IDPH

Iowa Smokefree Air Act

Second Annual Compliance Report

Prepared by the
Iowa Department of Public Health
Division of Tobacco Use Prevention & Control

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INTRODUCTION

The Iowa Smokefree Air Act (Iowa Code § 142D), enacted on July 1, 2008, protects the health of the public and of employees by preventing exposure to secondhand smoke (also known as environmental tobacco smoke) and the 4,000 chemicals and 69 cancer-causing compounds it is known to contain. The 2006 U.S. Surgeon General report, The Health Consequences of Involuntary Exposure to Tobacco Smoke, confirmed that secondhand smoke is a proven cause of disease in nonsmokers: "The scientific evidence is now indisputable; secondhand smoke is not a mere annoyance. It is a serious health hazard that can lead to disease and premature death in children and nonsmoking adults." The Surgeon General determined that there is no risk-free level of exposure and that the only method which can fully protect people from exposure is the elimination of smoking in indoor spaces.

Protecting the citizens of Iowa from the harmful effects of secondhand smoke is a central goal of the Iowa Department of Public Health and of the Iowa General Assembly, which found that: "…environmental tobacco smoke causes and exacerbates disease in nonsmoking adults and children. These findings are sufficient to warrant measures that regulate smoking in public places, places of employment, and outdoor areas in order to protect the public health."

Of the states that now have smokefree workplace laws in effect, Iowa's Smokefree Air Act is one of the most comprehensive. The Act prohibits smoking in nearly all enclosed public places and workplaces and in certain outdoor areas, including: restaurants, bars, daycare facilities, outdoor stadiums, school campuses, and the grounds of government buildings. There are a few, limited exemptions, including the gaming floor of casinos and up to 20 percent of hotel rooms. "No smoking" signs which meet the specifications of the law must also be placed at entrances to all indoor and outdoor areas where smoking is prohibited. More information about the Smokefree Air Act can be found at www.IowaSmokefreeAir.gov.

The Iowa Department of Public Health (IDPH) is the agency designated in the Act with the responsibility for educating employers and the public about the law and for facilitating enforcement of the law. This report summarizes the annual activities undertaken by IDPH and partner agencies during the second year of implementation of the Act—July 1, 2009 to June 30, 2010. Data included in the report were collected primarily from the Smokefree Air Act enforcement database maintained by IDPH.

COMPLAINT DETAILS

FIG 1. Total Complaints Submitted to IDPH

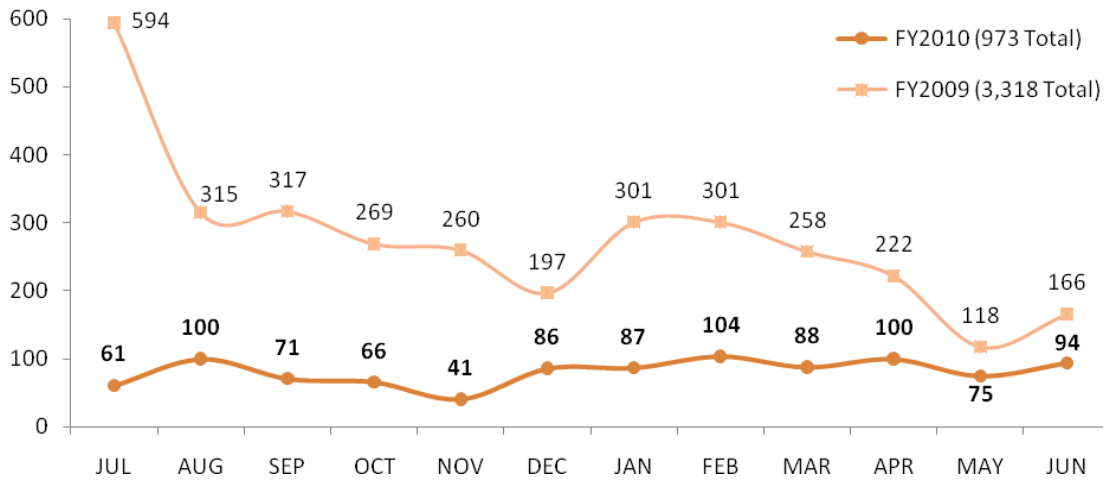

FIG 1. The total number of complaints submitted to IDPH between July 1, 2009, and June 30, 2010, was 973 compared to 3,318 submitted complaints in FY2009.

