



March 2016

Evaluation of the *Smoke-Free Ontario Act* Outdoor Smoking Regulations

In response to a request from the Knowledge Exchange Advisory Group, OTRU conducted an evaluation to assess the implementation of the new *Smoke-Free Ontario Act (SFOA)* outdoor smoking regulations on playgrounds, sports fields, and restaurant and bar patios that came into effect January 1, 2015. The evaluation included street intercept surveys with smokers and non-smokers in four municipalities, an online survey of tobacco enforcement staff, and key informant interviews.

Key Findings

- Self-reported smoking and exposure to SHS decreased
- Yet, levels of smoking and exposure to SHS remain relatively high in 2015
- Positive impact on future quitting behaviour
- Moderate to high levels of perceived compliance

Street Intercept Surveys



In collaboration with Algoma Public Health, Lambton Public Health, Toronto Public Health and Windsor-Essex County Health Unit, street intercept surveys were conducted with 1,305 individuals between June and October 2015. Respondents were asked a series of questions about smoking behaviour, exposure to secondhand smoke (SHS), awareness and impact of the outdoor smoking regulations. Questions were asked twice, once for the interview time period (2015) and once for the time period a year before (2014). Half of the survey respondents were smokers (46%).

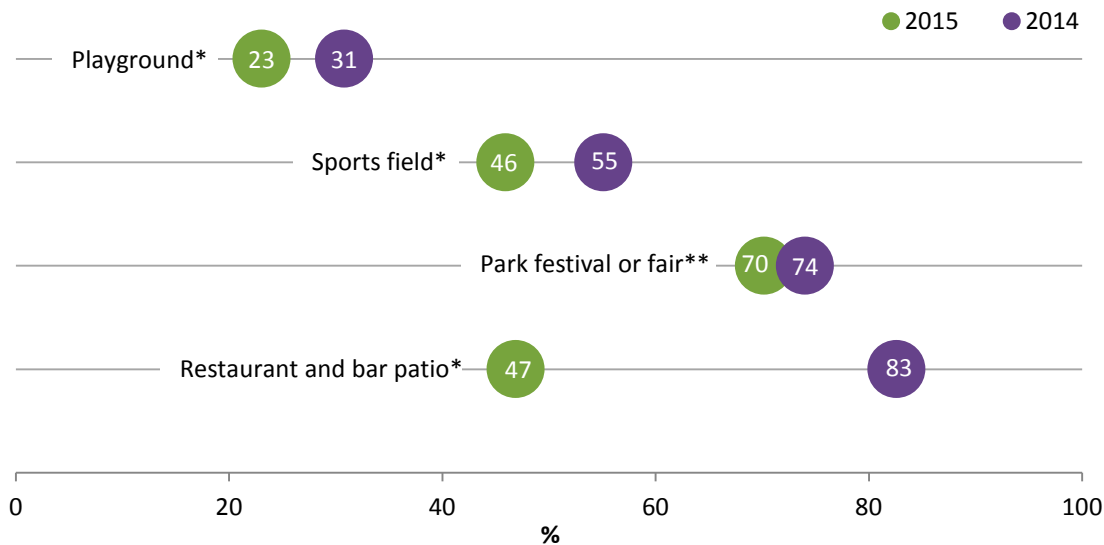
Within the first year of implementation, up to 70% of smokers reported that they smoked at least sometimes when visiting venues affected by the smoking bans in 2015 (Figure 1). Despite the high levels, smokers reported smoking less frequently at all affected venues in 2015

compared to a year before the survey. The greatest drop in self-reported smoking was on restaurant and bar patios (83% in 2014 vs. 47% in 2015; $p < 0.0001$).



