



**“IT’S A BENEFIT,
NOT A BAN!”**

THE SMOKE-FREE ARIZONA ACT 2022 ANNUAL REPORT

15 Smoke-Free Years!



ARIZONA DEPARTMENT
OF HEALTH SERVICES



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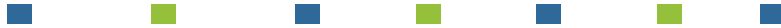


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EXECUTIVE SUMMARY

On November 7, 2006, Arizona voters approved Proposition 201, the Smoke-Free Arizona Act, A.R.S. § 36-601.01. The Law went into effect on May 1, 2007, prohibiting smoking indoors 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 on-stage performances 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 do not correct violations as requested, demonstrate willful violations, or exhibit a pattern of noncompliance with the Act, they are subject to enforcement action.

The Arizona Department of Health Services (ADHS), through delegation agreements with all Arizona 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, 2021, and April 30, 2022, a total of 25,536 educational visits, consultations, and on-site visits were conducted. 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. If in-house policies are established, Smoke-Free Arizona does not have jurisdiction over these policies, and rather it is the responsibility of the business or proprietor to enforce compliance. Between May 1, 2021 and April 30, 2022, a total of 491 complaints, alleging violations of the Smoke-Free Arizona Act, were filed statewide. Most of the complaints were regarding people smoking or having ashtrays located outside within twenty feet of an entrance.

1

SMOKE FREE ARIZONA PROGRAM

Background and History

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 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. The Act went into effect on May 1, 2007.

Smoke-Free Arizona 15th Anniversary

This year, we celebrate 15 years of the Smoke-Free Arizona Act, A.R.S. § 36-601.01! The Smoke-Free Arizona Act became effective on May 1st, 2007. In the past 15 years, 22,321 complaints have been filed among 15 counties, with Maricopa responsible for over half of the total complaints, or 15,432 complaints. Pima County has received the second highest number of complaints at 2,554 complaints. Since the start of the Smoke-Free Arizona Program, 24,658 signage orders have been made and distributed to businesses. Together, ADHS and county health departments have successfully provided 15 years of compliance, enforcement and education for the state of Arizona.

Comprehensive Smoke-Free Law

Although there has been a significant decline in the number of people who smoke, cigarette smoking remains to be the leading cause of preventable death and disability in the United States. In 2007, Arizona became the 10th state to enact a comprehensive smoke-free law that prohibits smoking in all indoor areas of workplaces, restaurants, and bars. Today, 28 states have enacted a comprehensive smoke-free law that applies to workplaces, restaurants and bars. Smoke-free laws and policies help protect those who choose to not smoke from the effects of second-hand smoke. In addition, smoke free laws can assist in helping smokers quit, or prevent the start of smoking tobacco. In fact, Arizona found that the implementation of a comprehensive smoke free policy correlated to reductions in monthly hospital admissions for heart attacks, angina, stroke, and asthma.*

Fast Fact:

Smoking is allowed on outdoor common areas of multi-family housing complexes.

Outdoor common areas may include courtyards, sidewalks, walkways, tennis courts, volleyball courts, basketball courts, playgrounds, or swimming pools.

*https://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/

Smoke Free Arizona Program

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 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 and independently ventilated, so smoke 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.

Only the provisions defined in the Smoke-Free Arizona Act can be enforced. This means that local ordinances or in-house smoking policies are not enforced by the Smoke-Free Arizona Program or its delegated authority. However, business proprietors are permitted to implement in-house smoking policies that are more restrictive than what is said in the Act. It is the responsibility of the business proprietor to enforce these policies, as Smoke-Free Arizona does not have jurisdiction.

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 from 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, ventilation systems, and inside the establishment
- **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
- **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

Fast Fact:

Drive-through windows do not require a ‘No Smoking’ sign since a window is not an entrance that allows for ingress into the building or egress out of the building.

