



ARIZONA DEPARTMENT  
OF HEALTH SERVICES

**SMOKE  
FREE  
ARIZONA**

**SMOKE FREE ARIZONA**  
**IT'S A BENEFIT,  
NOT A BAN**  
**ANNUAL REPORT 2024**



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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 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, 2023, and April 30, 2024, a total of 31,117 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, 2023 and April 30, 2024, a total of 427 complaints, alleging violations of the Smoke-Free Arizona Act, were filed statewide. Most of the complaints were regarding missing “No Smoking” signs for enclosed spaces.



# 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.

## 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, smokefree 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.<sup>1</sup>

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<sup>1</sup>[https://www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/secondhand\\_smoke/protection/improve\\_health/index.htm](https://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/protection/improve_health/index.htm)



# SMOKE-FREE ARIZONA PROGRAM

## 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.

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



# SMOKE-FREE ARIZONA PROGRAM

## Roles and Responsibilities of the ADHS

The Smoke-Free Arizona Program is responsible for:

- Providing free signage to businesses
- Maintaining the Smoke-Free Arizona website: [www.smokefreearizona.org](http://www.smokefreearizona.org)
- Answering inquiries and taking complaints coming through the smoke-free hotline: 1-877-429-6676, or from the [smokefreearizona@azdhs.gov](mailto:smokefreearizona@azdhs.gov) mailbox and the [nosmokingarizona@azdhs.gov](mailto: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, 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.



# SMOKE-FREE ARIZONA PROGRAM

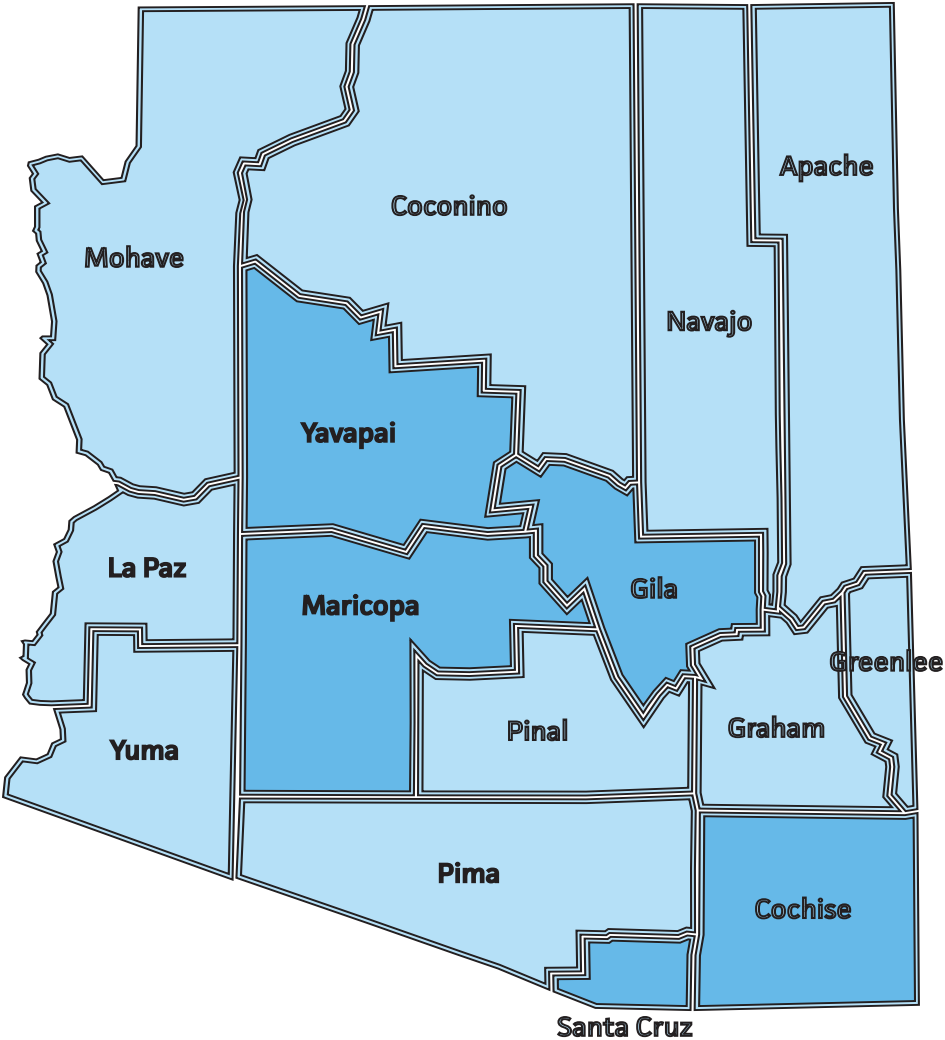
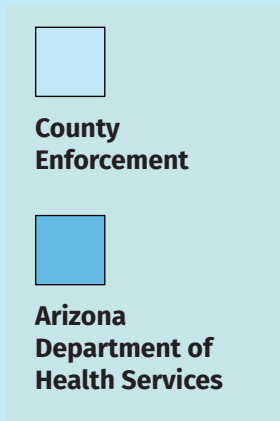
## Education and Compliance

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. These agreements will be in effect for 17 years. As we celebrate 17 years, this year, new delegation agreements will be imposed. 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. 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.

