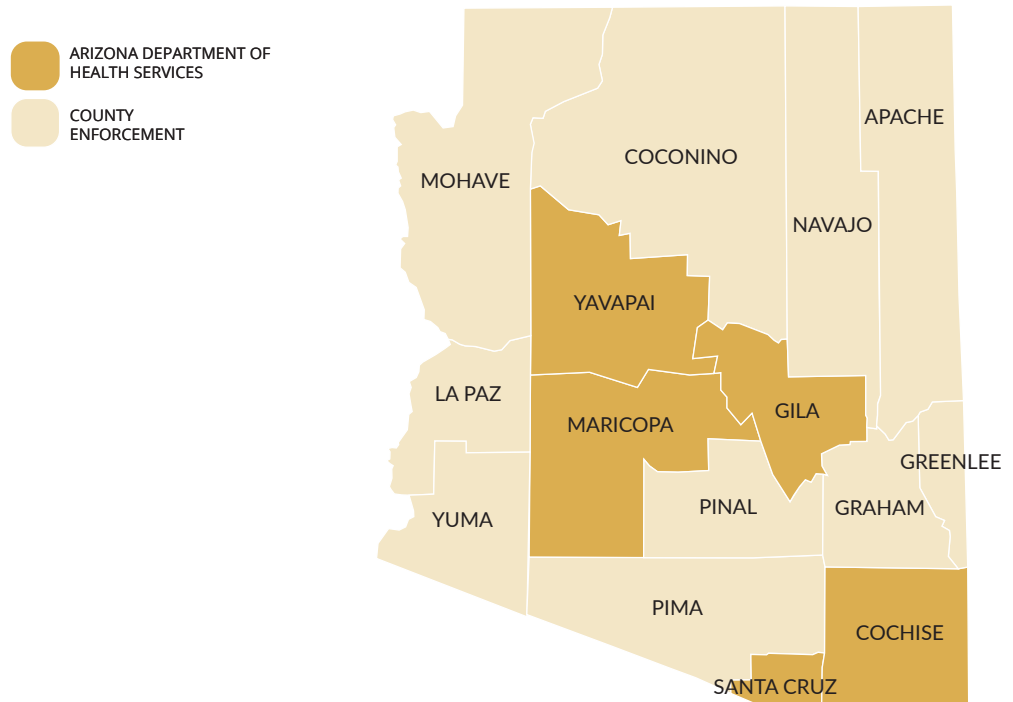
SANTA CRUZ COUNTY

For the first time in 11 years, ADHS signed a delegation agreement to delegate education, compliance, and enforcement activities of the Smoke-Free Arizona Act to the Santa Cruz County Health Department. Environmental health inspectors will investigate complaints, conduct advisory visits and on-site inspections, and educate the community about the Law and its requirements.

1.3.2 ENFORCEMENT OF THE LAW

Ten county health departments have the delegated authority for enforcement activities such as issuing Notices of Violation (NOVs), assessing civil penalty fines, attending administrative hearings, and seeking injunctive relief.

FIGURE 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, Pinal and Yuma. For these counties, the delegation agreement delineates the enforcement duties and additional funding is provided to support these duties.

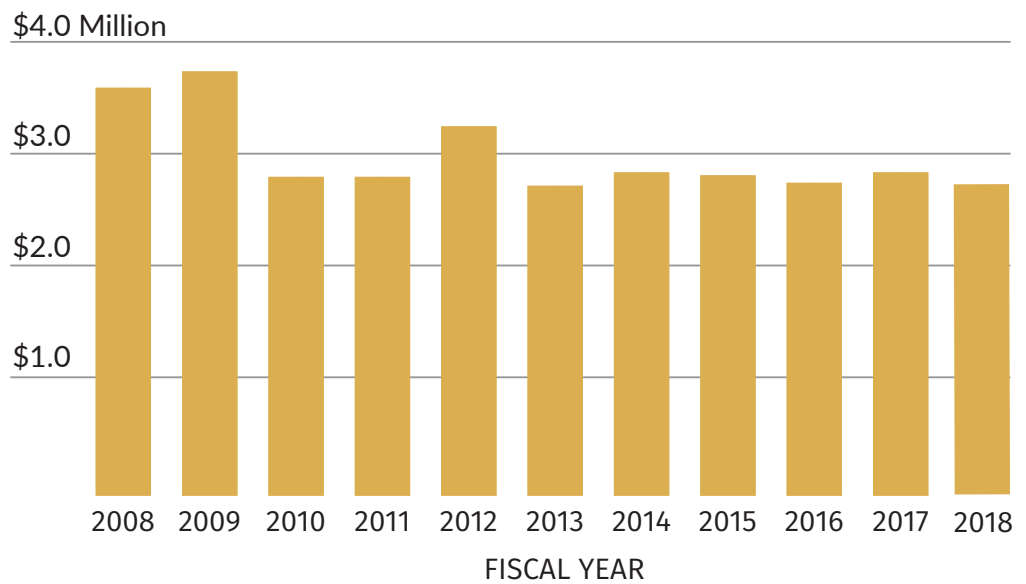
For the remaining five counties, Cochise, Gila, Maricopa, Santa Cruz, and Yavapai, ADHS provides assistance for enforcement. This means that once a pattern of noncompliance is documented, or there is evidence of willful violation of the Act, the county health department refers the case to ADHS for enforcement. The enforcement procedures are explained in Section 3.0 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 total revenue for the Smoke-Free Arizona Fund from May 1, 2017 to April 30, 2018 was \$2,836,916.23.

