



TOBACCO SURVEILLANCE REPORT

COMPLIANCE WITH THE MONTANA CLEAN INDOOR AIR ACT IS HIGH

STATEWIDE COMPLIANCE IS
APPROXIMATELY 98% AMONG
BARS, TAVERNS, AND
CASINOS.[†]

[†]The Montana Department of Revenue reported that in summer 2009, approximately 2,300 businesses had a state liquor license.

Montana Tobacco Use Prevention Program

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expect a smokefree
Montana

THE MONTANA CLEAN INDOOR AIR ACT: A 12-month compliance review

On October 1, 2009 the Montana Clean Indoor Air Act (CIAA) went into full effect across Montana. The CIAA requires all enclosed public places and workplaces to be smokefree, including bars, taverns, and casinos. The CIAA has high support by Montanans; 76% of adults supported the law in 2009 (ATS, 2009). Additionally, most Montana workplaces adhere to the law.

This surveillance report reviews reported violations from the 12 months following the full implementation of the CIAA (October 1, 2009 through September 30, 2010).

CIAA Implementation

The CIAA is a complaint driven law, meaning enforcement is dependent upon citizens reporting potential violations to state or local health officials. CIAA enforcement provisions are described in the law (Montana Code Annotated: Title 50, Chapter 40, Part 1) and in the Administrative Rules of Montana (37.113.101 – 112). The Montana Department of Public Health and Human Services, its designees, local health boards, and their designees have enforcement authority, including determining if a violation has occurred. Violation documents are to be filed with the office of the county attorney in the county where the violation occurred.

Four specific actions are typically taken at the county level after a CIAA violation is confirmed. First is an educational stage, where the business owner is informed that a violation has occurred and what must be done to comply with the law. Most violations are resolved with this fundamental action step. Subsequent violations result in the business receiving a warning, followed by a reprimand, and then a formal citation from the county attorney.

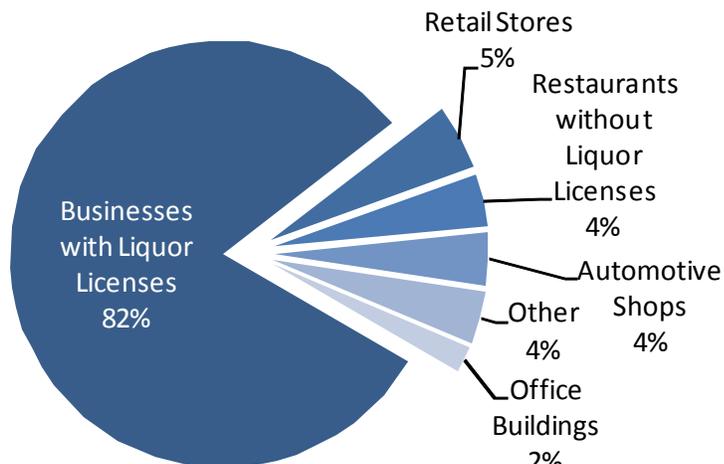
Data and Analysis

The Clean Air Reporting System (CARS) is a web-based data system for all reports of potential CIAA violations that are filed in the form of complaints. Once a complaint filed in CARS is determined to be valid, a CIAA violation is confirmed. To be considered valid, a complaint must describe a violation of the CIAA, be signed, and be categorized as “actionable” by a county CIAA coordinator or their designee.

Monitoring CIAA compliance is limited to the data collected by CARS. CIAA enforcement is a mostly passive system based on voluntary reports of non-compliance, rather than an active enforcement system based on regular inspections. It is likely that not all violations of the law are reported to health officials.

April 2011

Figure 1. Percentage of businesses (N=57) reported to be in violation of the CIAA by business category, Clean Air Reporting System, October 1, 2009 through September 30, 2010



Reported Violations

- A total of 148 complaints of non-compliance were reported.
- 70% (104) of the complaints were confirmed as CIAA violations.
- 57 Montana businesses were in violation with the law during the 12 month period.

Types of Businesses in Violation

- Statewide compliance with the CIAA was approximately 98% among businesses with a liquor license, including bars, taverns, and casinos. †
- Most non-compliant businesses had a liquor license (82%; Figure 1).
- 75% of violations were due to active smoking occurring (Table).

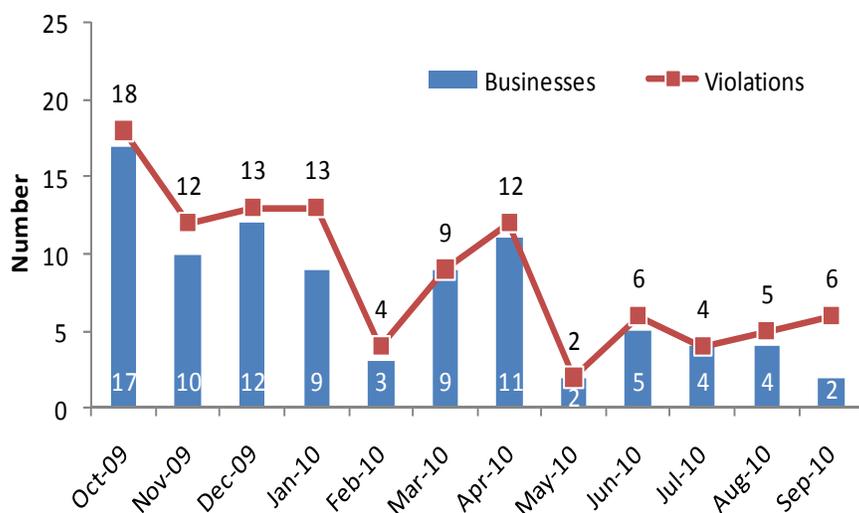
Table. Percentage of CIAA violations (N=104) by the nature of the violation, Clean Air Reporting System, October 1, 2009 through September 30, 2010

Nature of the Violation	Percent (%)
Active Smoking	75
Evidence of Smoking (e.g. ashtrays, cigarette butts)	18
No Non-Smoking Signs Visible	5
Other	2

Violations Over Time

- Over the 12 month period, the number of reported CIAA violations declined.
- 41% (43) of the violations occurred during the first three months (Figure 2).
- The greatest number of businesses in violation were reported in October 2009 (17 businesses; Figure 2).

