



Enforcement Toolkit

TOBACCO POLICY ENFORCEMENT TOOLS FOR ALL ENVIRONMENTS

BREATHE EASY
REDUCING SMOKE EXPOSURE IN MAINE



**MAINE
PREVENTION
SERVICES**

Maine Center for Disease Control & Prevention
Department of Health and Human Services

About Us:

The MaineHealth Center for Tobacco Independence (CTI) works across the state of Maine to address tobacco use and exposure through education, prevention, policy, treatment, and training initiatives. CTI administers statewide tobacco treatment and prevention contracts on behalf of the Maine Center for Disease Control and Prevention (Maine CDC), Maine Department of Health and Human Services. These Maine CDC contracts support the Maine QuitLink, Tobacco Treatment Training Initiative, and Tobacco Prevention Services – the latter of which is part of the broader Maine Prevention Services Initiative.

CTI contracts with District Tobacco Prevention Partners (DTPPs) to work across the state of Maine to implement objectives around prevention of youth initiation, reducing exposure to secondhand smoke, and promoting tobacco treatment through the Maine QuitLink.

Policy Implementation & Enforcement Support:

Local District Tobacco Prevention Partners can provide no cost technical assistance on tobacco policy adoption, implementation, and enforcement. In addition to providing tips for creating tobacco-free environments, organizations who work with their local DTPP to pass model policies may qualify for free tobacco-free area signage.



Connect:

- Policy Implementation and Enforcement Resources: BreatheEasyMaine.org
- Find Your Local District Tobacco Prevention Partner: CTIMaine.org/dtpp
- Email: BreatheEasyMaine@MaineHealth.org

MaineHealth
Center for Tobacco
Independence

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INTRODUCTION

Individuals may be more likely to embrace a smoke-free/tobacco-free (SF/TF) policy when they understand the purpose and that the policy is not meant to be punishment. This toolkit will aid as a support in delivering consistent communications about SF/TF policies through strategies, tips, and increasing confidence with enforcement conversations.

Contents:

- Introduction
- Steps for Effective Enforcement
- Enforcement Conversations
- Enforcement Guidance Card
- Tips for Handling Violations
- Violation Letter Template
- Environment Specific Resources
- References



Definitions:

- **Enforcement:** The process of ensuring compliance with laws, regulations, rules and social norms.
- **Compliance:** To act in accordance with a wish or command; to follow the rules.

Benefits of a Tobacco-Free Policy:

ENSURES
COMPLIANCE WITH
MAINE LAWS

SUPPORTS THOSE
INTERESTED IN
QUITTING

PROMOTES
HEALTH & CLEAN
AIR FOR ALL

PREVENTS
INITIATION OF
TOBACCO USE

REDUCES
SECONDHAND AND
THIRDHAND SMOKE
EXPOSURE

REDUCES
TOBACCO
PRODUCT LITTER

References to tobacco in this toolkit refer to commercial tobacco use, not the sacred and ceremonial tobacco used by American Indian communities.

STEPS FOR EFFECTIVE ENFORCEMENT

Communicate Frequently:

Communicate frequently about the reason for the policy and the date it will be in effect. Use every opportunity available to communicate this information.

- Advertise as smoke-free or tobacco-free.
- Post appropriate signage.
- Distribute consistent messaging across all materials communicating the policy, including handbooks, orientations, signage, etc.

Give Advance Notice:

When possible give several months advance notice before the policy takes effect. This will allow people to get used to the change, ask questions, and, if interested access quit support.

Hold Informational Meetings:

Host sessions to communicate the policy to those who will be affected by the policy change, provide an opportunity to receive feedback and answer questions. Expect that you may experience opposition initially. Provide a space for people to express their opinions, ask questions, and get answers to increase support and prevent potential problems later.

- Virtual or In-Person "Town Halls"
- Staff Meetings
- School Open Houses
- Condo Association Meetings
- Tenant Meetings
- Board Meetings

Promote Education and Offer Resources:

- Tobacco Treatment, such as the **Maine QuitLink** ([1-800-QUIT-NOW](tel:1800QUITNOW) & MaineQuitLink.com)
 - Information on the harms of smoking, tobacco use, e-cigarettes & vaping, and secondhand and thirdhand smoke. (Free Downloadable and Print Materials available at BreatheEasyMaine.org and MainePreventionStore.com)
- Send appropriate staff to Tobacco Treatment Trainings, like those offered through the **MaineHealth Center for Tobacco Independence** (CTIMaine.org/Education)

Inform Early:

Utilize opportunities to let people know about the policy early, including at the start of treatment, when signing a lease agreement or renewal, with new hires at orientation, etc. Consider having individuals sign an acknowledgement that they understand the policy.