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Figure 1: Overall Self-Reported Smoking at Venues Affected by the Outdoor SFOA Regulations, 2014 and 2015

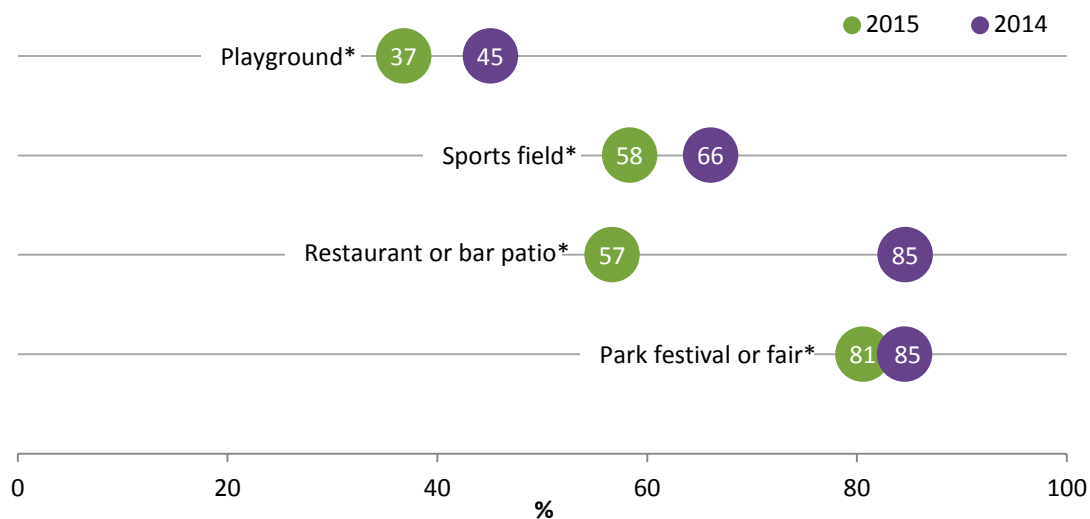


* Significant difference between 2014 and 2015; $p < 0.0001$

** Significant difference between 2014 and 2015; $p < 0.01$

Substantial levels of self-reported exposure to SHS were reported in 2015, ranging from 37% at playgrounds to 81% at park festivals or fairs (Figure 2). Yet, self-reported exposure to SHS at all affected venues decreased in 2015 compared to a year before the survey. The greatest drop in self-reported exposure to SHS was at restaurant and bar patios (85% in 2014 vs. 57% in 2015; $p < 0.0001$).

Figure 2: Overall Self-Reported Exposure to SHS at Venues Affected by the Outdoor SFOA Regulations, 2014 and 2015



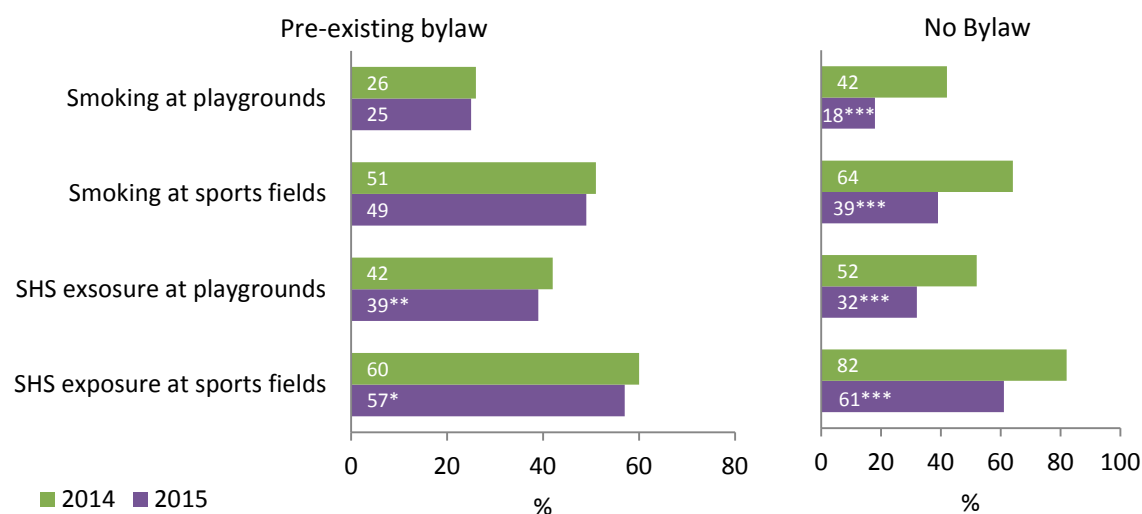
* Significant difference between 2014 and 2015; $p < 0.0001$



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Self-reported smoking and exposure to SHS on sports fields and playgrounds varied by municipal bylaw status (Figure 3). In municipalities with pre-existing bylaws similar to the new *SFOA* outdoor smoking regulations, self-reported smoking did not change over time on playgrounds or sports fields. However, a significant decrease was observed in self-reported smoking over time in municipalities that did not have a pre-existing bylaw. Significant decreases in self-reported exposure to SHS were noted in municipalities with and without pre-existing bylaws similar to the new *SFOA* outdoor smoking regulations.