Figure 2. Number of reported CIAA violations and businesses reported to be in violation by month, Clean Air Reporting System, October 1, 2009 through September 30, 2010

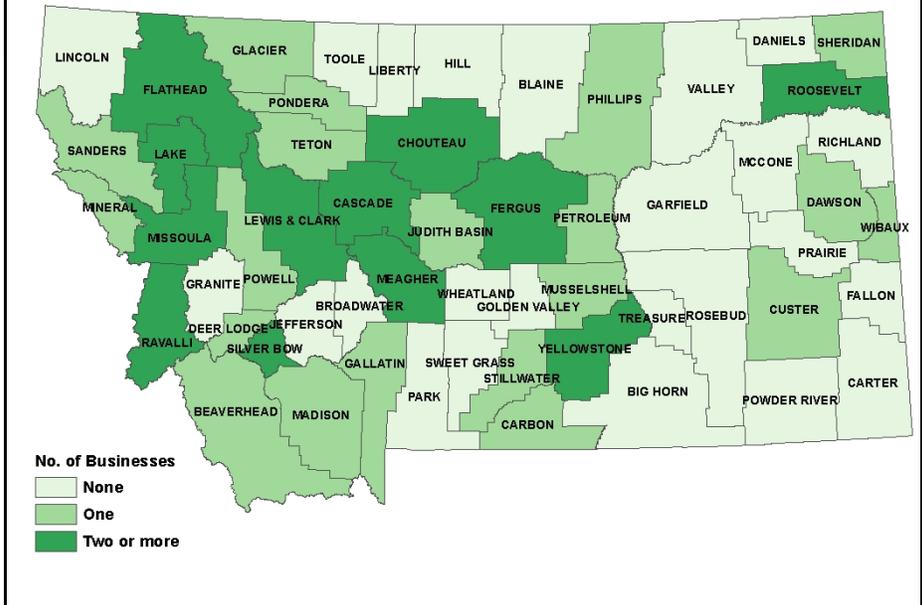


†The Montana Department of Revenue reported that in summer 2009, approximately 2,300 businesses had a state liquor license.

Compliance by County

- 32 of 56 counties (57%) had one or more businesses reported to be in violation of the CIAA (Figure 3).
 - 24 of 56 counties (43%) had zero businesses in violation.
 - 20 of 56 counties (36%) had just one business in violation.
 - 12 of 56 counties (21%) had two or more businesses in violation.
- No county had more than five businesses in violation of the CIAA.

Figure 3. Number of businesses (N=57) reported to be in violation of the CIAA by county, Clean Air Reporting System, October 1, 2009 through September 30, 2010

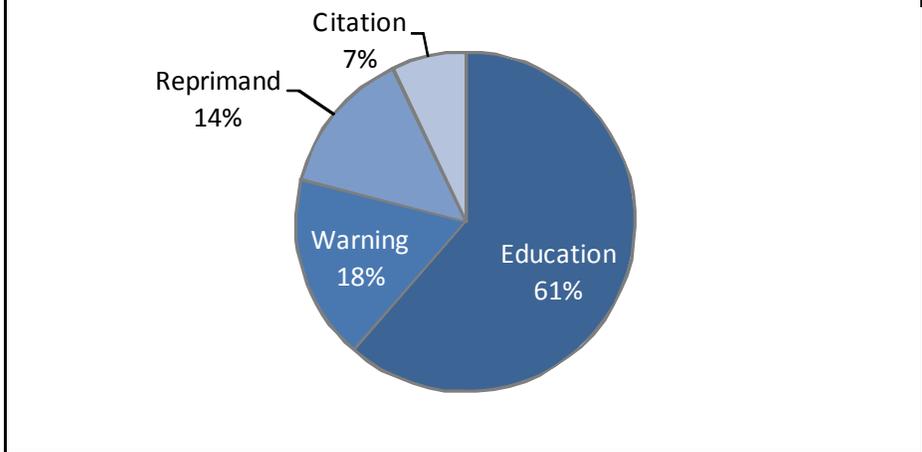


Enforcement Status

Of the 57 businesses reported in violation of the CIAA:

- 61% (35 businesses) were resolved through education efforts.
- 18% (10 businesses) received warnings.
- 14% (eight businesses) received reprimands.
- 7% (four businesses) received citations (Figure 4).

Figure 4. Enforcement status of businesses (N=57) reported to be in violation of the CIAA, Clean Air Reporting System, October 1, 2009 through September 30, 2010



Conclusions & Recommendations

Compliance with the Montana Clean Indoor Air Act (CIAA) is high among Montana's workplaces and among most Montana businesses.

The CIAA is a significant advance in public health policy in Montana. The health benefits of smokefree workplace policies, such as the CIAA, are numerous and include:

- Decreased exposure to secondhand smoke.
- Reduced number of heart attacks.
- Increased number of Montana smokers who quit.
- Increased number of Montana youth who are prevented from starting smoking.

Anyone who observes a violation of the law in any enclosed public place or workplace in Montana is encouraged to report it online at www.tobaccofree.mt.gov or call 1-866-787-5247.



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