Role and Responsibilities of ADHS

The provisions of the Act assign implementation and enforcement of the Law to ADHS. 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 and taking complaints coming through the smoke-free hotline: 1-877-429-6676, or from the smokefreearizona@azdhs.gov mailbox and the nosmoking-arizona@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 regard to education, compliance, and enforcement
- Initiating enforcement procedures for cases referred by Cochise, Gila, Maricopa, Santa Cruz, and Yavapai Counties

Roles and Responsibilities of the County Health Departments

County Health Departments are Responsible for:

- Providing education and compliance through assisting with advisory, education and compliance visits to public places and places of employment.
- Ensuring uniform compliance with the Law throughout the state with delegation agreements that assist ADHS with education and compliance.
- Partnering with existing Tobacco Prevention and Environmental Health divisions for the counties to incorporate Smoke-Free activities in their routine food and health inspections.
- Demonstrating enforcement activities such as issuing Notices of Violation (NOVs), assessing civil penalty fines, attending administrative hearings, and seeking injunctive relief for the 10 counties who have the delegated authority.
- Providing Smoke-Free Activities to their counties which provide education on the Law, as well as ensure compliance and enforcement of the Act.

Education and Compliance

ADHS and the county health departments work diligently to protect all Arizonans from second-hand smoke exposure and to ensure uniform compliance with the Law throughout the State. Delegation agreements have been signed with all fifteen counties, to assist ADHS with education and compliance. These agreements will be in effect for 15 years. As we celebrate 15 years, this year, new delegation agreements will be imposed. Depending on the infrastructure of

Fast Fact:

The Smoke-Free Program offers six versions of “No Smoking” signs, free of charge. All orders can be placed on the website, smokefreearizona.org.

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. If an environmental health inspector observes a smoking violation during a routine inspection in a food establishment, they will notify the health educator.

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.


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.

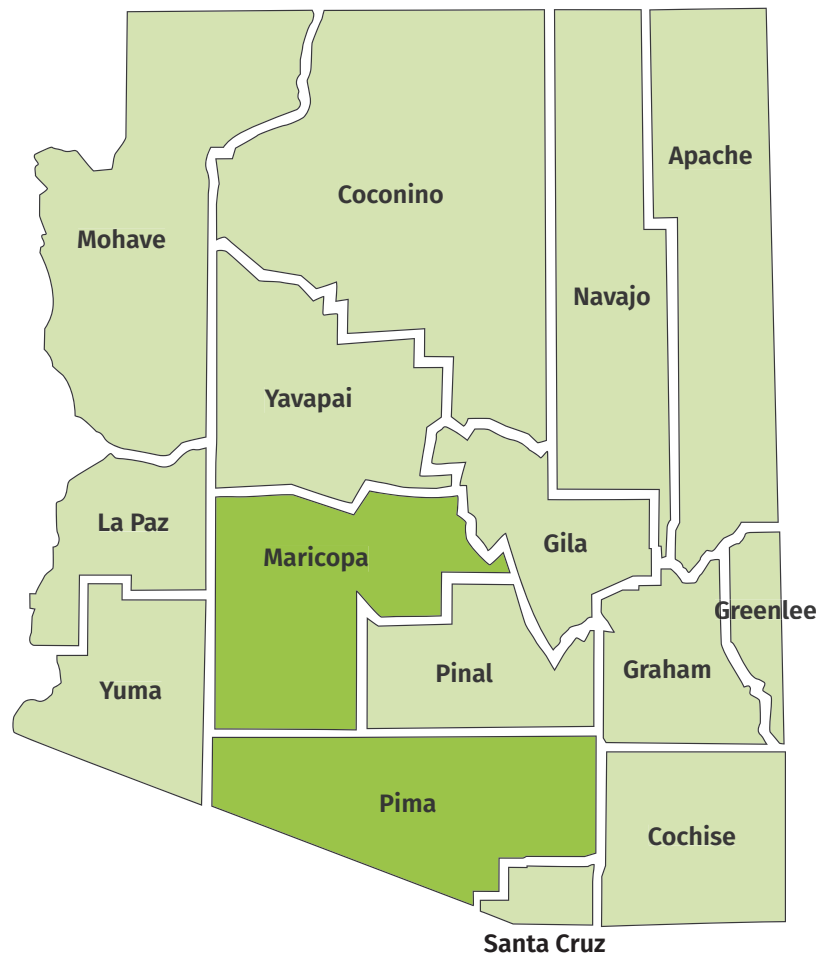
Fast Fact:

The Smoke-Free Arizona Act allows proprietors to designate any area under their control as smoke-free, this may relate to smoke-free campuses, smoke-free apartment complexes or smoke-free outdoor areas.

FIGURE 1.
Enforcement Responsibilities for each County Health Department

 County Enforcement

 Arizona Department of Health Service



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, 2021 to April 30, 2022 was approximately \$2.5 million.

