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CHALLENGES TO IMPLEMENTING AND ENFORCING CALIFORNIA'S SMOKE-FREE WORKPLACE ACT IN BARS

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Abstract

California's 1995 Smoke-Free Workplace Act—Assembly Bill 13 (AB 13)—was extended to bars in 1998. This paper examines the challenges faced by officials responsible for implementing and enforcing the law. As part of a series of studies evaluating AB 13 in bars, researchers conducted confidential in-depth interviews with 35 state, county and municipal authorities and representatives of non-governmental agencies. The interviews were recorded, transcribed, coded and analyzed by themes and respondent categories. Data from structured observations in sampled bars and interviews with bar staff and patrons offer contextual information. Analyses indicated the following challenges: 1) an ineffective administrative structure, 2) problems associated with the complaint-driven system used to enforce the law, 3) lack of funding for enforcement, 4) low prioritization of enforcement, and 5) the minimal deterrence effect of the sanctioning penalties. The findings indicate why indoor smoking may continue in some bars despite the state law prohibiting smoking in workplaces. Many municipalities, states and countries may be considering restricting smoking in workplaces including bars, and our findings show that clear delineation of procedures and enforcement criteria, as well as funding and substantive penalties, should be considered in drafting these laws.

Keywords

SMOKE-FREE; WORKPLACE; ENFORCEMENT; TOBACCO; POLICY

Introduction

In 1998, California's Smoke-Free Workplace Act (Assembly Bill 13, or AB 13) was extended to bars and taverns. During its first decade, the law has largely been successful in its aim of protecting California employees from secondhand smoke. Most workplaces in California are now smokefree, including the majority of bars and taverns. However, in many stand-alone bars—those not attached to a hotel or restaurant—indoor smoking continues, as several studies have found (Hanson, 1999; Bero & Montini, 2000; Lee et al., 2003).

As part of a series of studies evaluating AB 13 in three California counties, anthropologists at the Prevention Research Center in Berkeley conducted confidential, in-depth interviews with 35 state, county and municipal authorities and with representatives of nongovernmental tobacco control agencies to better understand the manner in which this law was being implemented and enforced and how enforcement impacted the effectiveness of the law.

Elsewhere we have reported bartender and patron perspectives on smoking in bars despite the law (Lee et al., 2003; Moore et al., 2006; Lee et al., in press). In this paper we present the views and experiences of officials charged with implementing and enforcing AB 13, in particular their perceptions of the impact of enforcement on compliance with the law.

In many ways, California has been a trailblazer in tobacco control efforts, enacting laws restricting smoking in the workplace and in public places such as schools, outdoor parks, playgrounds and beaches (Gilpin et al., 2004). The ban on smoking in bars may have been the most controversial of these restrictions (Magzamen & Glantz, 2001). When AB 13 was extended to bars in 1998, many considered that it would be nearly impossible to eliminate smoking in bars (Borland et al., 2006). Since then, many other jurisdictions, including countries such as Ireland, New Zealand, France, England, as well as countless states and cities throughout the world, have enacted indoor smoking bans extending to bars and taverns (Fong et al., 2006; Goodman et al., 2007; Koh et al., 2007). Such laws reflect the growing tobacco regulation movement on a global scale.

For the purposes of this study we distinguish between the concepts of implementation and enforcement in our analysis of AB 13. Implementation refers to the overall and broad application of the law (Ingram & Schneider, 1990). Enforcement, an arm of implementation, refers to the methods employed to gain compliance with the law or policy (Vago, 2000). This distinction between implementation and enforcement allows us to better contextualize the specific processes related to the function and execution of policy. As the content of a law provides context to the behaviors of those responsible for implementing and enforcing it (Ingram & Schneider, 1990; Sabatier & Mazmanian, 1983), it is helpful here to consider the social and political forces underlying the creation of AB 13. The law was initially legislated in 1994, but was not extended to bars and taverns until 1998 due, according to some scholars, to the tobacco industry's influence within the California legislature (Kiser & Boschert, 2001). Tobacco control researchers contend that it was only through a series of legislative compromises that the bar and tavern extension of AB 13 was enacted (Bero & Montini, 2000; Glantz & Balbach, 2000; Wingo et al., 2001). These compromises—including delegating enforcement of the law to local rather than state authorities—may well have led to situations which have made implementing the law challenging for those charged with this task.