Figure 3: Self-Reported Smoking and Exposure to SHS at Venues Affected by the Outdoor *SFOA* Regulations, by Bylaw Status, 2014 and 2015.



Significant difference between 2014 and 2015: * $p < 0.05$, ** $p < 0.001$, *** $p < 0.0001$

At the time of the survey, two-thirds of respondents (67%) were aware of the smoking ban on restaurant and bar patios; while just over half of survey respondents (54%) were aware of the ban on smoking on and around sports fields and playgrounds.

The majority of respondents believed that their use of the specified venues would not be affected by the new smoking regulations (73% park festival or fairs, 71% sports fields and playgrounds, and 51% restaurant and bar patios). A third of survey respondents (33%) believed their use of restaurant and bar patios would increase now that the smoking regulations were in place. Future use of venues varied by smoking status, where nonsmokers were more likely to believe that their use of the affected venues would increase with the new smoking regulations in place.

Almost half of smokers (42%) believed that the new smoking regulations would help them quit or cut down the number of cigarettes smoked.



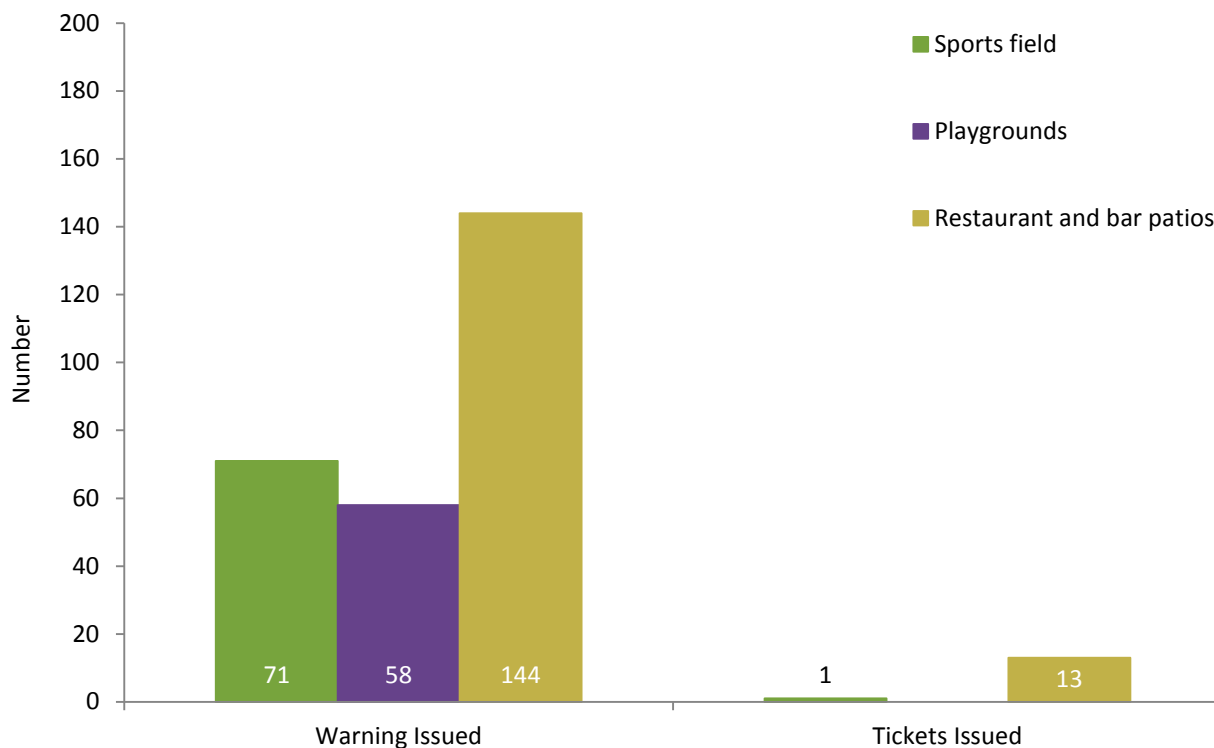
Tobacco Enforcement Staff Survey

In November 2015 an online survey was sent to 131 tobacco enforcement staff in the Province. Sixty-four enforcement staff completed the survey (49% response rate) from 30 of the 36 Public Health Units in the Province. Participants responded to questions on three main topic areas: perceived compliance, active enforcement, as well as challenges and successes to implementing the new *SFOA* outdoor regulations.