**FIGURE 1.**  
Enforcement  
Responsibilities for each  
County Health Department







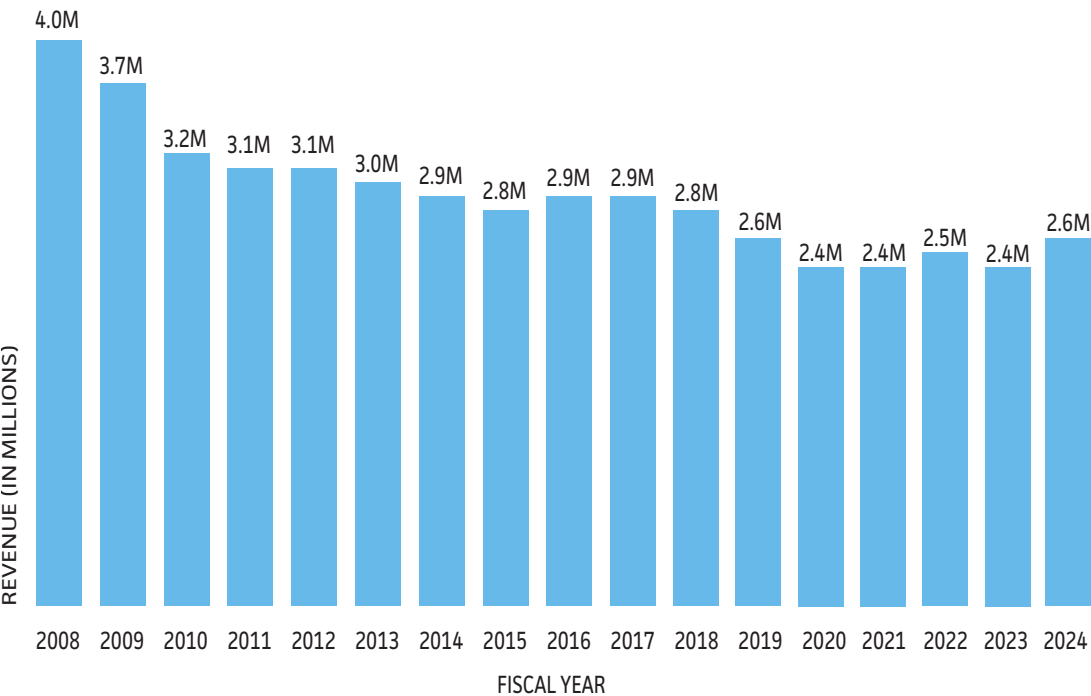
# SMOKE-FREE ARIZONA PROGRAM

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.

## 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, 2023 to April 30, 2024 was approximately **\$2.6 million**.

**Figure 2**  
Smoke-Free Arizona Tax  
Revenue Fund from Fiscal  
Year 2008 to 2024





## EDUCATION

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](mailto: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](mailto:SmokeFreeArizona@azdhs.gov).

### The Smoke-Free Arizona website: [www.smokefreearizona.org](http://www.smokefreearizona.org)

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





## EDUCATION

### “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](http://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 2023 - 2024, 884 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 2023 - 2024, a total of 18,872 signs were distributed statewide. The demand for free signs has remained steady over the years.



**NO SMOKING INSIDE AND  
WITHIN 20 FEET OF THIS  
ENTRANCE.**

Thank you for not smoking.

**TO REPORT A VIOLATION OR  
FILE A COMPLAINT:**

• 1-877-4-AZNOSMOKE • 1-877-429-6676  
[smokefreearizona.org](http://smokefreearizona.org)





# EDUCATION

## 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, 2023 and April 30, 2024, a total of 31,117 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.







# OUTREACH

## Reaching Out to Public Places and Places of Employment

Between May 1, 2023 and April 30, 2024, the ADHS Smoke-Free Arizona Program Specialists, as well as county health educators and county environmental health specialists, conducted 21 educational presentations. Health educators and program representatives conducted presentations and disseminated information to employers and community partners. All combined, an estimated 1,763 people were reached through these educational efforts.

