

ANNUAL REPORT 2019



**IT'S A
BENEFIT,
NOT A
BAN**



ARIZONA DEPARTMENT
OF HEALTH SERVICES



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State of Arizona

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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 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 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, 2018 and April 30, 2019, a total of 22,094 educational visits, consultations, and on-site visits were conducted. Many business proprietors have taken 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.

Between May 1, 2018 and April 30, 2019, a total of 1,123 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.

A total of five NOVs were issued statewide between May 1, 2018 and April 30, 2019, three of which were issued by Yavapai County Health Department and two which were issued by Mohave County. No new cases were brought before the Superior Court for injunctive relief this 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.

1.1 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 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
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1.0 Smoke-Free Arizona Program

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

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

Removing

all indoor ashtrays and smoking receptacles, and moving all outdoors ashtrays and smoking receptacles at least 20 feet away of entrances

Posting

the required “No Smoking” signs at every entrance into the establishment

Educating

all existing and prospective employees about the Act

Prohibiting

anyone, such as employees, vendors, visitors, and customers from smoking within 20 feet of all entrances, open windows, and ventilation systems, and inside the establishment

Informing

violators by politely requesting that they extinguish their lit tobacco product or that they smoke outside at least 20 feet away from the entrance, open window, or ventilation system

If 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. The Office of Environmental Health, due to its extensive experience with education, inspections, investigations, and enforcement, oversees the Smoke-Free Arizona Program.

The Smoke-Free Arizona Program is responsible for:

Providing free signage to businesses

Maintaining the Smoke-Free Arizona website: www.smokefreearizona.org

Answering inquiries coming through the information line: 1-877-297-8677, or from the smokefreearizona@azdhs.gov mailbox

Taking complaints coming through the complaint line: 1-877-429-6676, or from the nosmokingarizona@azdhs.gov mailbox

Conducting on-site advisory visits

Maintaining a statewide database used by the county health departments for complaint investigations and referrals

Providing training to new and existing health educators and environmental health inspectors

Providing educational materials to county health departments

Assisting county health departments during complaint investigations or advisory visits by riding along with the health educators or the environmental health inspectors

Providing guidance to the county health departments with regard to education, compliance, and enforcement

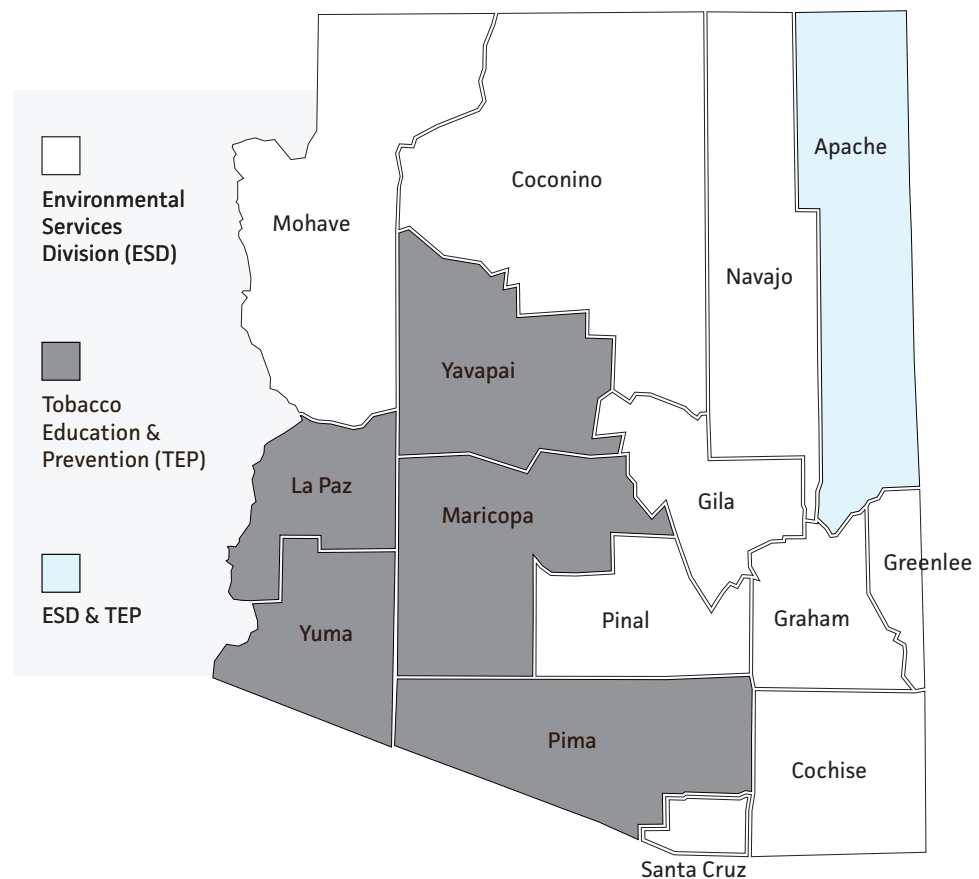
Initiating enforcement procedures for cases referred by Cochise, Gila, Maricopa, and Yavapai Counties