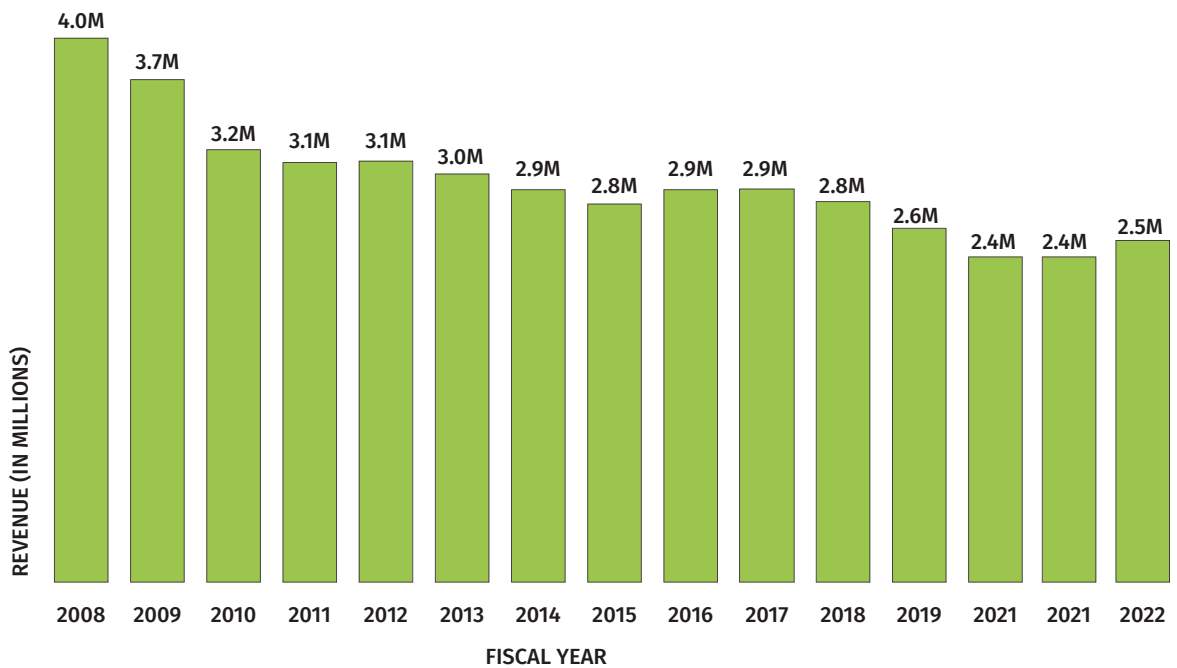


FIGURE 2.

Smoke-Free Arizona Tax Revenue Fund from Fiscal Year 2008 to 2022.

Fast Fact:

The Act does not prevent a political subdivision of the State, such as counties or cities, from adopting ordinances or regulations that are more restrictive than the Act, nor does the Act repeal any existing ordinance or regulation that is more restrictive than the Act. The Act supersedes local ordinances that are less stringent.

2

EDUCATION

As we cross the threshold of the fifteenth year, after implementation of the Smoke-Free Arizona Act, we continue to provide educational information to the public and businesses of Arizona about the Act.

The Smoke-Free Arizona website: www.smokefreearizona.org

The Smoke-Free Arizona (SFA) Program website serves as the main channel of communication with the public, business owners, and other partners throughout Arizona. The SFA website contains detailed information about all the requirements of the Act and how these requirements apply to a variety of indoor and outdoor areas.

Key features of the program are highlighted on the website such as:

- Reporting violations
- Ordering signs
- Information about complying with the law
- Information regarding outdoor areas, residential areas, and exemptions
- Newsletters and Annual Reports
- Administrative rules and statutes
- FAQ's
- Resources

The SFA Act allows concerned citizens to file complaints anonymously regarding alleged violations of the Law. The public may submit complaints directly on the SFA website or they may submit complaints by emailing NoSmokingArizona@azdhs.gov. Allowing the public to file complaints alleging violations of the Law is mandated by the Act and is 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.

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, in which the general public does not use to ingress or egress. 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.

Fast Fact:

Since the Act went into effect, a total of over 22,321 complaints have been filed, and 682,166 signs have been distributed statewide.

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 2021, 872 sign orders were placed by businesses. Signs are distributed to businesses during complaint inspections, advisory visits, educational visits, and routine inspections conducted by county health educators and health inspectors. In 2021, a total of 28,000 signs were distributed statewide. The demand for free signs has remained steady over the years.