FIGURE 3
SMOKE-FREE ARIZONA FUND
YEAR TAX REVENUE FROM
MAY 1, 2007 TO APRIL 30, 2018



2.0 COMPLIANCE

2.1 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 eleventh 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.

2.2 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

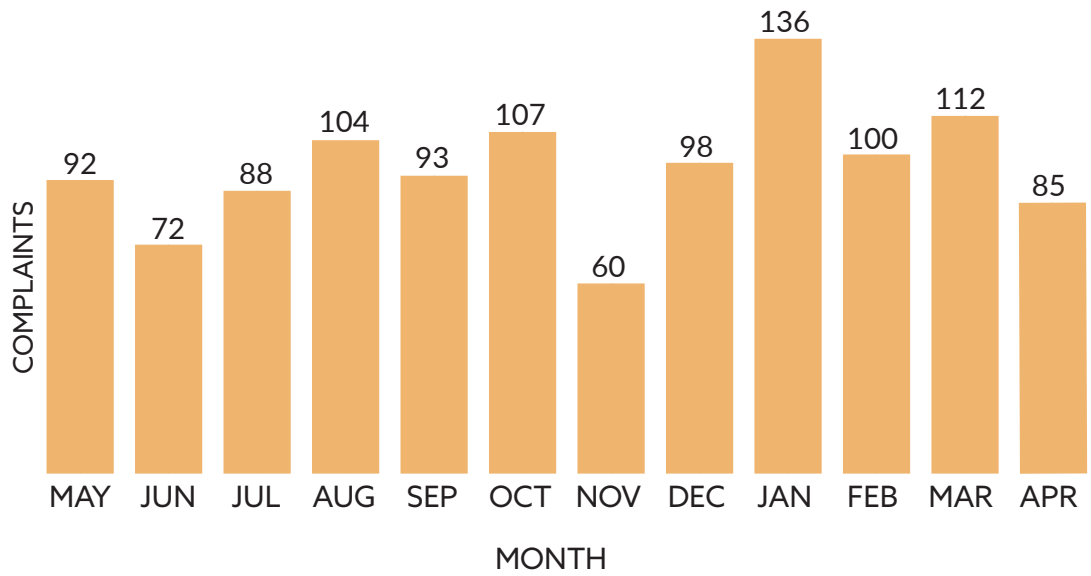
Calling the toll-free Smoke-Free Arizona hotline at 1-877-429-6676

Sending an e-mail to nosmokingarizona@azdhs.gov

During the eleventh year after the Act went into effect, between May 1, 2017 and April 30, 2018, a total of 1,148 complaints alleging violations of the Smoke-Free Arizona Act were filed statewide. The numbers of complaints filed this year resulted in a decrease when compared to last year’s total of 1,418 complaints.

Overall, the predominant type of complaint over 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.

FIGURE 4
 TOTAL COMPLAINTS FILED
 STATEWIDE BETWEEN
 MAY 1, 2017 TO APRIL 30, 2018



Of the 1,148 complaints received, 1,022 complaints (89%) reporting violations of the Act were located in Maricopa, Pima, and Mohave counties.