FIG 2. Percentage Decrease in Total Complaints Submitted to IDPH

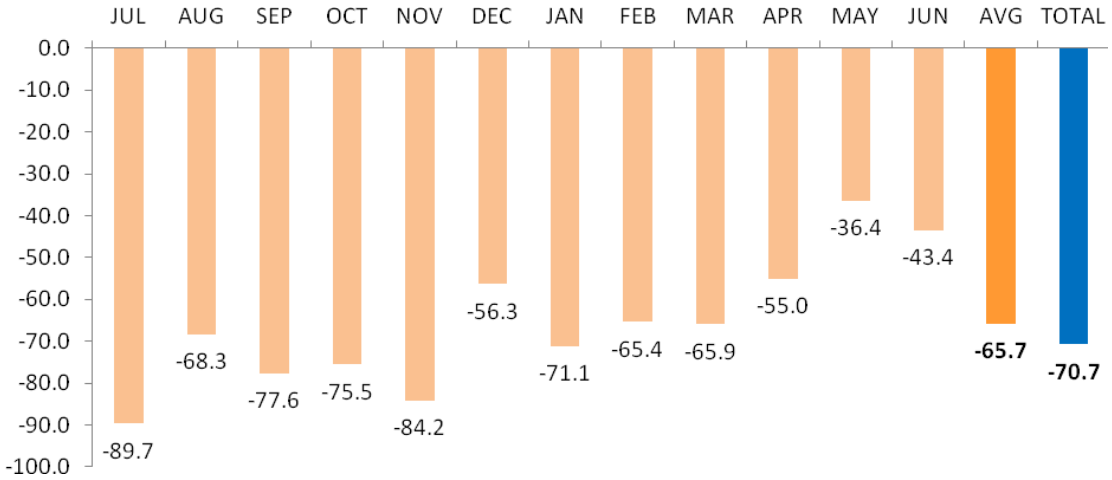

FIG 2. IDPH experienced an average monthly decrease of 65.7% in submitted complaints. Overall IDPH processed 2,345 fewer complaints, or a 70.7% total decrease, in FY2010.

COMPLAINT DETAILS

FIG 3. Valid Complaints Recorded by IDPH

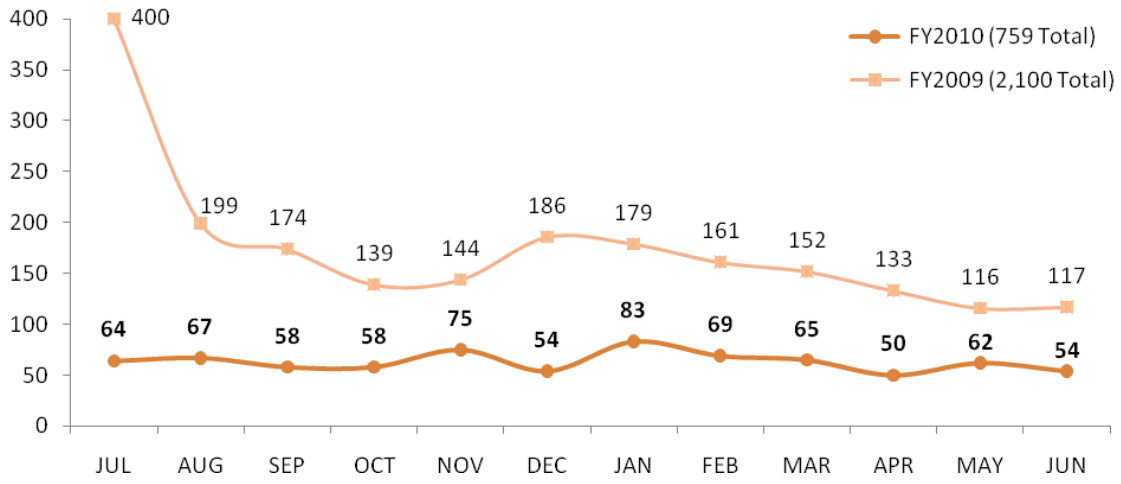

FIG 3. The total number of valid complaints recorded between July 1, 2009, and June 30, 2010, was 759. Almost 80% of the complaints submitted were determined valid (to contain information about a potential violation of the law).