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





# 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:

- |  |  |
|--|--|
|  | Filling out an online complaint form at <a href="http://www.smokefreearizona.org">www.smokefreearizona.org</a> |
|  | Calling the toll-free Smoke-Free Arizona hotline at 1-877-429-6676   |
|  | Sending an e-mail to <a href="mailto:nosmokingarizona@azdhs.gov">nosmokingarizona@azdhs.gov</a>                |

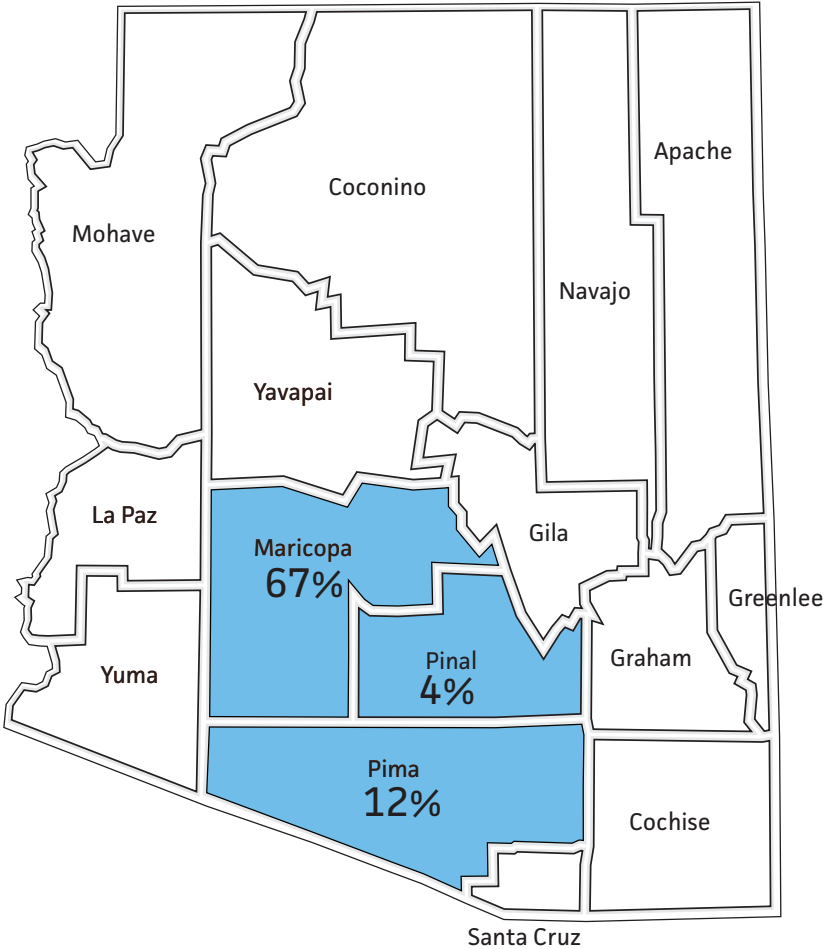
Between May 1, 2023 and April 30, 2024, a total of 427 complaints alleging violations of the Smoke-Free Arizona Act were filed statewide. The number of complaints filed this year resulted in a small increase when compared to last year’s total of 412 complaints. Complaint numbers decreased significantly since 2020.

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.



# COMPLIANCE

Of the 427 complaints received, 340 (79%) of these complaints were in Maricopa and Pima counties. There were 287 complaints (67%) in Maricopa county and 53 complaints (12%) in Pima county.