FIGURE 5
 TOP THREE COUNTIES WITH
 THE HIGHEST PERCENTAGE OF
 COMPLAINTS BETWEEN
 MAY 1, 2017 TO APRIL 30, 2018

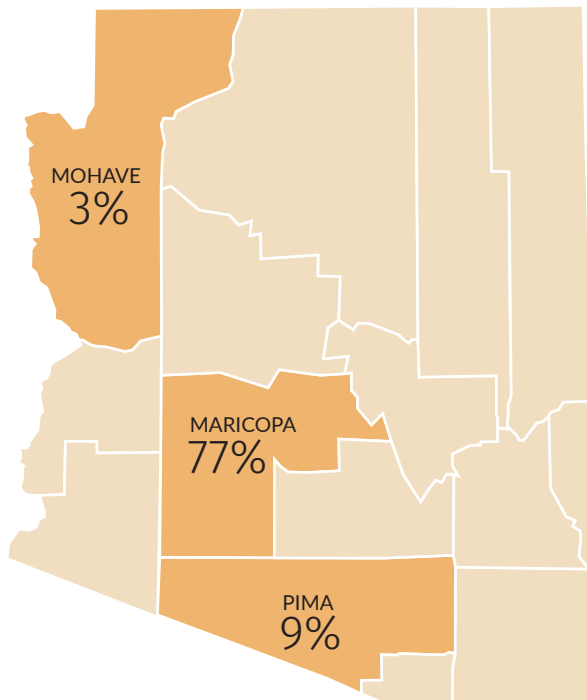
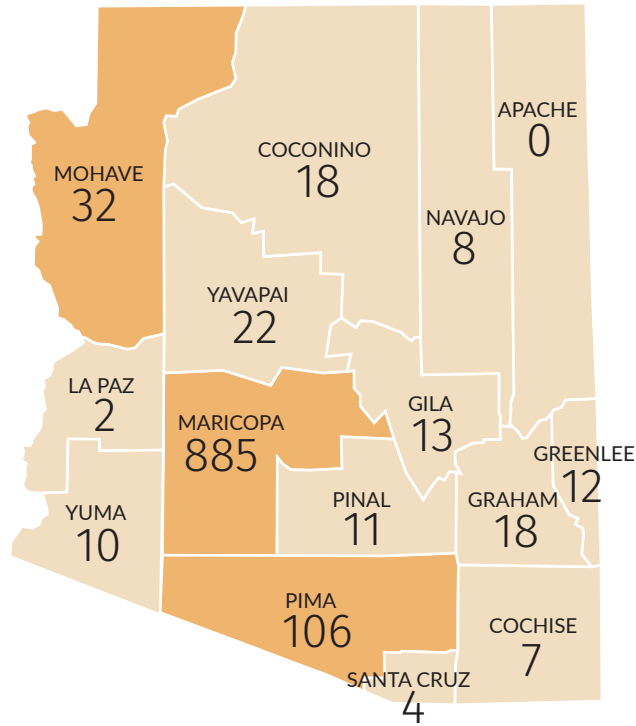
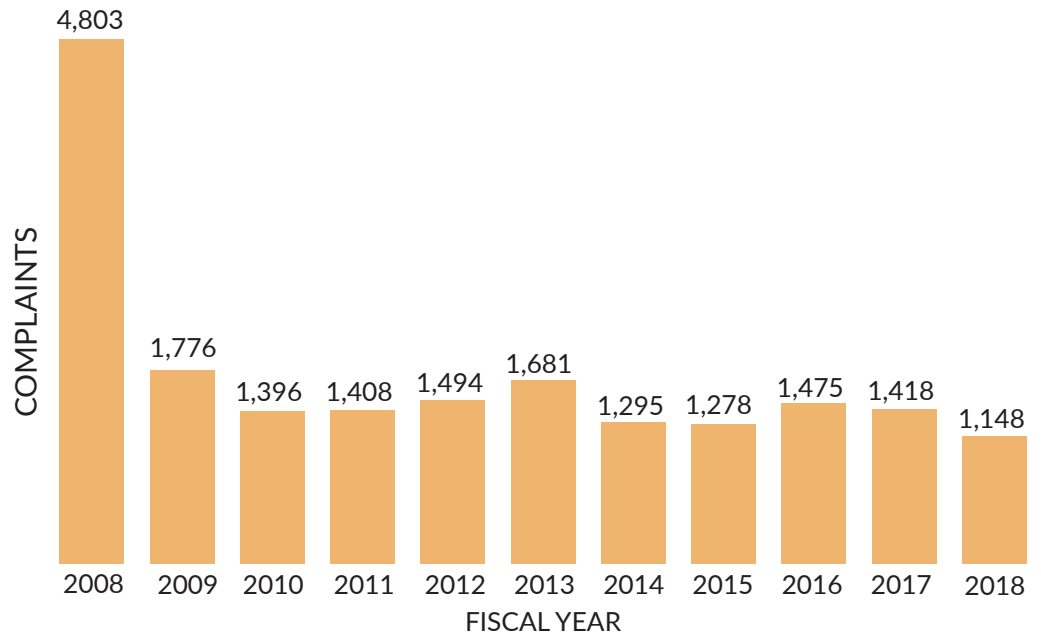


FIGURE 6
COMPARISON OF COMPLAINTS
FILED STATEWIDE BETWEEN
MAY 1, 2017 TO APRIL 30, 2018



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 1,437 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.

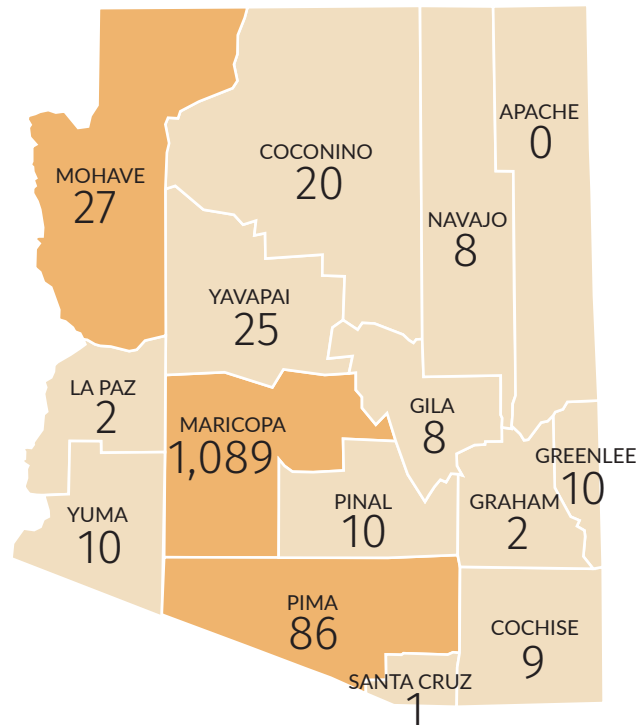
FIGURE 7
NUMBER OF COMPLAINTS FOR
COUNTY BETWEEN
MAY 1, 2007 AND APRIL 30, 2018



2.3 INVESTIGATION

FIGURE 8

NUMBER OF INSPECTIONS FOR EACH COUNTY BETWEEN MAY 1, 2017 AND APRIL 30, 2018



Complaints alleging violations of the Smoke-Free Arizona Act are investigated by the individual county's health department in all fifteen counties. 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. From May 1, 2017 to April 30, 2018, 1,307 complaint inspections were conducted statewide. (See Figure 8). 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.

