

# Maricopa County Policy Assessment: Smoking Ban in Vehicles with Minors

## Executive Summary

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The state of Arizona has been active in tobacco-control efforts for over two decades. In 2006, the Smoke-Free Arizona Act (A.R.S. §36-601.01) outlawed smoking within most enclosed public spaces and places of employment to reduce employees' involuntary exposure to harmful secondhand smoke (SHS). In 2007 and 2010, David Schapira, a member of the Arizona House of Representatives and State Senate until January 2014, attempted but failed to pass bills that would ban smoking in vehicles when minors were among the passengers. Despite research indicating the health risks of both second- and thirdhand smoke to children, especially those with asthma or other lung conditions, only seven states have successfully passed a smoking ban in vehicles with minors thus far.

The purpose of the current study was to conduct research and policy analysis surrounding the issue of smoking in vehicles with minors to assess the feasibility of implementing this type of ban in Arizona and to recommend the best strategies for moving policy efforts forward.

## Evaluation Objectives

Four specific objectives guided the project:

1. Identify and summarize the health risks associated with second- and thirdhand smoke exposure to minors riding in motor vehicles.
2. Review and summarize smoking in vehicles with minors legislation in Arizona and in other states.
3. Prepare priority policy alternatives and identify key stakeholders, policy champions and policy promotion tools to consider.
4. Identify and assess the level of public support in Arizona for a smoking ban in vehicles with minors.

## Study Methodology

Data were collected through a multi-method approach consisting of archival data, key informant interviews, and a statewide, telephone-based public opinion survey.

### *Archival Data*

Data were collected from the research literature regarding the health risks and societal and fiscal impacts associated with second- and thirdhand smoke exposure to minors in motor vehicles. Official and proposed policy language, meeting minutes and recordings, and other documentation were collected to assess smoking in motor vehicles with minors legislation both locally and nationwide.

### ***Key Informant Interviews***

Fourteen key informants participated in face-to-face and/or telephone interviews. These informants, listed below, included lobbyists and legislative liaisons representing county and state-level decision makers as well as community stakeholder groups.

**Candace Alexander**, COPD/Coalition Manager for Northern Arizona and Mary Kurth, Program Director Arizona COPD Coalition

**Mark Bogart**, Senior Policy Advisor, Democratic Caucus, Arizona House of Representatives

**Colby Bower**, Legislative Liaison, Arizona Department of Health Services

**Kristin Cippola**, Legislative Liaison, County Supervisors Association

**Leland Fairbanks**, President, Arizonans Concerned About Smoking

**Barb Fanning**, Director of Government Affairs, Arizona Hospital and Healthcare Association (AzHHA)

**Stuart Goodman**, Principal, Goodman Schwartz Public Affairs

**Bryan Hummel**, Arizona Director of Government Relations, American Cancer Society

**Rebecca Nevedale**, Associate Director, Arizona Chapter of the American Academy of Pediatrics (AzAAP)

**Nicole Olmstead**, Government Relations Director, American Heart Association Arizona

**Beth Rosenberg**, Director of Child Welfare and Juvenile Justice, Children's Action Alliance

**David Schapira**, Assistant Superintendent of East Valley Institute of Technology (EVIT) & former Arizona State Legislator

**Christian Stumfd**, Regional Director of Government Relations, American Lung Association

**Brianne Westmore**, State Director of Program Services, March of Dimes

### ***Telephone Public Poll Surveys***

A telephone-based public opinion survey was conducted to assess statewide attitudes, beliefs, and preferences related to a smoking in vehicles with minors policy. The survey was designed and conducted in coordination with the Behavior Research Center and included both landline and cellular telephones. Interviews were conducted in both English and Spanish with 710 adult heads of household throughout Arizona, including 423 Maricopa County residents, using Computer Assisted Telephone Interviewing (CATI) techniques. Survey responses are weighted by county, political party, and age in order to be more representative of all Arizonans.

## Policy Alternatives

Assessment of policy alternatives included consideration of the following:

1. Age of children to whom the law would apply
2. Classification of the offense (primary or secondary)
3. Enforcement standards
4. Level at which the policy might be passed (city, county, or state)
5. Public support for the policy

## Key Findings

- Each week, approximately 320,000 Arizona children are directly affected by the smoking in cars issue.
- More than 9 in 10 Arizonans agree that secondhand smoke is harmful.
- While Arizona stakeholder organizations support a ban on smoking in vehicles with minors, it is not a high priority issue for them at this time. However, support and interest might increase under certain conditions.
- Smoking in vehicles with minors policies should be attempted at the state level.
- “Nanny state” and “civil liberties” concerns are the two primary oppositional arguments to a smoking in vehicles with minors ban.
- More than 7 in 10 (72%-74%) Arizonans would support a law that bans smoking in cars when children under 18 are among the passengers.
- Arizonans Concerned about Smoking has already begun collecting signatures on a petition to ban smoking in cars with minors.

## Policy Recommendations

1. Put together a coalition of stakeholders to further discuss the issue.
2. Carefully consider whether resources are better spent on legislation or an education and awareness campaign.
3. Focus on implementing the policy at the state level.
4. Conduct an educational campaign.
5. Assess attitudes and beliefs around e-cigarette usage and harm.
6. Monitor the 2014 Governor, Speaker, and Senate President races.
7. Enforce the policy as a secondary offense with civil penalties that begin with a warning, impose increasing fines with subsequent violations, and offer participation in a smoking cessation program.