1.3 Roles and Responsibilities of the County Health Departments

1.3.1 Education and Compliance

ADHS and the county health departments work diligently to protect all Arizonans from secondhand smoke exposure and to ensure uniform compliance with the Law throughout the State. Delegation agreements have been signed with all 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



1.0 Smoke-Free Arizona Program

Environmental Services Division

The Environmental Services Division is the lead program for education and compliance in Cochise, Coconino, 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 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 Programs:

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.

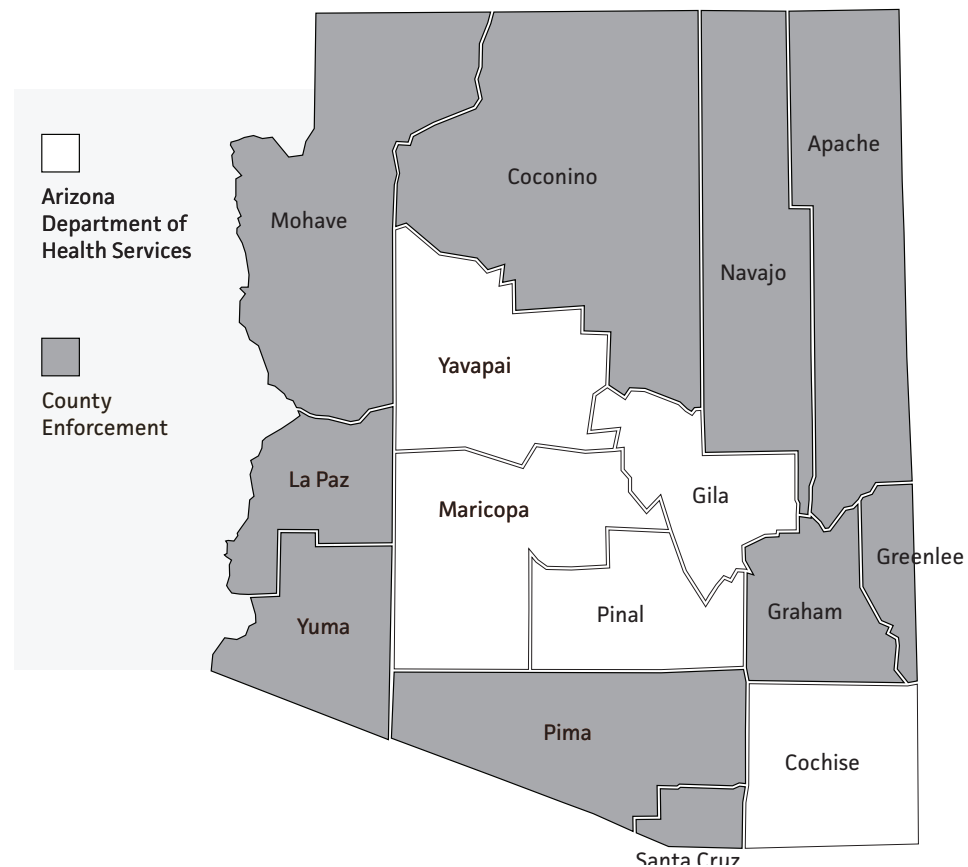
Santa Cruz County

In 2017, 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

Eleven 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, Santa Cruz, and Yuma. For these counties, the delegation agreement delineates the enforcement duties and additional funding is provided to support these duties.