An 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.

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.

3.0 ENFORCEMENT

3.1 INITIATING LEGAL PROCEDURES

Ten 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, Pinal and Yuma Counties. The ADHS Smoke-Free Arizona Program is responsible for enforcement in the remaining five counties, including Cochise, Gila, Maricopa, Santa Cruz, and Yavapai (See Figure 2). If proprietors of an establishment do not correct violations as requested, demonstrate willful violations, or a pattern of noncompliance with the Act, they are subject to enforcement action, may receive a Notice of Violation (“NOV”) or may be assessed 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.

3.2 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 ADHS for enforcement.

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 seven NOVs were issued statewide between May 1, 2017 and April 30, 2018, four of which were issued by the Coconino County Public Health Services District, two were issued by ADHS for the Maricopa County Health Department, and one which was issued by the Mohave County Environmental Health Department. For the two NOVs issued by ADHS, settlement agreements were reached with a total of \$350 collected in fines. ADHS defers the total amount of fines if a settlement agreement is signed. If proprietors who have reached settlement agreements are found in violation again, they are responsible for any previous and new civil money penalties.

Between May 1, 2017 and April 30, 2018, there were no administrative hearings held for ADHS. Additionally, no new cases were brought before the Superior Court for injunctive relief this year.

4.0 EDUCATION

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

4.1 THE SMOKE-FREE ARIZONA 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 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.

Key features of the program are highlighted on the website such as reporting violations, ordering signs, complying with the law, outdoor areas, residential areas, exemptions and publications. Most importantly, visitors to the website can also access links to the rules and statutes, frequently asked questions, and other resources. The Smoke-Free Arizona website is maintained by updating or adding relevant information that can aid in reaching the general public and assisting proprietors to comply with the Act.

Since the Law went into effect, the website's most popular features are:

Business owners are able to order required "No Smoking" signage free of charge from the website

Concerned citizens are able to report violations of the Act by filing a complaint form online in three easy steps

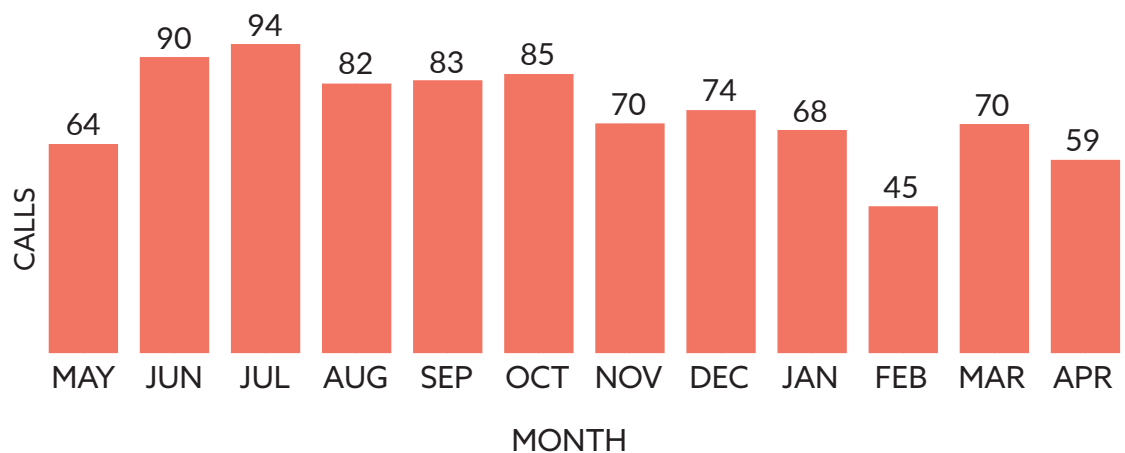
Individuals can submit complaints directly on the Smoke-Free Arizona website or they can also submit a complaint by emailing NoSmokingArizona@azdhs.gov. The Smoke-Free Arizona Act allows concerned citizens to file complaints anonymously. Allowing citizens to file complaints alleging violations of the Law is not only mandated by the Act, but it is also an effective tool to aid in education and compliance assistance. For more information about provisions of the Law, individuals can make inquiries by emailing SmokeFreeArizona@azdhs.gov.

4.2 ANSWERING THE INFORMATION HOTLINE: 1-877-297-8677

As required by the Smoke-Free Arizona Act, ADHS provides a 24/7 toll-free information line to answer inquiries, fulfill requests for free signage, and document reports of violations from the general public and business owners.

An approximate combined total of 884 calls were received between May 1, 2017 and April 30, 2018. Sixty-eight percent 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.

FIGURE 9
NUMBER OF CALLS RECEIVED
BETWEEN MAY 1, 2017 AND
APRIL 30, 2018



68% of the calls were **Inquiries.**
22% of the calls were to **place a complaint.**
10% of the calls were to **order No Smoking Signage.**



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

Questions
about the
20' Rule

Multi-Family
housing/
private
residences

Designated
smoking
area

Sign
requirements

How
complaints
are
investigated

4.3 “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.