Enforcement staff perceived compliance to be highest at restaurant and bar patios (89% strong compliance), followed by playgrounds (71%) and sports fields (55%); whereas the majority of complaints received from the public were related to smoking on playgrounds (n=139), followed by restaurant and bar patios (n=104) and sports fields (n=85).

In terms of active enforcement, warnings issued for smoking on restaurant and bar patios were double the number of warnings issued for smoking on playgrounds and sports fields (n=144 patios, n=71 sports fields, n=58 playgrounds; Figure 4). As of November 2015, only 1 ticket had been issued for smoking on sports fields and 13 tickets had been issued for smoking on restaurant and bar patios.

Figure 4: Warnings and Tickets Issued for the Outdoor *SFOA* Regulations as of November 2015





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Half of the enforcement staff responding to the survey noted that lack of public awareness (55%) and a similar pre-existing bylaw (49%) were challenges to implementing the new *SFOA* outdoor regulations. Adequate staffing to proactively enforce the new regulations was a challenge for 30% of the enforcement staff who completed the survey. Additional challenges to implementing the new regulations included: approaching non-compliant individuals (28%), encountering individuals who were vocal about their lack of support for the new regulations (28%) and having adequate staff to address complaints (23%). However, 11% of the enforcement staff reported that they did not experience any challenges when implementing the new *SFOA* outdoor regulations.

Enforcement staff reported that the greatest success in implementing the new *SFOA* outdoor regulations was the increased awareness among owners and operators of venues affected by the smoking bans (81%) followed closely by the increased awareness among the public over time (72%). Just over half of the enforcement staff felt that the improved levels of compliance at the affected venues demonstrates success in implementing the new *SFOA* outdoor regulations (60%).

Key Informant Interviews

Ten semi-structured interviews were conducted between November 2015 and January 2016 with key informants from six Public Health Units (PHU) across Ontario to identify factors facilitating and/or impeding the implementation of the new *SFOA* outdoor smoking regulations. Key informants were identified as people involved in the management, implementation, public education or enforcement of the *SFOA*. Most of the informants had more than eight years of working experience in tobacco control.

Developing Educational Materials

Six key informants noted that their respective PHU developed educational materials and organized local outreach campaigns to supplement the Province's educational campaign. PHU personnel responsible for implementing the new *SFOA* outdoor regulations disseminated media releases, created fact sheets, distributed post-cards, placemats and coasters advertising smoke-free patios, as well as promoted the changes on social media.

Education with Key Stakeholders

Five key informants noted that they met personally with municipal staff and/or visited all or most of the bars and restaurants in their region to educate and deliver signage. These key informants credit the high rates of compliance to this outreach approach.



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One key informant explained,

“We visited every single bar and restaurant that had a patio and we explained to them one-on-one verbally about what the requirements were to be compliant and we found that that was critical to ensuring compliance once the good weather came. The law was enacted in January of last year, we went out in January, February, March, and April and did all our places and then when the good weather came in May and June we had literally like a handful of complaints maybe two or three...and I think it's because we were proactive.”

Handling Complaints and Proactive Surveillance

Half of the key informants described enforcement of the new *SFOA* outdoor regulations as largely complaint-based. Other key informants took a more proactive enforcement approach. For example, one key informant described how staff would proactively visit bar and restaurants patios as well as fairs and festivals to ensure that owners and patrons were compliant.

Education as Enforcement

When enforcing the new regulations, four key informants described how they did not take a punitive approach but relied on education, stating that non-compliance was most often due to a lack of awareness. One informant noted that,



“Before we even started the season we knew that if we roll in with a heavy hand [enforcement] isn't going to work. We're trying to get the public on board here. We don't want to turn the public before we even have a chance to get them on board – so that was the way we were approaching it, the vast majority of [enforcement] was just ‘excuse me, I'm so and so, you can't smoke here anymore.’”