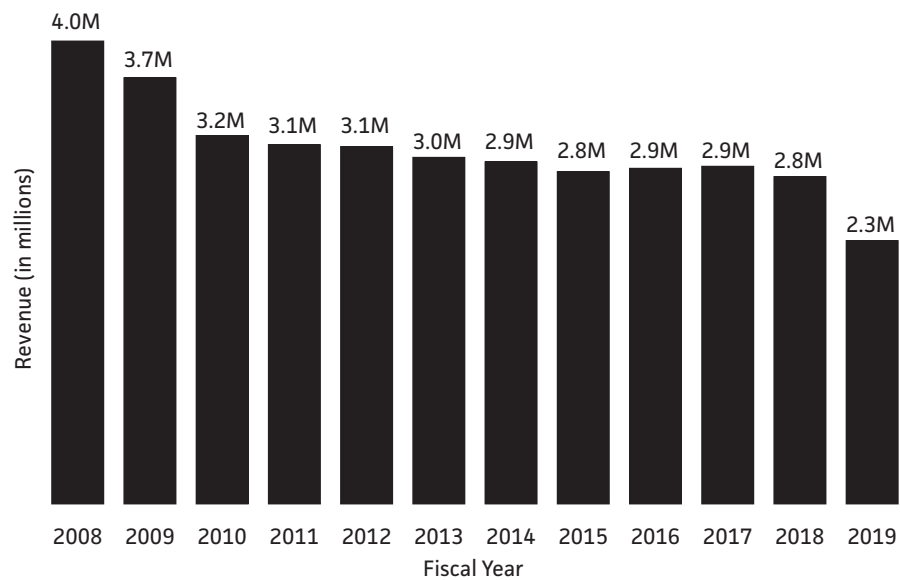
For the remaining four counties, Cochise, Gila, Maricopa, and Yavapai, ADHS provides assistance for enforcement. This means that once a pattern of noncompliance is documented, or there is evidence of willful violation of the Act, the county health department refers the case to ADHS for enforcement. The 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, 2018 to April 30, 2019 was **\$2,250,670.71**.

Figure 3. Smoke-Free Arizona Tax Revenue Fund from Fiscal Year 2008 to 2019.






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.

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, 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

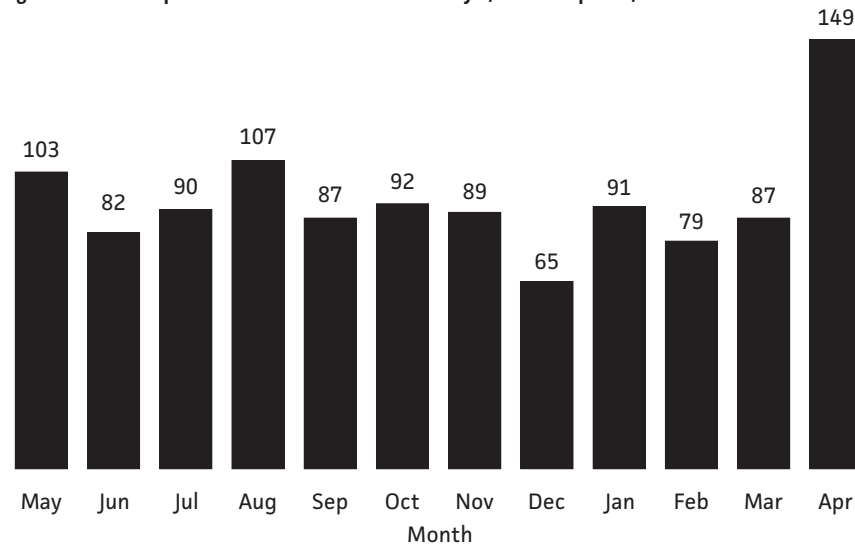
The ADHS Smoke-Free Arizona Program continues to encourage members of the public to report violations of the Smoke-Free Arizona Act. Complaints can be filed by one of the following:

