

# **Developing Smokefree Implementation Regulations**

## **Tools and Technical Assistance for State and Local Health Departments**

*A project of the Tobacco Technical Assistance Consortium*

### **Project Description**

Developing Smokefree Implementation Regulations (DSIR) is a project of the Tobacco Technical Assistance Consortium, located at Emory University's Rollins School of Public Health in Atlanta, Georgia. DSIR was initiated in January 2008 to assist health departments and others in the public health community draft and adopt effective regulations implementing smokefree laws. The DSIR website includes examples and models of implementation language, an introduction to public health rulemaking, and an overview of tobacco policy for lawyers. To support smokefree implementation, TTAC provides technical assistance to help the public health community successfully navigate the rulemaking process.

The recent acceleration in the passage of state and local smokefree laws is rooted in a successful public health movement of more than 30 years. In the 1980's, a series of policy victories began to shift public health efforts from requiring nonsmoking *sections* to creating *smokefree* environments. These milestones included the passage of the airline smoking ban (in 1989) and the first local smokefree restaurant laws. Since then, dozens of states have joined the wave of local communities that have adopted and implemented smokefree laws.

The rising tide of smokefree legislation, especially at the state level, has created implementation and enforcement challenges that require new tools and technical assistance. In the past, most local smoking ordinances were "self-enforcing" and were successfully implemented with little or no special assistance. However, as states and large cities have adopted increasingly strong smokefree laws a range of new issues has emerged.

Developing Smokefree Implementation Regulations is a two-year project to provide tools and technical assistance to state and local health departments. In early 2008, TTAC conducted a series of key informant interviews with health department staff and others to prioritize needs and identify best practices. Based on this input, DSIR has produced and disseminated a series of online tools which are available on TTAC's website. These include:

- **An introduction to regulation** and the rulemaking process for the public health community,
- **Examples of effective state and local implementation regulations**, including those addressing emerging issues such as outdoor seating areas, gaming facilities, and the responsibilities of business proprietors,
- **Model implementation language** covering thirteen issues,
- **Historical and background information** on tobacco policy and public health for lawyers, and
- **A comprehensive index of links** to national, state, and local resources for rulemaking and implementation.

For the duration of the Developing Smokefree Implementation Regulations project, TTAC will provide telephone, email, and in person technical assistance to support health department staff and others develop regulations and navigate the rulemaking process. During the second year of

the project, a companion hard-copy guide will be produced and distributed to states and communities that are involved in implementing smokefree laws.

The Project Director for Developing Smokefree Implementation Regulations is Mark Pertschuk, an attorney with expertise in public health policy and advocacy, and the former President and Executive Director of Americans for Nonsmokers' Rights (ANR) in Berkeley, California. In 2007, Mark helped develop [www.goingsmokefree.org](http://www.goingsmokefree.org), a comprehensive Web-based toolkit for implementing state and local smokefree laws, produced in collaboration with the Robert Wood Johnson Foundation, Americans for Nonsmokers' Rights, and the Campaign for Tobacco Free Kids. Mark can be reached at (510) 548-4053 or [m.pertschuk@yahoo.com](mailto:m.pertschuk@yahoo.com).

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