

## Implementing Your New Smokefree Law

**It is never too early to start planning for implementation of your new smokefree law. The most successful smokefree laws are the result of careful implementation planning.**

**Most municipal laws go into effect 30 to 60 days after enactment.** This gives your coalition an opportunity to educate the business community and the general public about the law's provisions and enforcement procedures. You will want to be ready to hit the ground running on Implementation Day.

### TIP!

**Never leave implementation planning to the last minute.** Remember, by the day the law takes effect, **business owners** should have received "Business Kits" informing them how to comply with the smokefree law, including signs, stickers, and a hotline number for more information. **The public** also needs to know about the new law. Promote the new law in a positive way, and be sure there is a hotline set up for the public to make complaints and get more information, as well.

Often, the city or county will create business kits and print brochures explaining the purposes and mechanics of the law. **Find out what your local government or health department has planned.** If they are unsure about implementation plans, offer your assistance. You may need to take on some tasks apart from the governmental agencies, to ensure a strong education campaign for the public and business owners alike. Media contacts developed during the campaign can help with public education, as well.

Here is the good news. In general, smokefree laws are "self-enforcing," much like traffic laws. For the same reason that most drivers willingly stop at red lights, the vast majority of smokers politely refrain from smoking in smokefree areas when they are aware of the law provided that smokefree areas are well marked.

In addition, **smokefree laws are uniformly popular with the vast majority of the public.** With an on-going education program, the posting of numerous "No Smoking" signs and door stickers, and the presence of a willing and committed enforcement agency, smokefree laws are usually implemented with a high level of compliance and very few negative incidents.

**This does not mean that once the law passes, you can sit back and relax.** It is important to be vigilant to ensure that the public and the business community understand the new law, including *why* the law passed (it's about health!) and how to

comply. A lack of implementation action can lead to confusion and provide Big Tobacco and other smokefree opponents an opportunity to undermine the law.

## Where Do I Start?

You have worked tirelessly for many months, or even years, to pass your new smokefree law. It passed! Congratulations. Now it is time to put your implementation plan into practice.

**Here is a simple checklist to walk you through what needs to be done before the law takes effect.** If your law is like most smokefree laws, it will take effect 30 to 60 days after enactment. This is ideal because it gives the enforcing agency (and the coalition) ample time to ensure that the public is informed about the new law and business owners have time to prepare their buildings and employees for compliance. Some communities put their smokefree laws into effect immediately, which makes your job more difficult. Don't give up. Do your best to "catch up" to get the job done.

Each community is different. In some places, the enforcing agency (health department, police department, environmental health office, etc.) may take great care to inform employers and the public about the new law. In other communities, they do next to nothing before implementation day. **In either case, it is critical for your coalition to play an active role to ensure that the following implementation steps occur.**

## Implementation Checklist

### IMMEDIATELY AFTER THE LAW PASSES:

**Business Education:** *Educate the business community about the new law.*

- ❑ Compile a list of all places of employment in the community.
- ❑ Send a letter to all employers notifying them of the new law, enforcement date, enforcement procedures, etc. This should be sent by the enforcing agency if possible.
- ❑ Create a **Business Education Packet** containing:
  - Enforcement instructions (in clear, simple to understand language);
  - Frequently Asked Questions (FAQ);
  - "No Smoking" signs and decals for places of employment;
  - Sample paystub inserts to inform employees about the law;
  - Phone number or website for more information;
  - Information on how to report a violation; and
  - List of cessation resources in the area.
- ❑ Send a business kit to every employer in the community.
- ❑ Send extra business kits to the Chamber of Commerce, and other business groups in your community.

**Public Education:** *Educate the general public about the new law*

- ❑ Set up a phone hotline (and website) for questions about the new law. Include information on effective dates, how to file a complaint, how to comply, and enforcement procedures.
- ❑ Generate positive earned media about the law (letters to the editor, radio call in shows, etc). This is a great way to calm unfounded fears about how the new law will impact business, dispel myths about how the “smoking police” will be out writing tickets, etc. Be sure to include the hotline number and web address for additional information.
- ❑ Place paid ads in the local daily newspapers and weekly papers.
- ❑ Congratulate and thank elected officials publicly for passing the law.
- ❑ Talk about it! Tell business owners that you are glad the new law passed.