FIG 4. Total Anonymous Complaints Submitted to IDPH

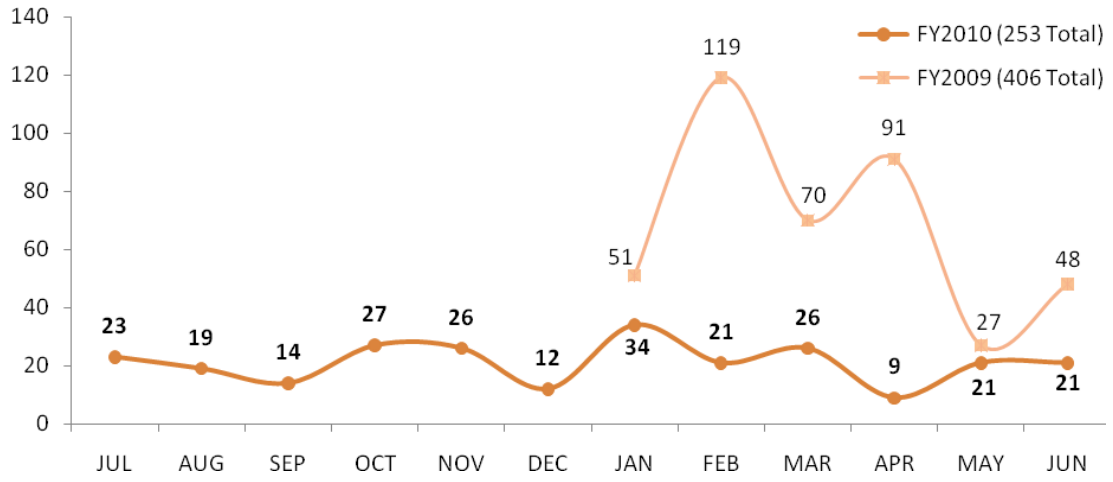

FIG 4. IDPH began accepting anonymous complaints on January 7, 2009. IDPH recorded only 253 anonymous complaints in the 12 months of FY2010 compared to 406 anonymous complaints in six months from the previous fiscal year. Anonymous complaints encompassed about 26% of total complaints submitted in FY2010.

COMPLAINT DETAILS

FIG 5. Total Number of Businesses Receiving a Valid Complaint

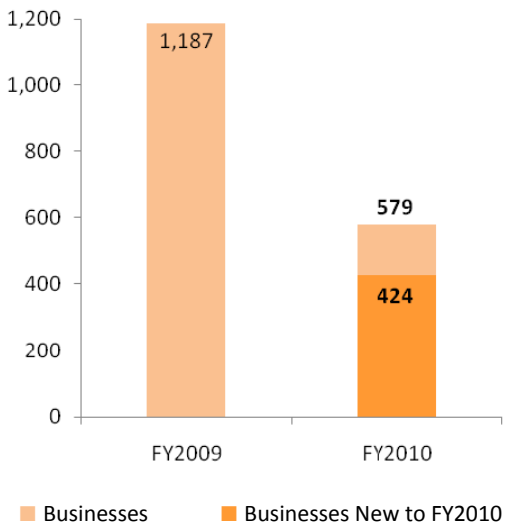

FIG 5. Only 579 separate businesses received at least one valid complaint in FY2010 compared to 1,187 separate businesses last fiscal year. Valid complaints were recorded on 424 new businesses in FY2010. Only 155 businesses which has received a valid complaint in 2009, also received valid complaint in 2010.