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

Between May 1, 2018 and April 30, 2019, a total of 1,123 complaints, alleging violations of the Smoke-Free Arizona Act, were filed statewide. The number of complaints filed this year resulted in a decrease when compared to last year’s total of 1,148 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 or the presence of ashtrays located outside within twenty feet of an entrance.

Figure 4. Total Complaints Filed Statewide between May 1, 2018 to April 30, 2019



Of the 1,123 complaints received, 958 (85%) of these complaints were in Maricopa and Pima counties. There were 837 complaints (75%) in Maricopa county and 121 complaints (10%) in Pima county.

Figure 5. Top two counties with the highest percentage of complaints between May 1, 2018 to April 30, 2019.

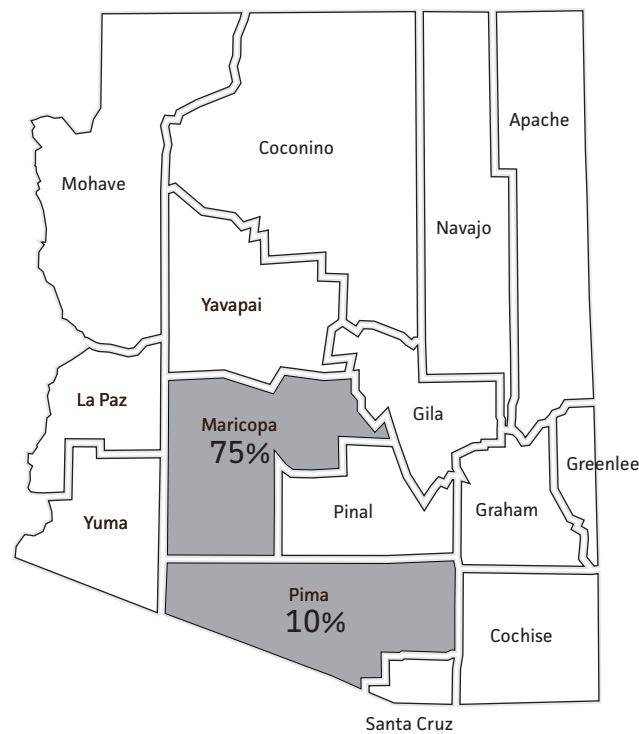
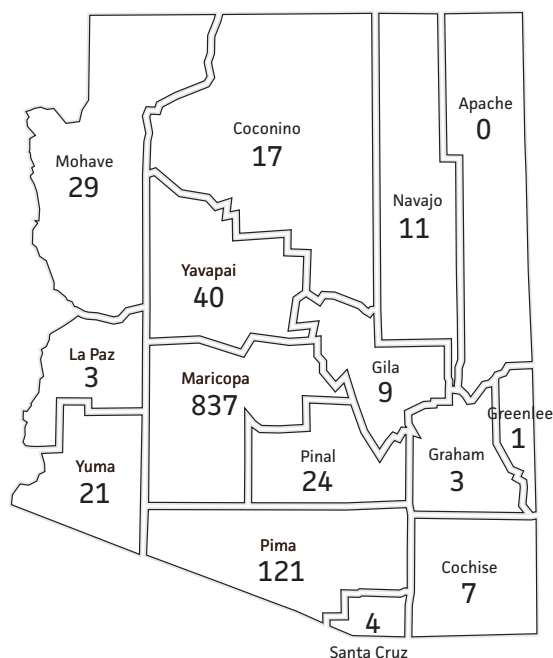
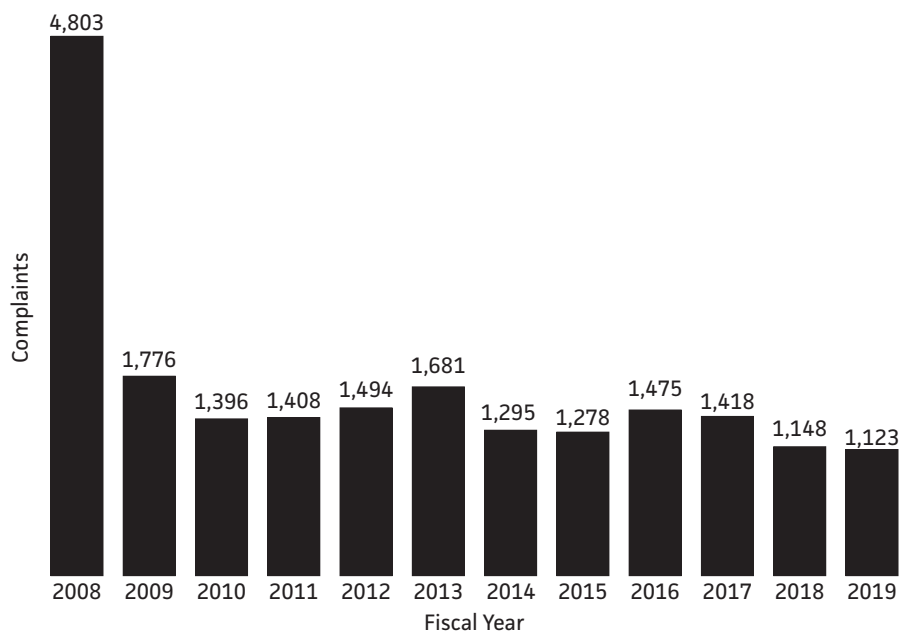