To meet the signage requirements of the Smoke-Free Arizona Act § 36-601.01, the proprietor shall post signs that contain:

The **international no smoking symbol** (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) or the words “No Smoking”

A **citation** to A.R.S. § 36-601.01

The **telephone number** for making complaints (1-877-429-6676)

The **website** address for making complaints (www.smokefreearizona.org)

For **public places or places of employment**, signs should be no smaller than 4 inches by 6 inches;

For **business vehicles**, signs should be no smaller than 2 inches by 3 inches.

In 2018, 925 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.

In 2018, a total of 40,343 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 47,539 signs yearly over the last ten years.



Smoke-Free Arizona Act ARS36-601.01

ARIZONA DEPARTMENT
OF HEALTH SERVICES

4.4 ADVISORY VISITS AND CONSULTATIONS

Arizona county health departments and Smoke-Free Arizona Program staff provide compliance assistance to proprietors by performing advisory visits or conducting consultations 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. Advisory visits or consultations may also occur as part of a new business compliance check or as educational outreach efforts. Between May 1, 2017 and April 30, 2018, a total of 23,332 educational visits and consultations were conducted.

All advisory visits and consultations are tracked. The Smoke-Free Arizona Program documents these advisory visits using an Advisory Form. The standard Advisory Form not only documents the visit and the establishment's information, but it also provides information to business proprietors, including a list of requirements of the Act with which proprietors must comply.

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.



5.0 OUTREACH

5.1 REACHING OUT TO PUBLIC PLACES AND PLACES OF EMPLOYMENT

Between May 1, 2017 and April 30, 2018, the ADHS Smoke-Free Arizona Program Specialists, as well as county health educators and county environmental health specialists, conducted 135 educational presentations. Health educator and program representatives conducted presentations to large employers and community partners, such as schools and after-school programs, doctor's offices, community centers, apartment complexes, city wellness groups and employees, city chamber of commerce, local department of transportation, and churches. All combined, an estimated 133,290 people attended these educational presentations.

HEALTH FAIRS

The Smoke-Free Arizona Program and county health educators used health fairs as an effective forum to provide education to the public face-to-face regarding the requirements of the Smoke-Free Arizona Act. 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 the Greater Phoenix Chamber of Commerce and the Phoenix Business and Workforce Development Center for the Healthy Arizona Worksites Program, and the Highway Patrol Public Safety Health Fair at the State Fair Grounds. The Program also attended the Arizona Environmental Health Association Conference which hosted 150 registered sanitarians.

Some of the wellness fairs and events attended by program specialists and health educators included dental offices, health festivals, a tobacco alliance event, an employee wellness fair at a casino, county fairs, and child fairs.



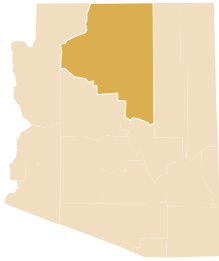
COUNTY HEALTH DEPARTMENT ASSESSMENTS

In 2012, the Smoke-Free Arizona Program commenced a new venture with 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.

The 2018 county health department assessments began in March and will be concluded by December 2018. This year 7 county assessments have been completed and every county health department will be visited this year. As a result, the assessments will provide the Smoke-Free Arizona Program an opportunity to become more familiar with how the counties operate their programs, improve communication, and ensure all Smoke-Free programs are more consistent statewide. As the Program moves forward, these assessments will only continue to prove valuable in ensuring the health of Arizonans.



5.2 REACHING OUT TO THE COMMUNITY: SUCCESS STORIES

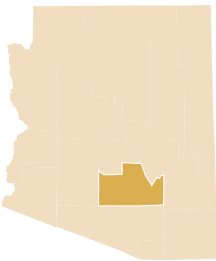


COCONINO COUNTY: EDUCATION TO THE YOUTH

The Coconino County Smoke-Free Arizona program found a real honor and pleasure to travel the Navajo and Hopi Reservations. As part of the NB3 Fit Week, the Coconino County inspector and educator attended the morning sunrise prayer and walk/run at Buffalo Park in Flagstaff. An educational board was made specifically for these events. They did several things but most importantly distinguished between commercial and traditional tobacco use. As we know traditional tobacco is sacred to Native Americans, but in recent times it is sometimes hard to find. Many individuals have started to use cigarettes in their ceremonies; the education was meant to show the difference between the two tobacco plants and why commercial tobacco shouldn't be used during ceremonies or smoked at all.

The educational board displayed diabetes prevention strategies, since diabetes is a large problem within the Native American community. The theme for NB3 Fit Week was to encourage Native American youth to get regular exercise, eat well and drink more water. The educator was also a part of Indigenous Games night as part of the NB3 fit week and it was a blast. The same board was utilized for Puente School in Flagstaff which was open to youth and their parents. It was sponsored by NACA (Native Americans for Community Action).

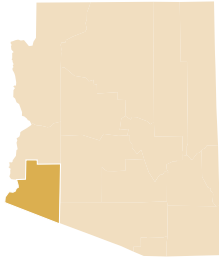
The Youth in Wellness expo events were held on the Hopi reservation where Coconino County visited five schools. Four of the wellness expos were similar to health fairs where all grades were encouraged to spend 15-20 minutes at each table. The Coconino Program was asked to come back to Moencopi Day School to do one presentation a week after one of the expos for the 6th-grade class. An hour presentation was given, which included a knowledge retention quiz; fun prizes for the kids were provided. The Coconino County Program found these activities on the Hopi and Navajo reservations to be very rewarding experiences.