Fast Fact:

Smoking around outdoor swimming pools, such as the ones in apartment complexes or condominiums, is allowed as long as smoke is not entering into enclosed common areas where smoking is prohibited. Swimming pools may set their own smoking policy.



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, 2021 and April 30, 2022, a total of 25,536 educational visits and consultations were conducted.

The Smoke-Free Arizona Program tracks and documents all advisory visits and consultations 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 with which proprietors must comply.

During advisory visits, the Smoke-Free Arizona Program often assists businesses that build an outdoor patio for patrons to be in compliance with the outdoor patio exemption criteria. 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.

3

OUTREACH

Reaching Out to Public Places and Places of Employment

Between May 1, 2021 and April 30, 2022, the ADHS Smoke-Free Arizona Program Specialists, as well as county health educators and county environmental health specialists, conducted 10 educational presentations. Health educators and program representatives conducted presentations and disseminated information to employers and community partners. All combined, an estimated 719 people were reached through these educational efforts.

Educational Newsletter

In a continued effort to disseminate information about the Act, a new SmokeFree Arizona newsletter was created and distributed to citizens and businesses of Arizona during the last year. In the Fall of 2021, a newsletter was designed to inform communities of the partnership that ADHS holds with each county in Arizona and was sent to 10,606 recipients via email. Then, in the Spring of 2022, a newsletter was sent to 10,392 recipients, to celebrate the fifteenth anniversary of the Smoke-Free Arizona Act. The distribution of the Smoke-Free Arizona newsletter is a successful and cost-effective educational outreach effort. The image below is the copy of the Smoke-Free Arizona Fall and Spring Newsletter.

Fast Fact:

If a violation is found, the business owner will receive a warning notice and is subject to fines between \$100 to \$500 per violation per day or up to \$5,000 per violation per day if a Superior Court determines there is a pattern of noncompliance.



In the past two years, outreach efforts have changed throughout the state. With COVID-19, health fairs were unable to take place and in-person educational visits occurred less frequently. County Health Departments and ADHS have relied on virtual outreach efforts in order to educate the public on the Smoke-Free Arizona Act. Although COVID-19 interrupted some activities, counties continued successful outreach and education efforts through sending letters and e-mails to businesses to promote and improve compliance. In addition, virtual educational visits were delivered to businesses upon request. In October of 2021, ADHS was able to host a state-wide training which instructed county department representatives and inspectors on the SFA program, the Act, inspection techniques and educational opportunities. Lastly, the Smoke-Free Arizona hotline continues as a resource which effectively educates the public through multiple different call inquiries. Although outreach may look different, ADHS and county health departments are able to ensure the public and proprietors are educated on the Act.

4

COMPLIANCE

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. This year, Arizona 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 for patrons or employees that meet the exemption criteria, provide designated smoking areas, and establish in-house smoking policies that are more strict than the Act to accommodate their employees and customers.

Complaint Numbers Stabilize With Increased Compliance throughout Arizona

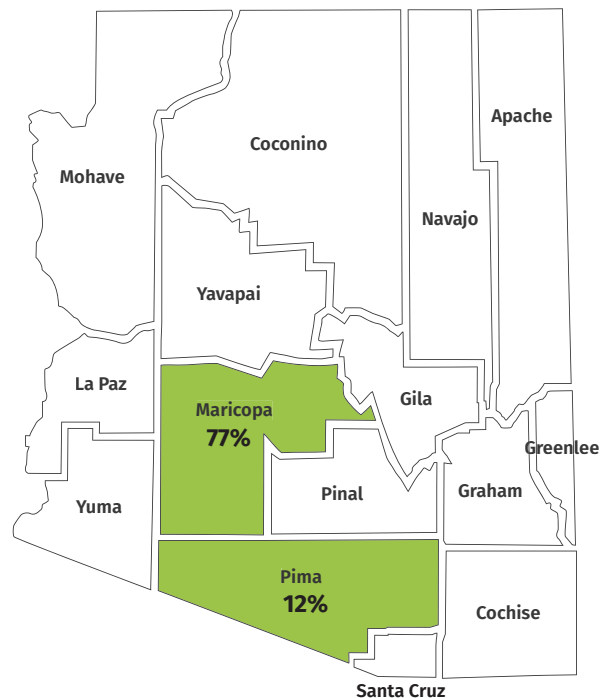
The ADHS Smoke-Free Arizona Program continues to encourage members of the public to report violations of the Smoke-Free Arizona Act. Complaints can be filed by one of the following:

Between May 1, 2021 and April 30, 2022, a total of 491 complaints alleging violations of the Smoke-Free Arizona Act were filed statewide. The number of complaints filed this year resulted in a small increase when compared to last year’s total of 405 complaints. Complaint numbers decreased significantly since 2020 possibly due to aspects related to the COVID-19 pandemic.

