

The Smoke-Free Arizona Act

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Smoke-Free Arizona Program
Office of Environmental Health



What is the Smoke-Free Arizona Act?

- Provides that people will not be subjected to secondhand smoke in public places and places of employment.
 - Public places means an enclosed area to which the public is invited or in which the public is permitted.
 - Places of employment means an enclosed area under the control of a public or private employer that employees normally frequent during the course of employment.

Examples

- Public Places
 - Airports
 - Banks
 - Bars
 - Health care facilities
 - Public transportation
 - Restaurants
 - Retail stores
 - Sports facilities
 - Theatres
- Places of Employment
 - Office buildings
 - Work areas
 - Employee lounges
 - Restrooms
 - Conference and meeting rooms
 - Private offices
 - Vehicles

Are we alone? No.

- Currently, 16 states including Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Maine, Massachusetts, Montana, New Jersey, New York, Ohio, Rhode Island, Utah, Vermont, and Washington, as well as the District of Columbia and Puerto Rico, have already passed strong smoke-free air laws.

ADHS Responsibilities -Program

- Design and implement program
 - Make rules
 - Provide an internet website
www.SmokeFreeArizona.org
- Inform persons who own, manage, operate or otherwise control a public place or place of employment of the requirements of this law.
 - Make information available

ADHS Responsibilities -Program

- Provide exclusive toll-free telephone number and e-mail address for information 1.877.AZSTOPS (1.877.297.8677), and smokefreearizona@azdhs.gov
- Beginning June 1, 2008 required to issue an annual report analyzing its activities to enforce the law.

ADHS Responsibilities – Reporting Violations

- Accept written reports of violations
 - Establish exclusive toll-free telephone number and e-mail address(es) for purpose of reporting violations. Person may report violation anonymously.
 - 1.877.4AZNOSMOKE (1.877.429.6676)
 - nosmokingarizona@azdhs.gov

ADHS Responsibilities – Compliance

- If there is reason to believe a violation exists, ADHS or its delegate may enter the regulated location to determine compliance.
- Examples of reason to believe
 - Complaint
 - Personal observation
- May enter places where food or alcohol is served (permitted establishments) at any time.

ADHS Responsibilities - Enforcement

- If violation exists
 - Issue a Notice of Violation to the person who owns, manages, operates or otherwise controls a public place or place of employment.
 - Date and time of violation and department contact person
 - A civil penalty may be imposed.

Places of Employment Responsibilities

- Prohibition on smoking in places of employment shall be communicated to all existing employees by May 1, 2007.
 - Prohibit smoking in business vehicles
- Prohibition on smoking in places of employment shall be communicated to all prospective employees upon their application for employment.
- No employer may discharge or retaliate against an employee because that employee exercises rights related to this law or reports or attempts to prosecute a violation of the law.

Signs Are Required, but...

- "If we see you smoking we will assume you are on fire and take appropriate action."

Places of Employment and Public Places Responsibilities

- Post “No smoking” signs clearly and conspicuously, identifying where smoking is prohibited and where complaints regarding violations may be registered.
 - Signs must also be posted in business vehicles
- Sign must be posted at entrance stating that smoking is prohibited.
- Ashtrays shall be removed from any area where smoking is prohibited.



Thank you for not smoking.



To report a violation or file a complaint:
smokefreearizona.org
1-877-4-AZSMOKE

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Gracias por no fumar.



Para reportar una violación o presentar una queja:
smokefreearizona.org
1-877-4-AZSMOKE

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Places of Employment and Public Places Responsibilities, continued

- Not permit smoking within 15 feet from any entrance (proposed exempt rules)
- Not allow for smoke to enter through windows or ventilation systems.

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 and designated as smoking rooms. Limited to no more than 50% of the rented rooms can be so designated.
- Retail tobacco stores that are physically separated so that smoke cannot go to non-smoking areas.

Exemptions

- Veterans and fraternal clubs when they are not open to the public.
- Religious ceremony related to American Indian religious freedoms.
- Outdoor patios provided that smoke cannot go to non-smoking areas.
- Theatrical performance upon a stage or in the course of a film or television production if the smoking is part of the performance or production.

Civil Penalties

- ADHS shall impose a civil penalty on the person in the amount of not less than \$100, but not more than \$500.
- Considerations
 - Person previously cited
 - Efforts taken to prevent or cure the violation
- Each day constitutes a new violation

Civil Penalties

- If court finds the violations are willful or evidence a pattern of noncompliance, the court may impose a fine of up to \$5,000 for each violation.
- Only applies to those days on which the violations have been documented by ADHS.