PINAL COUNTY: HEALTH EDUCATION VIA MUSIC

Pinal County Environmental Health Services continues to protect the citizens of Pinal County by ensuring compliance with the Smoke-Free Arizona Act. Pinal County's approach to Smoke-Free Arizona has remained pro-active during 2017-2018, conducting 2,415 Smoke-Free Arizona inspections at permitted establishments and in response to citizen's complaints at non-permitted facilities. They also consistently answer questions for citizens and business owners and provide consultations on every Pre-Operational Inspection conducted. The Arizona Department of Health Services and the Pinal County Health Department collaborate to provide literature and signs to businesses to ensure compliance with the Act. This proactive approach has resulted in more consistent compliance and reduced public complaints.

In April 2018, the Pinal County Public Health Services District had an information booth at Country Thunder, the largest music festival in Arizona. The record attendance for this event was estimated at 30,000 participants per day, for four days. At the booth, representatives of the department distributed Smoke-Free Arizona literature and answered questions about the Act. This was a great way to reach out to the public and provide public health outreach about the Smoke-Free rules in Arizona.



YUMA COUNTY: SUCCESS THROUGH PARTNERSHIP

The Yuma County Smoke-Free Arizona (SFA) Program developed and maintained successful agency partnerships and collaborations, which provided effective results in relation to educating community members on the Smoke-Free Arizona Act and the harmful effects of secondhand smoke. The Yuma County SFA Program was able to do this through a multi-agency partnership including Yuma County's SFA Program, Tobacco Use Prevention Program, Arizona Smoke-Free Living (ASFL) and several local housing complexes with the goal of implementing smoke-free policies.

The overall goal of this unified partnership was to guide and assist four local public housing and multi-family properties with their efforts to adopt smoke-free policies due to the HUD mandated smoke-free transition. SFA Program maintained a solid partnership with the ASFL Coalition and together worked diligently to provide technical assistance within their own realm of expertise and program services to Yuma County Housing Department, AZ Southwest Management, Housing America Corporation, and Las Brisas Sunset Apartments during their policy transition. Agencies could opt for either a 'gold policy' meaning, 100% smoke free or 'silver policy' meaning they allowed designated smoking areas on the property, which met the Smoke-Free Act standards.

The SFA Program role in this multi-agency partnership was to provide technical support by conducting thorough inspections of the housing properties and provided recommendations on designated smoke free areas, and how to clearly mark areas as designated smoking areas. The Yuma County SFA Program also provided 'no smoking' signage placement recommendations, assisted with measuring already in place smoke free areas to ensure compliance and provided SFA signs. In addition, educational presentations were provided to several units and their tenants, on the SFA Act and secondhand smoke. Proper education of the SFA law was also provided to staff at property manager's request.

As of today, El Bien Estar, Southwest Management, and Las Brisas Apartments are implementing smoke free policies, and Yuma County Housing policy is set to go into effect July 2018. Policy changes like this encourage healthy behaviors in tenants and employees living in public housing and multi-family properties. In the end, it was great to see a multi-agency collaboration like this pull together to provide expertise to housing units to successfully implement smoke free policies.

5.3 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 fall newsletter was designed to answer questions and dispel misconceptions about smoking near a drive-thru window. This newsletter was distributed electronically to approximately 10,361 business proprietors, and was received by 9,623 contacts. The spring newsletter explains how the Act applies to pool areas in public settings and apartment complexes. This newsletter was sent to approximately 10,205 recipients via email, and was received by 9,457 contacts.

The two Smoke-Free Arizona newsletters were distributed electronically to an approximate collective total of 20,566 business proprietors throughout Arizona. The distribution of the Smoke-Free Arizona newsletter is a successful and cost-effective educational outreach effort.

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

SMOKE-FREE ARIZONA NEWSLETTER
ARIZONA DEPARTMENT OF HEALTH SERVICES

Volume 8 Issue 2 Fall Edition 2017

The Smoke-Free Arizona Act, A.R.S. 36-601.01 ("the Act") prohibits smoking inside and within 20 feet of entrances, open windows, and ventilation systems of most enclosed public places and places of employment. The Act also regulates smoking in vehicles when the vehicle is owned and operated by the employer during working hours; however, this only applies when the vehicle is occupied by more than one person.

WHILE THE ACT DOES NOT SPECIFICALLY INCLUDE RULES AND REGULATIONS REGARDING DRIVE-THRU WINDOWS, OTHER ASPECTS APPLY TO THIS TOPIC.

WHY IS THE SMOKE FREE ARIZONA PROGRAM ADDRESSING THIS TOPIC?

This topic can be difficult because it includes multiple regulations stated within the Act such as: smoking in private vehicles, smoking by open windows, ventilation systems, and entrances. Secondly, drive-thru windows are prevalent in many places of employment including, but not limited to: fast food restaurants, pharmacies, banks, and other forms of retail stores. Each drive-thru window may differ depending upon the place of business; therefore, making it more difficult to understand if it is prohibited or not.

IS SMOKING AT A DRIVE-THRU WINDOW PROHIBITED?

No, smoking at a drive-thru window is not specifically prohibited by the provisions of the Act especially if smoke is not infiltrating into the business. The Act does not have jurisdiction over private vehicles; therefore, customers are not prohibited from smoking in their privately owned vehicles. Oftentimes, drive-thru windows are self-closing or are equipped with an air curtain to avoid pests or other unwanted infiltration, which in turn prevents smoke from entering the establishment.