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 or the presence of ashtrays located outside within twenty feet of an entrance.

Of the 491 complaints received, 439 (89%) of these complaints were in Maricopa and Pima counties. There were 380 complaints (77%) in Maricopa county and 59 complaints (12%) in Pima county.

FIGURE 4.
Top two counties with the highest percentage of complaints between May 1, 2021 to April 30, 2022.

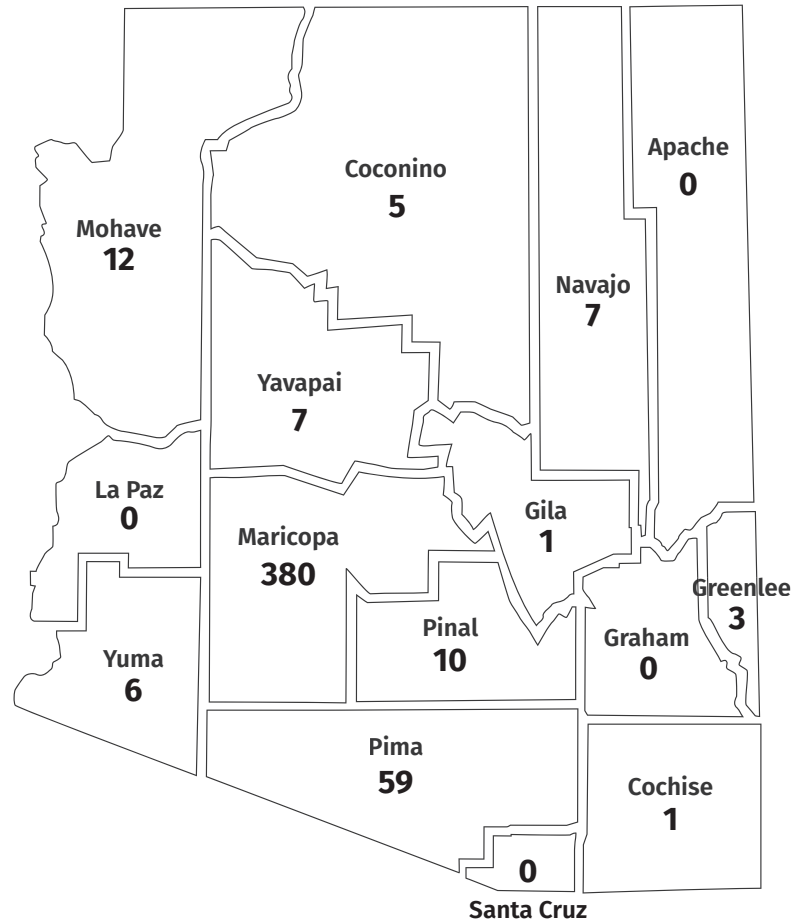


Tip for going Smoke-Free

- Discuss the Law at a staff meeting or distribute a memo to staff explaining the Law (fact sheet available online at smokefreearizona.org)

Yearly complaint numbers have been consistent since May 1, 2008, averaging around 1,100 to 1,200 complaints over the past 14 years. 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 5.
Comparison of
complaints filed
statewide
between
May 1, 2021 to
April 30, 2022