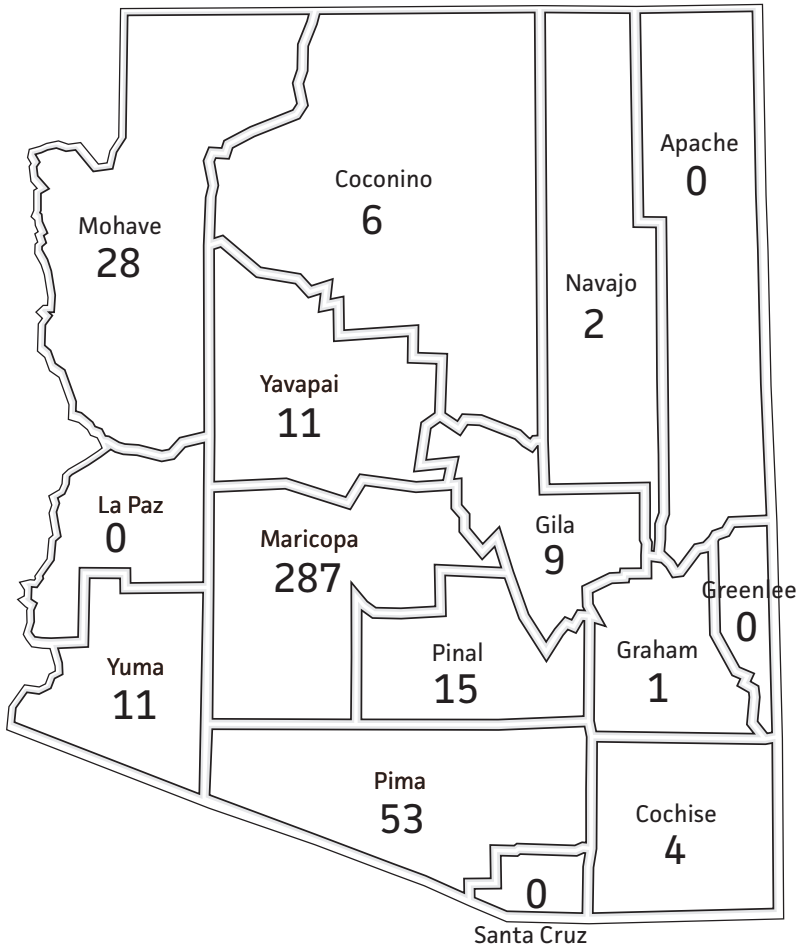
**Figure 4.**  
Top three counties with the highest percentage of complaints between May 1, 2019 to April 30, 2023

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.



# COMPLIANCE

**Figure 5.**  
Comparison of complaints  
filed statewide from May 1,  
2023 to April 30, 2024



## 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, 2023 to April 30, 2024 there were 437 complaint inspections conducted statewide.

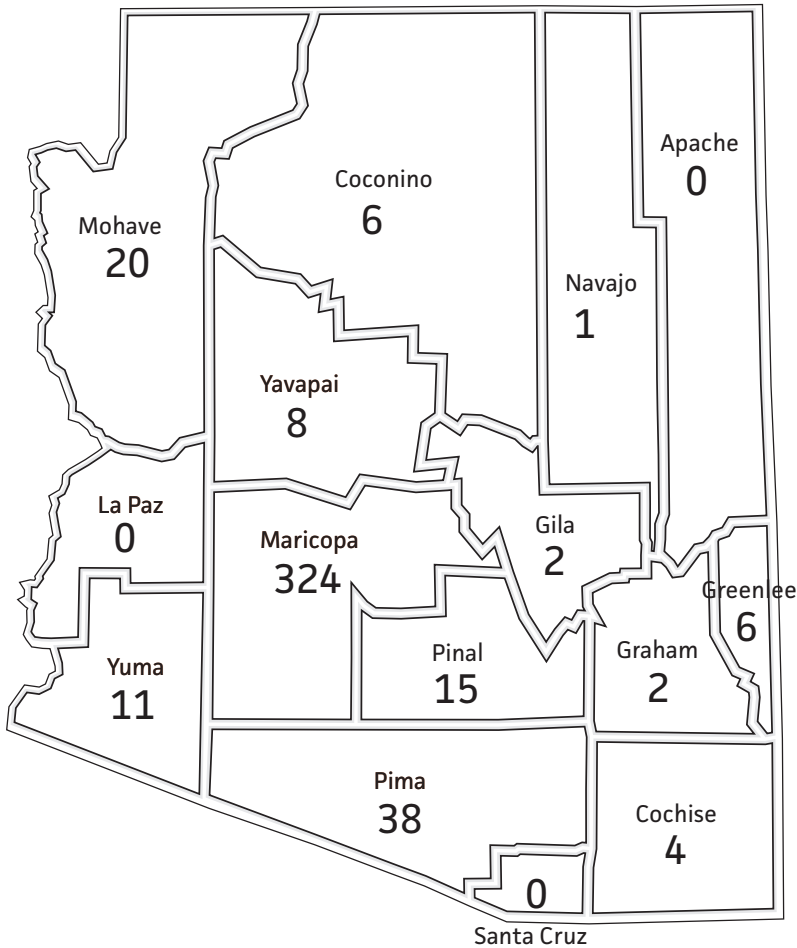




# COMPLIANCE

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 SmokeFree 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,  
2023 to April 30, 2024





# 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).





# ENFORCEMENT

## 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 1 NOV was issued statewide between May 1, 2023 and April 30, 2024. 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, 2023 and April 30, 2024, there were no administrative hearings held for ADHS. Additionally, no new cases were brought before the Superior Court for injunctive relief this year.





## 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 sixteenth 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 427 complaints were filed between May 1, 2023 and April 30, 2024. 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 sixteen years 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.”**



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