**ONE MONTH BEFORE IMPLEMENTATION DAY:**

- ❑ This is a great opportunity for earned (free!) media. Submit letters to the editor to be printed on, or just before, implementation day.
- ❑ Create a “Countdown to Smokefree Air” buzz in your community. Place a large sign in a public area with the number of days left to implementation, or place paid ads in the local paper noting the countdown.
- ❑ Plan an Implementation Day Celebration. The media will be out in full force on implementation day. Be sure that smokefree supporters will be out supporting businesses, and that the local media knows where to find you.
- ❑ Recruit supportive owners and employees, willing to act as spokespeople for interviews on implementation day.

**ON IMPLEMENTATION DAY (AND ONE DAY PRIOR):**

- ❑ Release a positive press statement the day before implementation day, including the hotline number to call for more information and names of spokespeople available for interviews. Make sure your spokespeople are prepared with positive talking points.
- ❑ **CELEBRATE!** Get out and enjoy the smokefree air. Make sure the local media knows where to find you.
- ❑ The opposition will be armed with stories about how business will drop. Be prepared to counter their arguments with real solid facts. Smokefree laws are good for business. See (WEBSITE LINK)
- ❑ Visit business in person to make sure that signs are up and answer any questions they may have.

## AFTER IMPLEMENTATION DAY:

### What! It isn't over yet?

Smokefree laws may take time to become accepted by everyone in your community. Don't be surprised if you are still hearing stories of doom and gloom for a month or two after the law takes effect. This is normal tobacco industry fluff. It will eventually fade.

- ❑ **Stay positive and keep the momentum going!** Continue meeting with your coalition weekly, and think about new ways you can support your new law.
- ❑ Send another thank you letter to your city council for passing the law. This is a time when they may be asked to weaken the law. Encourage them to keep the law intact, and strong.
- ❑ Host a one, two or six-month birthday party for your new law. Get local media attention and focus on how well the law is going, and how the law is impacting public health!
- ❑ Be prepared for the opposition to try to repeal the law or take the law to the ballot. If this happens, call us for additional support. You are not alone!

### **Above All, Defend the Ground You've Gained**

As stated above, just because a law is enacted, effective, and popular does not necessarily guarantee its continued success. Maintain constant vigilance to make sure that the tobacco industry does not reappear and attempt to rescind or gut the law. The industry may challenge the law by [threatening or filing a lawsuit](#), encouraging organized non-compliance, placing a [referendum](#) on the ballot to overturn the law, or simply waiting until elections produce new legislators hostile to smokefree air laws. In the vast majority of cases, the tobacco industry's efforts to overturn or undermine a recently enacted law fail. However, the coalition must be prepared to defend the ground it has gained. The best defense against tobacco industry attacks is a strong offense that includes effective coalition leadership, massive grassroots support, committed elected officials, and a well-written law.

### **Enforcement Resources**

[California Lessons in Clean Indoor Air](#), written by Elizabeth Emerson, is an excellent resource of lessons learned regarding implementation and enforcement of smokefree air laws. The Tobacco Technical Assistance Consortium has also compiled a [Smoke-Free Laws Implementation Resources List](#) containing resources to help draft strong enforcement provisions, develop an evaluation plan, establish enforcement protocols, and conduct an information and education campaign.

## Lessons Learned

Like Goliath, the tobacco industry is a formidable, but not invincible, opponent. The experiences of scores of municipalities that have enacted smokefree laws confirm that, like David, when we work smart we win. Some of the common denominators found in successful smokefree air campaigns include:

- Taking the time to educate and organize a strong and diverse grassroots base of support.
- Moving incrementally toward the goal of a smokefree community.
- Selecting winnable policy goals.
- Developing and implementing a strategic plan.
- Working with and educating the media.
- Educating the business community and elected officials early in the campaign.
- Knowing the opposition and being prepared to counter its tactics.

### **Smokefree laws are the norm!**

The more than 2,500 laws regulating smoking, including over 500 [100% smokefree laws](#), currently on the books in municipalities throughout the United States are proof that people power can overcome the money and influence of Big Tobacco.