FIG 6. Valid Complaints Reported by Business Category

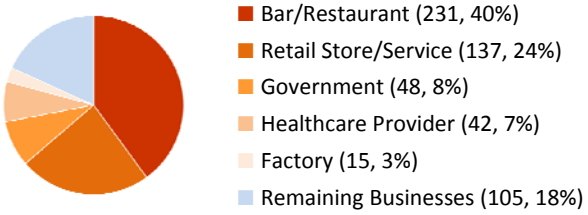

FIG 6. The majority (40%) of valid complaints concerned potential violations at bars and restaurants.

FIG 7. Location of Violations Reported in Valid Complaints

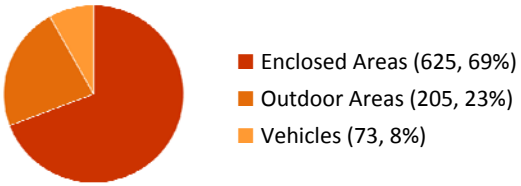

FIG 7. The vast majority of potential violations reported, 69%, were about potential violations in enclosed areas.

FIG 8. Violations Reported in Valid Complaints

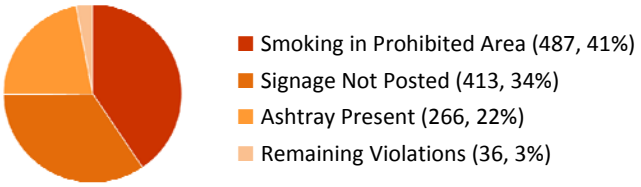

FIG 8. Complainants mostly reported smoking in a prohibited area, followed by "no smoking" signage not posted. Note: A single complaint may address more than one type of violation.

COMPLAINT DETAILS

FIG 9. Valid Complaints Recorded by County

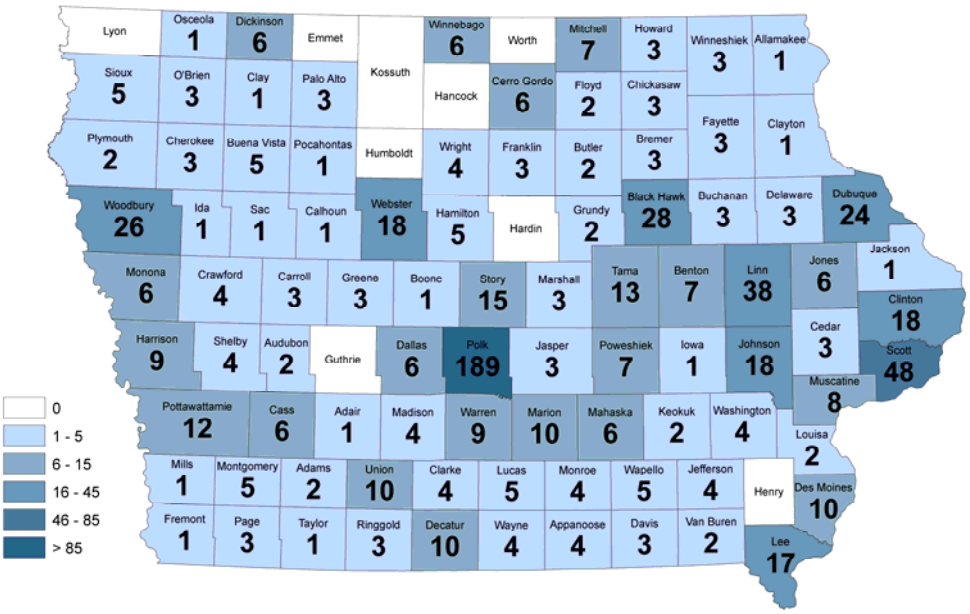

FIG 9. The map illustrates the total number of valid complaints recorded by county. In FY2009, valid complaints were not recorded in four counties compared to nine counties in FY2010.