**Tip for going
Smoke-Free**

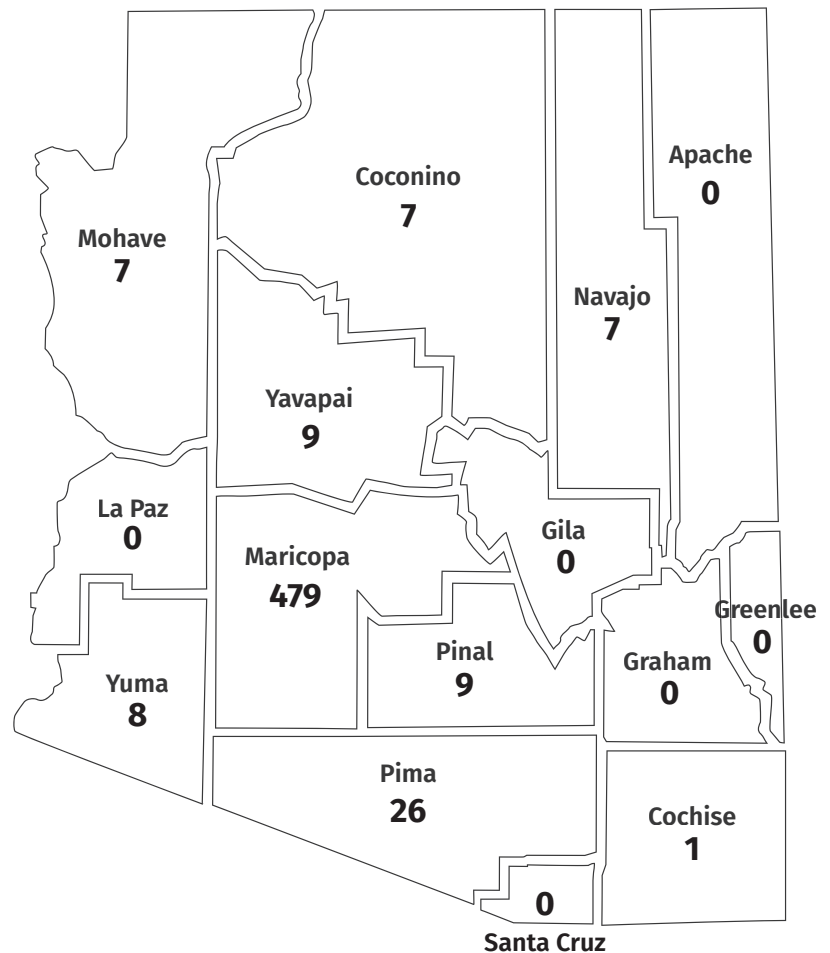
- Add a “No Smoking” policy to employee manual

Investigation

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, 2021 to April 30, 2022, there were 553 complaint inspections conducted statewide.

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 corrective actions have been made. Re-inspections have proven to be an effective approach in gaining compliance. A complaint is closed once, compliance is achieved by the business. When necessary, Smoke-Free Arizona Specialists go in pairs to perform inspections, for safety and efficiency. Occasionally, the county health departments request assistance during difficult inspections. When confronted with evidence of violations, some proprietors are reluctant to perform the necessary corrective actions. In these cases, 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 gain compliance through joint inspections. Once an inspection is complete, complaint investigation findings are entered into a database that can be accessed by Smoke-Free Arizona Program officials only. Complainants may follow-up on their complaints by calling the ADHS Smoke-Free Arizona Program or their county health department.

FIGURE 6.
Number of
Inspections per
county between
May 1, 2021 to
April 30, 2022



Tip for going
Smoke-Free

- Explain that the Law doesn't prohibit smoking, it protects the health of employees and customers

5

ENFORCEMENT

Initiating Enforcement Action

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. Ten of the fifteen Arizona county health departments have 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 1)

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 (NOVs) 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. Zero NOVs were issued statewide between May 1, 2021 and April 30, 2022. Historically proprietors enter settlement agreements 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. 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, 2021 and April 30, 2022, there were no administrative hearings held for ADHS. Additionally, no new cases were brought before the Superior Court for injunctive relief this year

Tip for going Smoke-Free

- Include articles in your employee newsletter about the requirements of the Law and the health effects of secondhand smoke