Although some laws may reflect such commonly-held values that little formal enforcement is necessary (Vago, 2000), this was not the case with AB 13. From the outset, tobacco control advocates considered AB 13 a contentious law which would need continual enforcement (Kiser & Boschert, 2001; Wingo et al., 2001). However, while the law stated that it was 'the intent of the Legislature to create a uniform statewide standard to restrict and prohibit the smoking of tobacco products in enclosed places of employment' (CA Labor Code Sec. 6404.5(a)), the manner of implementation was not specified. Local governments were given full autonomy in carrying out the law. They were not provided with an enforcement framework beyond a penalty schedule, which was to 'be enforced by local law enforcement agencies including, but not limited to, local health departments, as determined by the local governing body' (CA Labor Code Sec. 6404.5(j)).

Many classic studies of policy implementation argue that successful policy derives from a strong and centralized authority that controls the direction of implementation. This 'top-down' school of implementation (see Sabatier & Mazmanian, 1979) contends that street-level discretion or failure to follow a policy's directives indicate that controls within the implementation and enforcement system are inadequate or missing (Maynard-Moody, Musheno, & Palumbo, 1990). Yet theorists also note that administrators and ground-level enforcement officials possess and exercise a significant amount of discretion in policy implementation, and that such discretion—whether adhering to the policy's directives or not

—is a normal aspect of street-level bureaucracy (Gerber, Lupia, & McCubbins, 2004; Meier, 1993). While some scholars argue that administrators' discretion enables them to respond to the special needs of their citizenry, or of the groups or communities affected by policy (Goodsell, 1981; Mladenka, 1981; Nivola, 1978), others see the discretion of administrators as a potential problem for abuse of the system (Mazmanian & Sabatier 1989), and find that local bureaucratic discretion may ultimately undermine the original intent of the law. In his seminal book *Street-level Bureaucracy* Michael Lipsky described the many demands 'street-level bureaucrats' (public employees who interact with citizens in making decisions about services) manage, as well as the limited resources provided to tackle the never-ending demands. One coping strategy employed by overworked, underresourced bureaucrats involves reducing the demand of their activity by deciding which activity or service has the broadest consequence on society and concentrating their efforts on these (Lipsky, 1980). According to this triage strategy, policies viewed as low priority by a street-level official will receive less attention, resulting in weak implementation efforts at best. The uneven administration of policies within and across jurisdictions may mean that not all persons enjoy the intended benefits of the policies, such as protection from the harmful effects of second-hand smoke (Moore et al., 2006).

Our findings on the implementation of California's tobacco control policy in bars allow us to expand on this concept of street-level bureaucratic triage, by focusing particularly on perceptions of and responses to the policy by officials charged with enforcing it. We find that both local and state-level forces influence bureaucratic discretion and the concomitant street-level enforcement of the California's smokefree workplace policy. State and local structures combine with the internal values and priorities of enforcement agencies and their personnel, suggesting that a range of organizational styles are available and utilized in the implementation and enforcement of public policy.

Methods

The data for this paper come from three ethnographic studies of smoking in stand-alone bars in California. The data for these projects included: (1) a survey of all stand-alone bars in three California counties, (2) a series of structured observations in selected samples of these bars; and (3) in-depth interviews with bartenders, managers and patrons from the sample bars and with enforcement officials. Altogether, 390 bars were visited on at least three occasions and 207 face-to-face interviews were conducted with bar personnel and 35 interviews with officials charged with implementing and enforcing the law. These latter respondents included county and civil servants and code inspectors, police and sheriff personnel, city attorneys, tobacco-control advocates, and a community resource attorney specializing in working with community groups and elected officials in developing tobacco control policies.

Potential respondents were identified through Internet searches of publications and agencies associated with implementation and enforcement of AB 13, by personal references from tobacco control advocates, and by snowball referrals. Researchers conducted confidential interviews either in person or by phone. The semi-structured interview guide was designed to elicit detailed descriptions of the enforcement and implementations of AB 13, changes over time regarding these strategies, relationships between the various coalitions involved in its implementation, and the challenges and barriers faced in the enforcement of AB 13. Interviewers obtained informed consent from all respondents. The interviews were digitally recorded, identity-coded, transcribed and uploaded to the ATLAS.ti qualitative software program for analysis. The Institutional Review Board of the Pacific Institute for Research and Evaluation approved all data collection protocols for the protection of human subjects.