Figure 6. Comparison of complaints filed statewide between May 1, 2018 to April 30, 2019



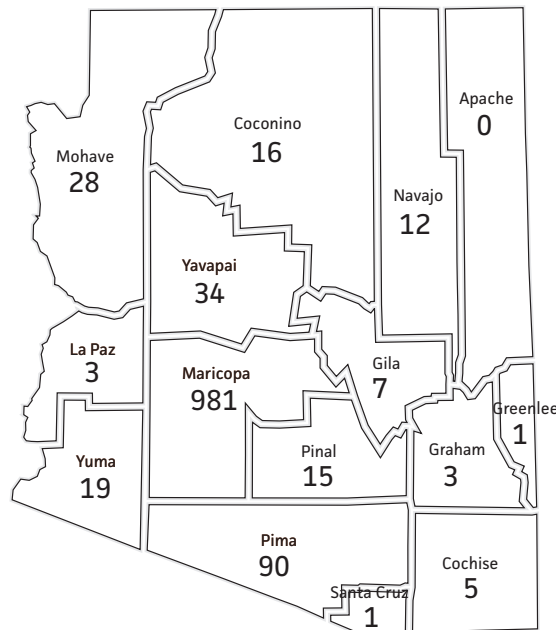
With the exception of year 1, May 1, 2007 – April 30, 2008, which showed 4,803 complaints filed, yearly complaint numbers have been consistent since May 1, 2008, averaging 1,408 complaints per year. Efforts to educate business owners and to incorporate compliance checks into routine food safety inspections continue to result in maintaining a steady number of complaints and thus continuing to achieve compliance statewide.

Figure 7. Number of Complaints per county between May 1, 2008 and April 30, 2019



2.3 Investigation

Figure 8. Number of Inspections per county between May 1, 2018 and April 30, 2019



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, 2018 to April 30, 2019, 1,214 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 corrective actions have been made. Re-inspections have proven to be an effective approach in gaining 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 are hesitant 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.

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.