Another key informant confirmed this practice commenting,

“Basically it would be approaching the person that is smoking and just educating them first round. Normally that's what we do with anything - an education piece because a lot of times, they don't know.”

Verbal and written warnings were typically given to repeat offenders.

Compliance

Key informants reported good compliance with the new *SFOA* outdoor regulations overall, however compliance rates varied by municipality and by the type of regulated area.



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Two key informants reported high compliance at playgrounds and sports fields when children were present. However, four key informants noted that compliance decreased at sports fields during the evenings when adult recreational baseball was played,

“...the recreation fields where the baseball leagues play are the toughest [areas] to enforce.”

Compliance at bar and restaurant patios also differed across regions. Two key informants reported recurring problems with compliance with a handful of restaurant owners. Two other key informants noted that, while it took time, almost all patios were compliant by the end of the summer.

A couple key informants also spoke about smoke-free policies at outdoor fairs and festivals in their region. One key informant noted that,

“From a logistical perspective the fairs and festivals are trickier because they're much larger spaces. I'd like to say [compliance] increased but I'm going to say the cooperation level increased. Compliance rates - well there's always going to be a guy who's going to light up a cigarette in the middle of a festival - but I think that my confidence in terms of folks who are running these [festivals] going over and saying you can't smoke here that went up over time. But again compliance was definitely not at 100%.”

Key informants that promoted smoke-free fairs and festivals credited the development of partnerships with festival owners, as well as the presence of large banners advertising smoke-free places with their success.

Lack Of Compliance by Municipalities and Its Impact on Enforcement

Four key informants discussed difficulties with municipalities that have not yet posted signage at parks, playgrounds and sporting areas. These key informants went on to explain the difficulties in enforcing the new *SFOA* outdoor regulations when signage is not adequately posted,

“There are some areas that do not have their signage up--so that's a big problem. I can't do my job if the signs aren't up. How can I go and warn somebody if there's not a regulated sign posted right? That seems to be an issue here.”

While Tobacco Enforcement Officers are bestowed with powers to ticket and fine non-compliant municipalities, all key informants stated that they would prefer that the Province take an active role in ensuring that municipalities have adequately posted signs and are otherwise compliant.

One key informant suggested that the Province and municipalities sign a formal agreement or memorandum of understanding that outlines the respective responsibilities in implementing the new *SFOA* outdoor regulations and how the municipalities should respond to requests from regional or local PHUs.



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Partnerships

In implementing the new *SFOA* outdoor regulations, partnerships were identified as a main facilitator of success. Soliciting support from existing partners including vendors, municipality staff, and the Alcohol and Gaming Commission of Ontario helped public health units achieve compliance.

Capacity Constraints

Some key informants (4/10) commented that staffing (e.g., part-time staff) and financial constraints limited the capacity to actively inspect regulated areas.

Inconsistencies with Existing Smoke-free Bylaws

In municipalities with existing outdoor smoke-free bylaws, the new *SFOA* outdoor regulations conflicted with existing legislation. Generally, municipalities with stricter bylaws continued to enforce their own bylaw. For other municipalities, replacing existing signage with provincial signs was cumbersome for staff.

Limitations

There are a couple of limitations to the findings of this evaluation. First, the street intercept survey results should be interpreted with caution as they are based on non-random samples in select municipalities and therefore cannot be broadly generalized to the Ontario population. Compliance and active enforcement data reported by the enforcement staff should also be interpreted with caution as data was only presented from 26 out of 36 PHUs in the Province.

Discussion

The new *SFOA* outdoor regulations appear to have had a positive effect on reducing smoking behaviour and exposure to SHS at affected venues. However, the levels of self-reported smoking and SHS exposures are still high. Enforcement staff reported moderate to high levels of compliance with variations observed by type of venue. Together these findings suggest that more work needs to be done to increase public awareness and compliance at sports fields and playgrounds.

Partnerships and proactive education appear to have contributed to the success in the implementation of the new *SFOA* outdoor regulations; while capacity constraints, signage and a similar pre-existing bylaw were the main challenges to implementing the regulations. Consideration should be given to these challenges when drafting future amendments to the *Smoke-Free Ontario Act*.

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