Supplemental data for this paper include the semi-structured narratives of bar observations recorded as fieldnotes by staff ethnographers, and from interviews with bar owners and managers, bartenders and patrons. Analysis of the interview and observation data consisted of coding passages from the implementation and enforcement interviews that shed light on the history and contemporary practice of enforcing the law. These coded passages were then compared by locale as well as interview context and examined for recurring themes.

Findings

Analysis of the interviews with implementation and enforcement officials revealed practical challenges they faced in applying AB 13 to stand-alone bars. Five of the most salient challenges were: 1) an ineffective administrative structure, 2) problems associated with the complaint-driven system used to enforce the law, 3) lack of funding for enforcement, 4) low prioritization of enforcement, and 5) the minimal deterrence effect of the sanctioning penalties.

Local Enforcement: An Administrative Maze

Covering a geographic area of 163,696 sq mi (423,970 km²) and with a population of over 37 million (<http://ca.gov/About/Facts.html>, accessed June 16, 2008), the state of California has the largest population of U.S. states, larger than many independent nations, and an economy that is among the largest in the world. Containing both densely urban and remote rural areas, state governance is administered by a diversity of counties, municipalities and local departments. California AB 13 granted local governments wide flexibility in selecting the manner in which to implement and enforce the law (CA Labor Code Sec. 6404.5(j)). Enforcement responsibilities were determined by the local city councils or boards of supervisors, who then designated the actual enforcement to agents and agencies including local health departments, city code enforcement agencies, police and sheriff departments, fire departments, or district and city attorneys.

This delegation to local authorities, however, created a system that many of our respondents described as ‘problematic.’ County health officials were often responsible for working with the local enforcement entities in implementing the law, and as a result, these county officials dealt with an administrative maze of agencies and agents within their jurisdiction. For example, according to one health official, Los Angeles County includes 88 municipalities, each with varied enforcement agencies with which county officials must work in implementing AB 13. One official assessed this fragmentation within his own local enforcement agency:

Environmental Health insisted on a decentralized approach, which meant that the complaints were then divvied up amongst the four inspectors, principal inspectors. And then those four principal inspectors reported to, I don’t know what his title was but, somebody else at Environmental Health, who then reported to the top person at Environmental Health, who then reported to, I think, two levels of people before the Director of Public Health, who then reported to the mayor.

Many respondents identified collaboration between public health officials and law enforcement as a particularly problematic aspect of the administration of the law. According to one official, while several local government agencies coordinated sting operations with extensive checks on bars, they failed to follow up these stings with enforcement efforts. While enforcement was not entirely absent in most localities, neither was it clear and consistent.

Complaint-Driven System

A recurring issue was the complaint-driven system of implementation chosen by many localities. Under this type of system, county officials were charged with eliciting and compiling the complaints from the public—typically through a complaint hotline—and sending them to

the local enforcement agency. For example, in Los Angeles, once a complaint was received, it was referred to the city attorney who then sent a letter to the owner of the bar that was identified in the complaint. The letter also spelled out what was necessary to rectify the problem, along with the consequences if the problem wasn't corrected. This triggered an inspection by the fire department's special detail, which was the local lead agency in LA charged with enforcing AB 13. If the inspection identified the continuing existence of the problem, then a hearing was held between the city and the bar owner. Further inspections might be called for to maintain compliance with the law. The difficulties in this system were highlighted by the original complainants:

The complainants would call me back and say, 'I called you to complain about this bar, and it's a month later, what's happening?'

While a complaint-system was expected to streamline problems to the local enforcement officials, in reality complaints were often passed off from agency to agency, agent to agent, and the end result was anything but streamlined. Health officials or tobacco-control advocates who staffed the complaint hotline would generate reports, send them to the appropriate enforcement agencies, and then wonder if the complaints were ever followed up. This system often left the officials in charge of compiling complaints feeling frustrated:

Our [tobacco control staff] went over to [enforcement agency] and looked at the files [a year after the complaint], and found them in disarray--our complaints weren't in them. It's good that we kept our own track of complaints, but when we compared what we had for complaints and what was in their files, it was pretty poor, and it was not a priority for [enforcement agency].