STEPS FOR EFFECTIVE ENFORCEMENT

Continued

Conduct Walkabouts:

Conduct walkabouts around the property to approach, staff, residents, visitors, contractors, or others who are not following the policy to offer education and request compliance. Also look for areas with tobacco related litter to identify possible areas of concern where additional signage or monitoring may be needed.

Assign Enforcement:

Select individuals who will be responsible for the policy implementation, including enforcement and ensuring compliance. Be sure these leaders have the proper tools, resources, and authority to respond to issues that may come up.

Shared Responsibility:

Empower all appropriate individuals to communicate the policy by providing them with tools to discuss it. For example, provide key talking points about the policy and have educational reminder cards available at central locations to hand out to people who are not in compliance.

Explain Expectations:

Clearly explain the expectations and non-compliance consequences; these should be explained in the policy language and in policy communications.

Tool - Policy Reminder Card:

A policy reminder tool, such as a business card, can be used to increase awareness and support compliance. This reminder can include policy information and also highlight tobacco treatment tools that are available. The sample reminder card below can be downloaded and customized with your messaging and branding at BreatheEasyMaine.org/Policy-Implementation.



ENFORCEMENT CONVERSATIONS

Enforcement conversations can feel intimidating. Here are some examples of dialogue about the policy. It is important to prepare for these conversations so that you can avoid conflict.

Conversation Tips:

- Remember this isn't about the person, it is about the behavior. Keep the focus on the policy, try not to make it personal.
- Avoid debate on the policy, resist temptation to advocate either for or against the policy.
- Have a person identified who you can refer the individual to if they have questions.
- If asked, offer support including suggestions about quitting tools or getting through the day without using tobacco.
- Be consistent.

Greeting

"Hello. You may not be aware that ____ is tobacco-free. We ask that you please stop using your {cigarette or vape product} on our property."

Where Can I Smoke?

It is helpful to know the boundaries of the TF/SF property as stated in the policy. This could be 25-ft from buildings or the entire property. You do not need to make recommendations for where they can smoke unless the policy has a designated smoking area.

Why Can't I Smoke Here?

An easy approach to answering this question is to refer to the rationale section within the policy. It typically may include one of the following statements:

"The {organization} has decided that this is one of the ways we can support the health of our {staff, students, patients, visitors, etc}."

"{Organization} is dedicated to providing it's {residents, staff, visitors, etc} with a safe and healthy environment by being smoke-free indoors, as required by Maine law."

TIPS FOR HANDLING OFFENSES

- Have consistent enforcement procedures in place and follow through on all reported offenses.
- Be polite yet firm.
- In most situations, the person will comply without a problem. Once they do, thank them and move on. You don't need to monitor their ongoing compliance.
- The goal is NOT to address their lifestyle choice nor advocate for quitting. It is about communicating the policy.
- Efforts should be made to mediate the situation with graduated steps before moving to an extreme consequence, such as an eviction or termination.



Considerations for Multi-Unit Housing: Equitable Enforcement Strategies

According to the Public Health Law Center, housing stability is a key indicator in the social determinants of health. This applies to both protecting residents from making a decision to leave stable housing due to secondhand smoke exposure that impacts their health as well as the fact that people who smoke often face housing instability themselves due to lower incomes and poor health.

A graduated enforcement structure provides multiple steps for enforcement and the opportunity for residents to change their behavior before offenses result in eviction. It is suggested that if eviction is used to enforce the policy, it should be used only as a last resort. A graduated enforcement structure includes efforts to work with tenants who are facing the challenge of overcoming nicotine dependence or addiction. Multi-unit housing stands out for consideration of equitable enforcement, but the same strategies and decisions are also pertinent to other settings.

"It is possible to support tenants suffering from nicotine dependence or addiction while at the same time ensuring residents, guests, property management and staff are safe from the harms of secondhand smoke exposure." - [Public Health Law Center](#)

VIOLATION LETTER TEMPLATES

Staff Policy Violation Notice

To: {Employee Name}

From: {Administrator Name, Title}

Date:

Subject: Memorandum of Expectation

{Organization} seeks to provide a clean air environment for all {staff, clients, visitors, etc}. Therefore, as an employee at {Organization}, the administration expects that your actions reflect compliance and support of our tobacco-free policy. You are receiving this memorandum as a result of one or more violations of the {Organization} tobacco-free policy.