FIG 10. Number of Separate Businesses Receiving Valid Complaints by County

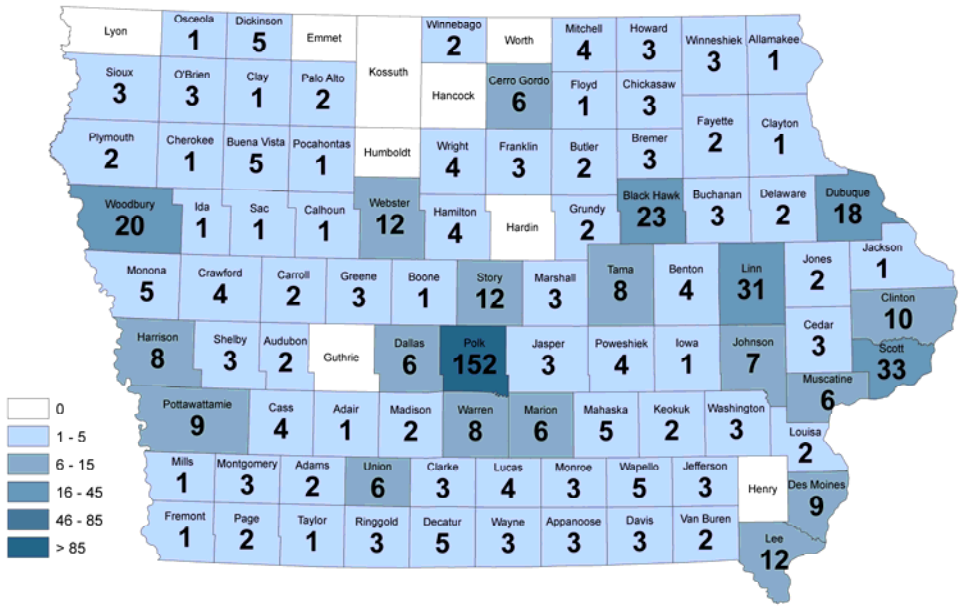

FIG 10. The map shows the number of businesses in each county which a valid Smokefree Air Act complaint has been recorded. In terms of business establishments with employees, this represents a range of 0.2% of businesses to 3.4% (Decatur County) of businesses.

NOPV LETTER DETAILS

FIG 11. Notice of Potential Violation Letter Fiscal Year Comparison

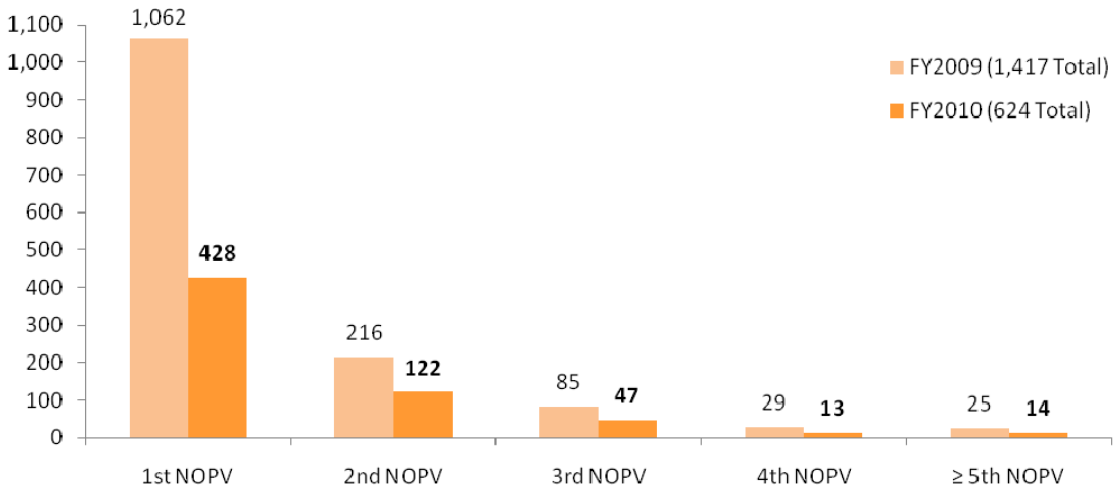

FIG 11. Five-hundred-thirty-four separate businesses received an NOPV letter in FY2010. About 72% of the businesses that receive a 1st NOPV do not receive a 2nd NOPV. In other words, out of the 428 businesses that received a 1st NOPV, only 122 businesses received a 2nd NOPV.