Civil Penalties - Appeal

- A person may request a hearing.
 - No further action to enforce and collect assessed fine until hearing is completed.

County and State Initiatives to Educate

- Media campaign.
- Production of signs that will be available free of charge to public places and places of employment.
- Outreach efforts for training on requirements of the law.

Media Campaign

- Radio spots
- Printed materials

Signs

- Available at no charge.
- Contain required information.



Thank you for not smoking.



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1-877-4-AZMOSMOKE

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Outreach

- Chambers of Commerce
- Trade organizations
- Lobbyists
- Employer training

SMOKE FREE ARIZONA ACT



FOR MORE INFORMATION
Arizona Department of Health Services
Office of Environmental Health
(602) 364-3118

Smoke-Free Arizona Information Line
1-877-AZSTOPS

E-mail
smokefreearizona@azdhs.gov

RATIONALE

Protect patrons, employees and people who may be particularly vulnerable to the health risks associated with breathing secondhand tobacco smoke by prohibiting smoking in enclosed public places and places of employment.

SMOKE FREE PLACES INCLUDE

All enclosed areas in public places and places of employment, including restaurants and bars

PLACES WHERE SMOKING IS ALLOWED

- Private residences (except when used as a licensed child care, adult day care, or health care facility)
- Hotel and motel rooms designated as smoking rooms (no more than fifty percent of rooms rented to guests in a hotel or motel are so designated)
- Retail tobacco store (physically separated and independently ventilated so that smoke from retail tobacco stores does not infiltrate nonsmoking areas)
- Veterans and fraternal clubs when they are not open to the general public
- Smoking when associated with religious ceremony practiced 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 by other means
- Theatrical performance upon a stage or in the course of a film production or television production if the smoking is part of the performance or production

BUSINESS OWNER'S RESPONSIBILITIES

- Post "No Smoking" signs that include the contact information for reporting violations
- Remove ashtrays and other smoking receptacles from non-smoking areas
- Inform employees about the new law (existing employees and future employees)
- Prohibit anyone from smoking inside place of business. This includes employees, vendors and customers

VIOLATIONS AND PENALTIES

- Complaints will be investigated by county health departments. If a violation is found, the business owner will receive a warning letter.
- Subsequent violations may be punishable up to \$500 for each violation. Each day a violation occurs constitutes a separate violation. If the superior court finds that violations are willful or there is evidence of a pattern of noncompliance, the court may impose a fine up to \$5,000 per violation.

Rules Process

- Governor's Regulatory Review Council exempt
- ADHS rules analyst prepares draft
- Public Hearings
- Effective May 1, 2007
- Current draft available at www.azdhs.gov/diro/admin_rules/smoke_free.htm

Public Health Reasoning

- Health Effects

- Secondhand smoke exposure causes heart disease and lung cancer in nonsmoking adults. Nonsmokers who are exposed to secondhand smoke at home or work increase their heart disease risk by 25–30 percent and their lung cancer risk by 20–30 percent (CDC).
- Secondhand smoke is a known human carcinogen (cancer-causing agent). More than 50 compounds in secondhand smoke have been identified as known or reasonably anticipated human carcinogens. Secondhand smoke contains at least 250 chemicals that are known to be toxic or carcinogenic.

Health Effects, continued

- Secondhand smoke causes sudden infant death syndrome (SIDS), acute respiratory infections, ear problems, and more frequent and severe asthma attacks in children. Secondhand smoke exposure causes respiratory symptoms in children and slows their lung growth.
- There is no risk-free level of secondhand smoke exposure. Even brief exposure can be dangerous.

Who is effected? Adults and general population

- More than 126 million nonsmoking Americans continue to be exposed to secondhand smoke in homes, vehicles, workplaces, and public places (CDC).
- The California Environmental Protection Agency estimates that secondhand smoke exposure causes approximately 3,400 lung cancer deaths and 22,700–69,600 heart disease deaths annually among adult nonsmokers in the United States (CDC).

Who is effected? Children

- Almost 60 percent of U.S. children aged 3–11 years—or almost 22 million children—are exposed to secondhand smoke (CDC).
- About 25 percent of children aged 3-11 years live with at least one smoker (CDC).
- Secondhand smoke exposure is responsible for an estimated 150,000–300,000 new cases of bronchitis and pneumonia in children aged less than 18 months, resulting in 7,500–15,000 hospitalizations (CDC).
- Secondhand smoke exposure causes 1,900 to 2,700 sudden infant death syndrome (SIDS) deaths in the United States annually (American Lung Association).

Breathe Easy!

This is a law we can live with.

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Questions?

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