3.1 Initiating Legal Procedures

Eleven 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, Santa Cruz, and Yuma Counties. The ADHS Smoke-Free Arizona Program is responsible for enforcement in the remaining four counties, including Cochise, Gila, Maricopa, 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”) and may be assessed a civil penalty, including 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 (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. A total of five NOVs were issued statewide between May 1, 2018 and April 30, 2019, three of which were issued by the Yavapai County Public Health Services District and two were issued by Mohave County Health Department. 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, 2018 and April 30, 2019, there were no administrative hearings held for ADHS. Additionally, no new cases were brought before the Superior Court for injunctive relief this year.

As we cross the threshold of the twelfth 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

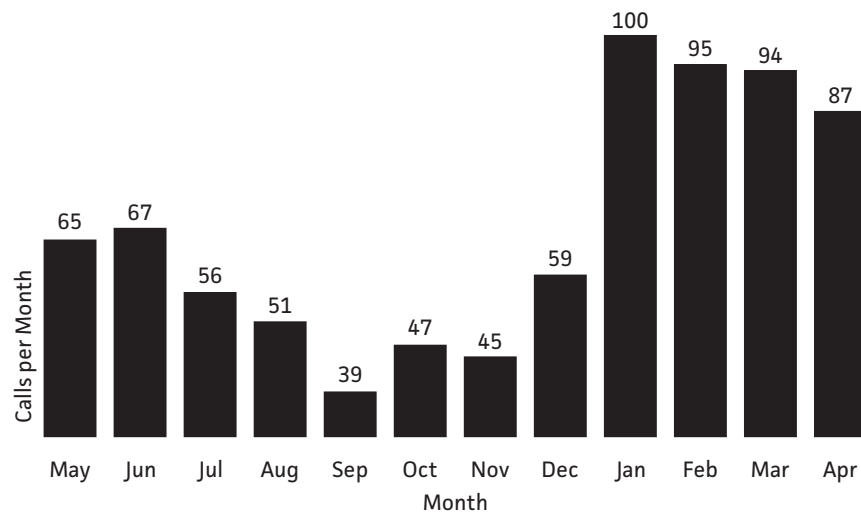
Individuals may submit complaints directly on the Smoke-Free Arizona website or they may submit a complaint by emailing NoSmokingArizona@azdhs.gov. The Smoke-Free Arizona Act allows concerned citizens to file complaints anonymously. Allowing citizens to file complaints alleging violations of the Law is not only mandated by the Act but 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 805 calls were received between May 1, 2018, and April 30, 2019. Sixty-three percent of the calls received were inquiries about the Smoke-Free Arizona Act, while the remaining calls were either requests for free signage or individuals reporting violations of the Act.

Figure 9. Number of calls received between May 1, 2018 and April 30, 2019



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

Calls	%	Five Top Types of Calls	
SFA Inquires to Hotline	63%	Multi-Family housing / private residences	
Place to file a complaint	20%	The twenty-foot rule	
Order No Smoking Signs	17%	Sign requirements	
		E-Cigarettes and Vaping	
		Local ordinances and in-house policies	

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 2019, **996** 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 2019, a total of **40,750** 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 **44,144** signs yearly over the last ten years.



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, 2018 and April 30, 2019, a total of 22,094 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 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.

5.1 Reaching Out to Public Places and Places of Employment

Between May 1, 2018 and April 30, 2019, the ADHS Smoke-Free Arizona Program Specialists, as well as county health educators and county environmental health specialists, conducted **225** 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 **159,065** 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 reach out to large employers and distribute information at wellness health fairs.

This year, the Smoke-Free Arizona Program attended the Highway Patrol Public Safety Health Fair at the State Fair, the Arizona Environmental Health Association Conference, Independence High School Health Fair, Phoenix Children's Hospital Play it Safe Fair, and the Arizona Immunization Conference.

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 2019 county health department assessments were concluded by December 2019. 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 continue to prove valuable in ensuring the health of Arizonans.