FIG 12. Number of Separate Businesses Receiving a NOPV Letter by County

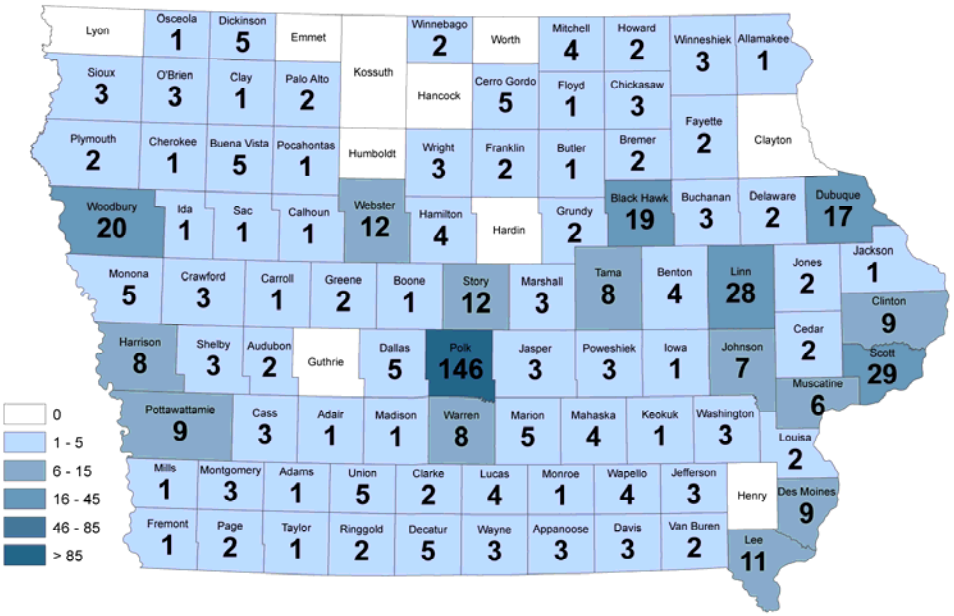

FIG 12. The map displays the total number of businesses, per county, that have received a NOPV letter. Uncommonly, a business that receives a valid complaint may not receive a NOPV letter. This is primarily due to delayed reporting by the complainant, or the establishment went out-of-business/change in ownership. In these instances IDPH staff contacted the proprietors in lieu of sending a NOPV letter.

COMPLIANCE CHECK DETAILS

FIG 13. Compliance Checks Conducted Fiscal Year Comparison

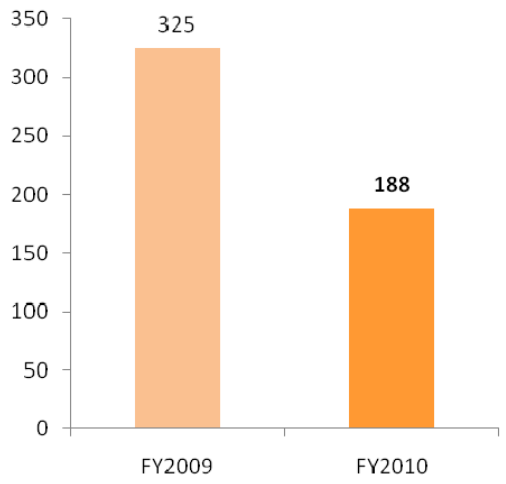

FIG 13. A compliance check was conducted by IDPH or IDPH tobacco enforcement partners after the business was sent a 2nd or subsequent NOPV letter. A total of 188 visits were conducted between July 1, 2009, and June 30, 2010.