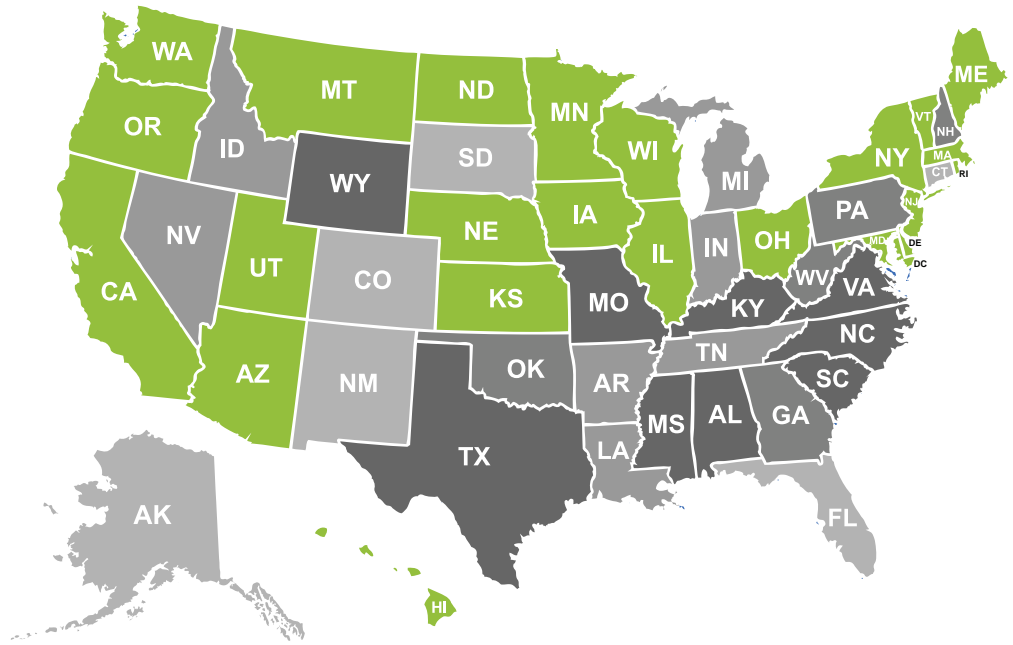
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PROTECTING THE HEALTH OF ARIZONANS

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

American Lung Association.
State of Tobacco Control

Smokefree Air Laws



lung.org/research/sotc

GRADES: **A** B C D F I

Tips for going Smoke-Free

- Distribute information about the Law as a paycheck insert
- Provide assistance to your employees who want to quit

The American Lung Association (ALA) State of Tobacco Control tracks progress on key tobacco control policies at the state and federal level. The ALA continues to lead legislative efforts and to ensure tobacco education and prevention remains among the state’s top priorities. Each year, A grade is assigned to tobacco control laws and regulations enacted, based on recognized criteria for effective tobacco control measures. A grade of “A” is assigned for excellent tobacco control policies while an “F” indicates inadequate policies. This year, once again and for the fifteenth consecutive year, Arizona was one of the states to earn a grade A in The American Lung Association State of Tobacco Control 2022 Report for smoke-free air. Through maintaining a strong and comprehensive enforcement program of the Smoke-Free Arizona Act, Arizona remains one of the 22 states who received an “A” grade. 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.

Empower Program

Over the past few years, the Smoke-Free Arizona Program has partnered with the ADHS Bureau of Nutrition and Physical Activity (BNPA) to provide educational materials for the Empower Program. Empower is a set of 10 standards designed to promote nutrition, health, and wellness in Arizona child care facilities. ADHS licensed facilities participating in the Empower Program pledge to adopt 10 standards that support healthy eating, breastfeeding, encouraging active play, preventing exposure to second-and third-hand smoke, practicing sun safety and promoting good oral health habits in exchange for a 50% reduction in licensing fees. To meet standard #10, the facility has to provide and maintain a smoke-free environment. Standard #10 of Empower 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, additional resources, and a smoke-free sample policy are included on the Empower website. Approximately 300 licensed new child care facilities are opened each year. Additionally, DES now requires Empower enrollment for all of their contracted child care facilities, including approximately 600 family child care homes. Throughout the state, almost 3,000 child care facilities, serving over 220,000 children, now participate in the Empower program, and all receive information about the SFA Act. Lastly, Smoke-Free materials are distributed throughout the state at early care and education conferences and Empower exhibit opportunities.

7

CONCLUSION

Partnerships with county health educators and county environmental health inspectors provided education and timely complaint assistance to citizens and business owners throughout their communities. By raising awareness of the Act, through educational outreach, compliance assistance during complaint inspections, advisory visits, health fairs, and conferences, our efforts result in a higher level of compliance. For the fourteenth 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 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 491 complaints were filed between May 1, 2021 and April 30, 2022. Most of the complaints, as in years past, were regarding people smoking outside, but within 20 feet of an entrance, or the presence of an ashtray placed outside, within 20 feet of an entrance. We are pleased to report that the fifteenth 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
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