5.2 Reaching out to the Community: Success Stories

Coconino County: Health Education to vulnerable population

Smoke-Free Arizona staff was involved in two new Tobacco Education pilot projects in 2018-19; (1) Saturday School and (2) Recovery Court.

Saturday School Classes are a collaboration with Flagstaff Unified School District in which students who have been caught with tobacco products, including e-cigarettes, and/or other substances are assigned to a quarterly diversion program to amend for breaking school policy. Coconino County Tobacco and Chronic Disease Prevention and SFA staff worked together to develop a program geared to meet the educational needs of the high school and middle school students. Saturday classes were taught twice, reaching 13 youth, with plans to continue quarterly sessions.

The Recovery Court program was also a joint venture with Coconino County Justice Court. Recovery Court is a diversion program, which offers reduced or deferred prosecution to individuals arrested on drug/alcohol-related crimes. Participants attend mandatory educational and counseling sessions, one of which is now dedicated to tobacco and nicotine cessation information. Coconino County Staff provided education on nicotine addiction including smoking, smokeless tobacco, vaping and cessation. It was deeply moving to see successful participants graduate from the program.

It should be noted that both of these programs came to fruition due to requests made by the partnering agencies. This is an indication of how widely known and regarded the education services provided by the Smoke-Free Arizona Program are throughout the area.

Smoke-Free Arizona staff was involved in six presentations/tabling events on the Navajo and Hopi Reservations reaching 394 individuals. Three Tobacco 101 presentations were given to Tonalea Day School 6-8 grade students on such topics as the difference between traditional tobacco and commercial tobacco, health effects of tobacco use, smokeless tobacco, vaping/juuling, nicotine addiction, and empowerment. Staff attended two health fairs in Kykotsmovi and Tuba City and a Family Fun Day event in Tuba City.

Smoke-Free Arizona staff also partnered with AZ Fit Zone during the summer of 2018 to pass out healthy lunches in Flagstaff and the Town of Tusayan. Youth also participated in physical activities such as basketball, badminton, and soccer.

Overall SFA staff completed a total of 31 presentations/tabling events reaching 1169 individuals.

Maricopa County: Success through partnership

Maricopa County Smoke-Free Arizona Team delivered worksite wellness and educational trainings last quarter to Healthy Arizona Worksite Program (HAWP 101). Each participant was offered an advisory visit at their worksite locations. A connection was made with Peoria School District decision making personnel. Meetings were scheduled with each school to evaluate each location's compliance with the Smoke-Free Law. Based on those relationships, Maricopa County Smoke-Free Arizona Team completed forty-three (high school and elementary) schools and four District buildings for the Peoria Unified School District. Through this outreach, all schools in the Peoria Unified District are now in compliance with A.R.S. 36-601.01. This effort has laid the groundwork to reach multiple districts in Maricopa County.

La Paz: Employees and Customers; Health Above the Law

La Paz County received a complaint with smoking violations concerning a hotel establishment. The anonymous complaint indicated that the establishment was in violation of the Smoke-Free Act, as people were seen smoking where prohibited on hotel property. When the inspection was conducted to validate the complaint, it was found that all the hotel rooms were designated as smoke-free, but the hotel did not have signage posted throughout the property stating that. Additionally, the smoking area was not located 20 feet away from some of the rooms (as required by the Act). During the inspection, it was observed 20-30 large dirt filled pots that had no plants in them which were being used as ash receptacles in front of the rooms.

The manager took this opportunity to take the Smoke-Free Act recommendations and ideas to the corporate office. This resulted in great changes such as ordering and installing signs that say "No smoking except in designated areas", moving the designated smoking area more than 20 feet away from the rooms and working on filling the large planters with additional soil and plants to discourage guests using them as ashtrays. These changes have proven very beneficial and the hotel maintenance has experienced a huge improvement in cigarette litter around the property.

While it took some time to put all of these changes in place, La Paz County Smoke-Free Team is pleased to know that there are some businesses willing to go beyond what the law requires and voluntarily make some small changes to ensure the health of their customers and employees.