FIG 14. COMPLIANCE RATE FISCAL YEAR COMPARISON

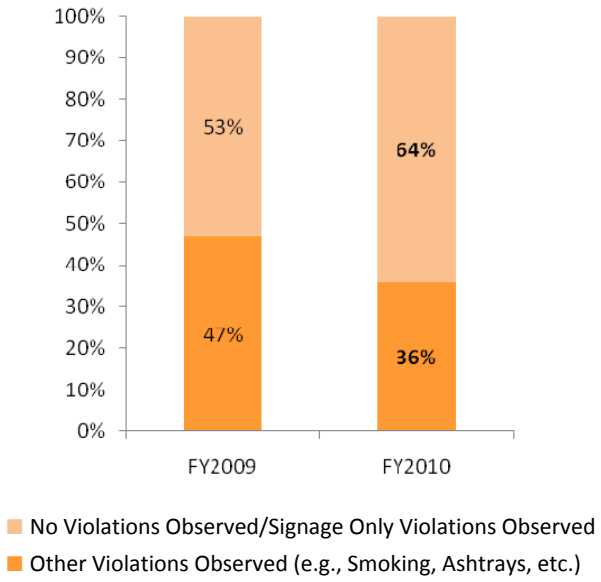

FIG 14. Sixty-four percent of the compliance checks conducted resulted in either no violations observed or only "no smoking" signage violations observed. In thirty-six percent of the compliance checks, more critical violations were observed such as smoking in prohibited areas, or ashtrays. The percentage of critical violations observed, however, decreased by 23.4% from FY2009.

COMPIANCE CHECK DETAILS

FIG 15. NUMBER OF SEPARATE BUSINESSES RECEIVING A COMPLIANCE CHECK BY COUNTY

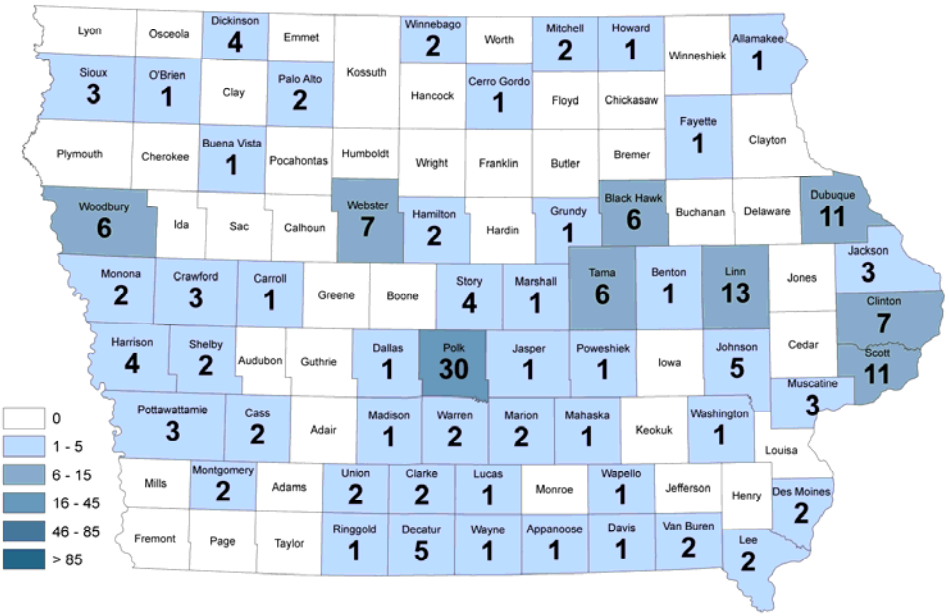

FIG 15. The map above illustrates the total number of businesses receiving a compliance check by county. Compliance checks were conducted at 186 businesses in 56 counties across Iowa.

SUMMARY DETAILS

FIG 16. SUMMARY OF ACTIVITY FISCAL YEAR COMPARISON

	FY2009	FY2010	PCT +/-
Complaints Submitted:	3,318	973	-70.7%
Complaints Validated:	2,100	759	-63.9%
Businesses Receiving Valid Complaints:	1,187	579	-51.2%
Violations Alleged in Complaints:	3,965	1,193	-69.9%
NOPV Letters Sent:	1,417	624	-60.0%
Businesses Receiving NOPV Letters:	1,062	534	-49.7%
Compliance Checks Conducted:	325	188	-42.2%
Businesses Receiving a Compliance Check:	203	186	-8.4%
Violations Observed During Compliance Checks:	340	158	-53.5%
PCT of Compliance Checks Resulting in No Violations/Signage Violations:	53%	64%	20.8%
No. of Counties Compliance Checks were Conducted:	62	56	-9.7%