AS A BUSINESS PROPRIETOR, CAN I PROHIBIT SMOKING AT A DRIVE-THRU WINDOW?

Business proprietors may implement and enforce workplace policies that are stricter than the Smoke-Free Arizona Act. However, Smoke-Free Arizona Program officials can only enforce the provisions of the Act. Identify whether or not it is likely for smoke to infiltrate your business from customers smoking in their vehicles. Prohibiting smoking by a drive-thru window may prove difficult, but it is important to remember a customer's vehicle is private property. As a proprietor, you have discretion to post a sign asking customers to extinguish and discard their lit tobacco products before reaching the drive-thru window.

DO DRIVE-THRU WINDOWS REQUIRE A 'NO SMOKING' SIGN?

No, they do not require their lit tobacco sign since a window is not an entrance that allows for ingress into the building or egress out of the building. This means a person cannot physically enter or exit through the drive-thru window.

WHAT TO DO IF YOU BELIEVE THE DRIVE-THRU WINDOW IS ALLOWING SMOKE TO ENTER INTO YOUR WORKPLACE?

If you believe smoke from a lit tobacco product is entering into your workplace, consider talking to your employer about the situation. You may recommend your employer installing or replacing a self-closing window or air curtain. You may also contact the Smoke-Free Arizona Program for further questions.

SMOKE FREE ARIZONA

DRIVE THRU OPEN

1-877-429-6676 | SMOKEFREEARIZONA.ORG | SMOKEFREEARIZONA@AZDHS.GOV

Outdoor Swimming Pool Policy
SMOKE FREE ARIZONA

Volume 9 Issue 1 // Spring 2018

Arizona is heating up as the triple digit summer heat is fast approaching! It's pool season and the Smoke-Free Arizona Program would like to inform you of the smoking policies regarding outdoor swimming pools.

Thus, people are allowed to smoke while they are relaxing in the pool area or if they are sun tanning on nearby reclining chairs as long as that smoke is not infiltrating into those common enclosed areas.

Swimming pools may have their own smoking policy set by the proprietor. Multi-family housing residents should follow the smoking policy set by the proprietor of their residential complex. Citizens visiting their public pool should abide by any smoking policy even if the policy is stricter than the Act. Keep in mind that Smoke-Free Arizona Program officials can only enforce the provisions defined in the Act.

According to the Smoke-Free Arizona Act, A.R.S. § 36-601.01, smoking around outdoor swimming pools is allowed as long as smoke is not infiltrating enclosed areas where smoking is prohibited. Enclosed areas near pools may include clubhouses, snack bars, activity centers, offices, bathrooms, or changing rooms.

Smoke-Free Arizona
ADHS

1-877-429-6676
 SMOKEFREEARIZONA.ORG
 SMOKEFREEARIZONA@AZDHS.GOV

5.4 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 and the Hot Spot Liquor Taskforce.

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. The Assistant Attorney General's Office collaborates directly with the Smoke-Free Arizona Program when cases are settled or when they go to administrative hearings. They are the ones issuing Notices of Violation (see Section 3.2) and often executing the final determination of the judge resulting in monetary civil penalties. They can also handle fine collection activities for the Department when a proprietor refuses to pay monetary civil penalties. Our great partnership with the Hot Spot Liquor Task Force is very effective in attaining compliance across a spectrum of regulatory agencies. The Smoke-Free Arizona Program attends meetings and collaborates with the taskforce on joint inspections. Public places and places of employment that are found to be in violation of multiple state and local laws are inspected to ensure good public health practices and safety of patrons. Some of the agencies in the taskforce are police department precincts, the Maricopa County Environmental Health Department, Arizona Department of Revenue, Phoenix city council, gaming department, and local and federal tobacco enforcement.