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. This year, the ADHS Smoke-Free Program changed the method of distribution of this newsletter. The program is beginning to grow a new list of electronic subscribers. In the spring of 2019, a newsletter designed to clear the air about outdoor areas reached 135 subscribers via email. 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 Summer 2019 newsletter.



5.4 Working with Smoke-Free Arizona Partners

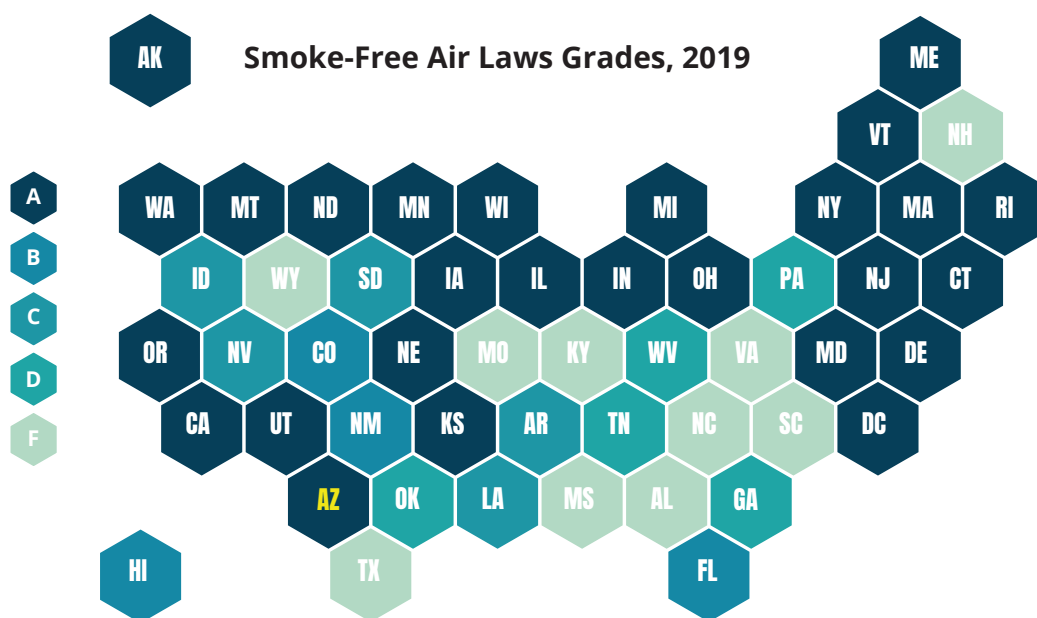
Some of the most important and constant partnerships the Smoke-Free Arizona Program have been with the county health departments and other community partners such as the Arizona Attorney General's Office and the Hot Spot Liquor Taskforce.

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 fails 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 the safety of patrons. Some of the agencies in the task force are police department precincts, fire departments, the Maricopa County Environmental Health Department, Arizona Department of Revenue, Phoenix city council, the Arizona Gaming Department, and local and federal tobacco enforcement.

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

The American Lung Association (ALA) State of Tobacco Control 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 twelfth consecutive year, Arizona was one of 24 states to earn a grade A in The American Lung Association State of Tobacco Control 2019 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 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.

In continued collaboration, the Smoke-Free Arizona Program provides Empower with a variety of supportive stickers, signs and brochures in both English and Spanish. 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 one 'No Smoking' 4-6 sticker as well as brochures and posters as requested. Lastly, Smoke-Free materials are distributed throughout the state at early care and education conferences and Empower exhibit opportunities.



7.0 Conclusion

This year, the Smoke-Free Arizona Program 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. Raising awareness about the Act results in higher levels of compliance. This was achieved in various ways including but not limited to: educational outreach, compliance assistance during complaint inspections, advisory visits, health fairs, conferences, and the media. For the twelfth 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 1,123 complaints were filed between May 1, 2018 and April 30, 2019. 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 twelfth 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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