Notice of Smoking Incident

Property/Address:

Resident/Leasee:

Incident #:

Date:

Unit #:

This notice is to inform management of _____ (address/development) of the following smoking related incident.

Description of Incident:

- | | |
|--|--|
| <input type="checkbox"/> Smoking coming into rental unit | <input type="checkbox"/> Smoking observed in indoor common area |
| <input type="checkbox"/> Smoking coming in other rental unit | <input type="checkbox"/> Smoking observed in prohibited outdoor area |
| <input type="checkbox"/> Other: | |

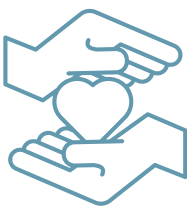
Remarks/Detailed Description:

Downloadable Tools:

The violation template letters above can be downloaded and customized with your messaging and branding at BreatheEasyMaine.org/Policy-Implementation.

ENVIRONMENT SPECIFIC RESOURCES

Each environment has specific considerations, resources to support implementing tobacco-free policies are listed below.



Behavioral Health

Developing best practice tobacco-free policies as well as providing screening and treatment for tobacco use at behavioral health facilities will support clients to make quit attempts and protect all from the dangers of secondhand and thirdhand smoke.

- [Download the Tobacco-Free Behavioral Health Toolkit](#)



Higher Education

Adopting a tobacco-free campus policy highlights an institution of higher education's commitment to providing a healthy and safe environment for students, faculty, staff, and visitors.

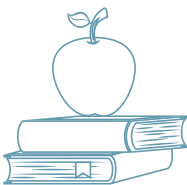
- [Download policy templates and tools for higher education](#)



Hospitals & Healthcare

Hospitals and healthcare organizations provide key community support and are exemplary role models of health care excellence. Tobacco-free campus policies are examples of this commitment, which benefit patients, employees, and the entire community.

- [Download policy templates and tools for hospitals & healthcare settings](#)



K-12 Schools & Youth Serving Entities

Youth are vulnerable to social and environmental influences to use tobacco; messages and images that make tobacco use appealing to them are everywhere. Actively promoting tobacco-free living through policies and procedures makes a strong statement and supports students to remain tobacco-free.

- [Download the Tobacco-Free School Policy Toolkit](#)



Multi-Unit Housing

Creating smoke-free multi-unit housing policies is a win-win situation for landlords and tenants as it reduces exposure to secondhand smoke, reduces property damage, and fire risks, and reduces unit turnover costs.

- [Download the Smoke-Free Multi-Unit Housing Policy Toolkit](#)

ENVIRONMENT SPECIFIC RESOURCES

Continued



Municipalities & Public Places

Community spaces influence Maine's children and municipalities are important partners in promoting good health. When they're not in school, children spend much of their time at community spaces and community recreation facilities.

- [Download the Tobacco-Free Community Recreation Toolkit](#)



Workplace

A tobacco-free workplace policy benefits health and business by protecting worker health, supporting employees who are trying to quit, reducing maintenance and insurance costs, and preventing employees from becoming new tobacco users.

- [Download the Tobacco-Free Workplace Toolkit](#)

Additional Resources for All Settings

Visit BreatheEasyMaine.org for facts, policy implementation and enforcement tools, the Gold Star Standards of Excellence recognition programs, the Smoke-Free Homes Pledge, and downloadable resources. Editable documents to support policy enforcement are available for download from this site, including:

- Policy Reminder Card
- Social Media Communications
- Violation Letter Templates

REFERENCES

1. Steps for Effective Enforcement of Smoke-Free Policies in Multi-Unit Housing, American Lung Association (Lung.org/SmokeFreeHousing)
2. Advice for Enforcing a Smoke-Free Housing Policy, Americans for Nonsmokers' Rights Foundation (2012, no-smoke.org/advice-enforcing-smokefree-housing-policy)
3. Smoke-Free Multi-Unit Housing: Equitable Enforcement Strategies, Public Health Law Center (2020, publichealthlawcenter.org/sites/default/files/resources/SF-MUH-Equitable-Enforcement-Strategies.pdf)

POLICY IMPLEMENTATION & ENFORCEMENT SUPPORT

Local District Tobacco Prevention Partners can provide no cost technical assistance on tobacco policy adoption, implementation and enforcement. In addition to providing tips for creating tobacco-free environments, organizations who work with their local DTPP to pass model policies may qualify for free tobacco-free area signage. ([Find your local DTPP at CTIMaine.org/dtpp](#))