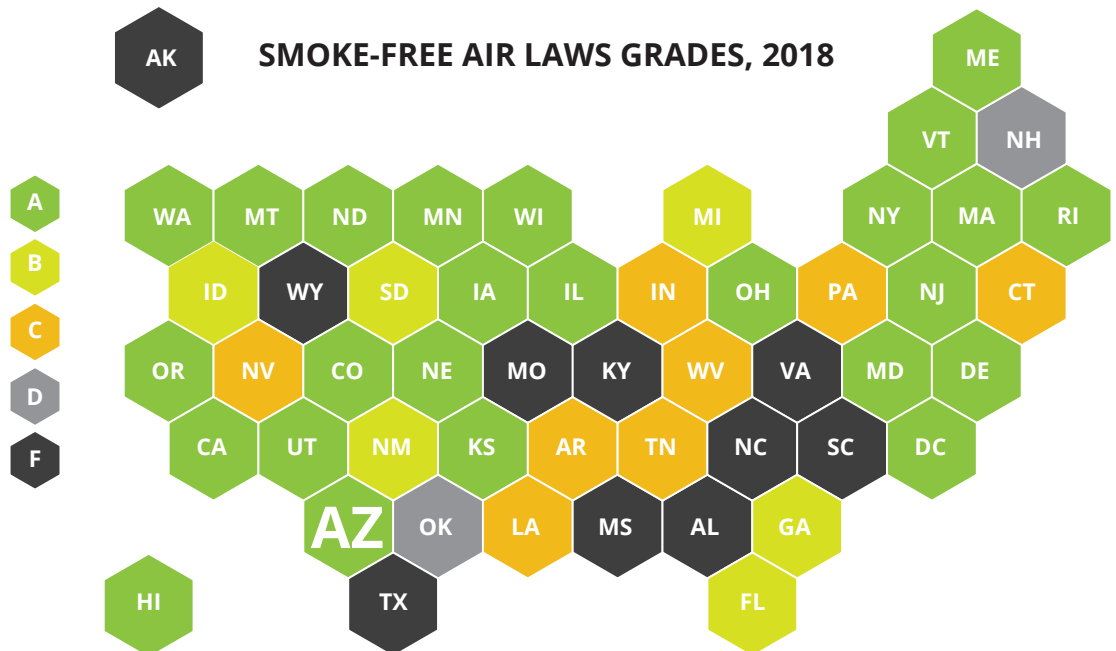
6.0 PROTECTING THE HEALTH OF ARIZONANS

6.1 STATE OF TOBACCO CONTROL REPORT CARD: SMOKE-FREE ARIZONA SCORES A GRADE “A”

The American Lung Association (ALA) State of Tobacco Control report tracks progress on key tobacco control policies at the state and federal level. The ALA 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.



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 eleventh consecutive year, Arizona was one of 25 states to earn a grade A in The American Lung Association State of Tobacco Control 2018 Report, for maintaining a strong and comprehensive enforcement program of the Smoke-Free Arizona Act. 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.

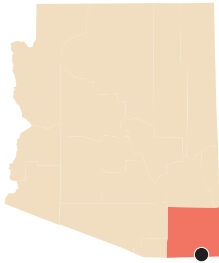


6.2 EMPOWER PROGRAM

Over the years, the Smoke-Free Arizona Program has partnered with the ADHS Bureau of Nutrition and Physical Activity to provide educational materials for the Empower Program. The Empower Program is a nutrition and tobacco-free program that ADHS licensed child care facilities may choose to participate in. ADHS facilities participating in the Empower Program pledge to adopt 10 standards that support healthy eating, encourage active play, prevent exposure to second-and third-hand smoke, practice sun safety and promote good oral health habits in exchange for reduced licensing fees. To meet Standard 10 the facility has to provide and maintain a smoke-free environment. Standard 10 of the Empower Program goes above and beyond the requirements of the Smoke-Free Arizona Act and the Department of Economic Security (DES) Administrative Code. In this Standard, child care facilities are further ensuring a smoke-free environment for the children in their care by writing a smoke-free environment policy. More information about the importance of this standard and a smoke-free sample policy are included on the Empower website. In a continued collaboration, the Smoke-Free Arizona Program provided one “No Smoking” 4 x 6 sticker sign per Empower kit. This year 500 signs were provided and 1,000 of the general brochures, 500 in English and 500 in Spanish, were provided for the Empower kits, which are given to all the Empower facilities to utilize and be in compliance with the Act. Additionally, DES now requires their contractors to implement the Empower Program, resulting in an additional 600 child care homes. In total, approximately 3,000 child care facilities in Arizona now implement the Empower Program, affecting over 220,000 children.



6.3 THE CITY OF DOUGLAS ADOPTS THE TOBACCO 21 INITIATIVE – PREVENTING TOBACCO ADDICTION FOUNDATION



Established in 1996 the Preventing Tobacco Addiction Foundation strives to reduce the terrible toll of smoking and tobacco use through a preventive effort. The belief that tobacco use is a voluntary risk continually undertaken by smokers themselves is belied by the fact that virtually all nicotine use begins in adolescence when experimentation and risk-taking are part and parcel of normal development. This foundation's focus is on raising the legal minimum tobacco sales age to 21.

Led by the Cochise County Youth Health Coalition, a group of 30 local high school students proposed to the City mayor and council to adopt a policy change that would raise the legal age to buy tobacco products to 21 in Douglas. The coalition, also known as DCrew, and who have been active since 2011, have presented their case through countless presentations and dedicated nearly 1600 volunteer hours to the city through various projects and initiatives.

On April 12, 2017, DCrew presented their Tobacco 21 initiative at the monthly mayor and council meeting. They provided education and statistical information regarding the tobacco use rates among middle and high school students.

The coalition proposed the Tobacco 21 ordinance, if passed, will include all tobacco products including electronic nicotine delivery systems and e-juice. On July 12, 2017, Douglas became the second community in Arizona to pass a Tobacco 21 ordinance. This successful policy change is all due to the enormous efforts from the DCrew and truly shows how relentless effort from any age can improve the health of Arizona residents.

[DCrew calls for Tobacco 21](#)

7.0 CONCLUSION

The eleventh year of the Smoke-Free Arizona Act saw a continuous number of inquiries from Arizona citizens and a continued stabilization 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, which 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 eleventh 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, or via email. A total number of 1,148 complaints were filed between May 1, 2017 and April 30, 2018. 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 placed 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 eleventh 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:

MYRNA MOTTA
Program Manager

Smoke-Free Arizona
Arizona Department of Health Services
Office of Environmental Health
150 North 18th Avenue, Suite 140
Phoenix, AZ 85007

(602) 364-3118
myrna.motta@azdhs.gov