Several health officials who staffed the complaints hotline noted that enforcement seemed to be at the whim of the enforcement officials and their agencies, and this led to frustration. One official said:

It depends on the inspector. Because we have gone back and looked at some of the files, and some inspectors document what I think are obviously cases of non-compliance, and they've not been cited.

Lack of Funding

A critical issue was that monies were not specifically allocated toward the enforcement of AB 13. The law stated that 'no reimbursement is required by this act' (California Assembly Bill 13 1994) and it was expected that the local enforcement agencies would cover any extra costs required in enforcing the law. Because of this many respondents considered the law an 'unfunded mandate.'

Due to this unfunded mandate, officials often had the task of enforcing the smoking ban added to their regular job functions. Almost all the enforcement agents derided this extra job requirement, saying it caused them to be 'stretched thin.' One health official noted: 'We have limited resources, limited people, limited money, limited time. We can't do everything.' Inspectors conducted their inspections of bars during their typical nine-to-five workdays, except for special circumstances when 'sting' operations (unannounced inspections intended to catch noncompliance in action) were conducted after normal business hours. Officials recognized this as another fundamental flaw in the system:

So very quickly word got around that, hey, inspectors work nine to five, and so do whatever you want after five o'clock. And that continued to be the case because never did bars, or very rarely did a bar, ever see an inspector come after hours. And yet that's when the smoking, or the preponderance of the smoking, was taking place.

Our field observations verified this statement. For example, after one observation, a field observer recorded that:

At about 7:30 pm, two guys in their mid 40s strolled into the bar and sat down at the counter. They both ordered PBR tall boys, and then one of them asked, 'Can we smoke?' The bartender replied, 'Not yet.' Another patron called out, 'Ah, c'mon, let us smoke! The other night we got to smoke, and it was, like, seven o'clock.' 'That's because J. was bartending. She always gives in,' The bartender replied, and then asked, 'What time is it? Seven thirty-five? Okay, go ahead.' The bartender immediately ducked under the bar counter and came up with a handful of black ceramic ashtrays, and dispensed them on the bar. Right away, four of the other patrons in the bar lit up. When I asked the bartender about the bar's 'smoke-time,' he explained: 'The word on the street is that the health inspectors don't work past nine o'clock. We don't usually allow smoking until after nine so we don't get busted.'

Due to the connections and network relationships among many bar owners, the timing of inspections became fairly well known among bar owners, bartenders and patrons. While agency personnel understood this dilemma, without the requisite funding there was little they could do.

Some agencies did receive special funding for enforcement activities from state grants or funds designated by their own local governments. For example, the Oakland Police Department's Alcohol Beverage Action Team team received a grant from the Department of Health's Tobacco Control Section to conduct indoor citation stings in Oakland bars. Enforcement personnel in these cases were appreciative of the funding, noting that the funding allowed them to prioritize the enforcement of the ban. County officials, who were in a position to compare within their jurisdiction those localities that were funded by special enforcement monies with those that were not, stated that the extra funding 'made all the difference in the world' in terms of the level of enforcement and the resulting smoking activity in bars.

For example, the city of Los Angeles, with a complaint-driven system, found increased compliance with AB 13 after allocating special funds to enforce the ban. The city council received several complaints that bars throughout the city were violating the law, and passed a citizen-reporting ordinance in an effort to reverse the trend, authorizing a \$250,000 budget to create a two-person inspection team within the ranks of the fire department. A host of recalcitrant bars were cited and brought before the city attorney (Nagami, 2001), and the general feeling of officials interviewed from Los Angeles was that overall compliance was high.

Ironically, the complexities of the bureaucratic system, previously described here, hindered the ability of county agencies to offset the lack of funding. County officials often felt they had the staffing resources to assist the enforcement agencies but were unable to do so. As one county public health official explained:

There needs to be more of a relationship between the health department and the enforcing agencies. The way it's set up each city is individually responsible for enforcing the law. We [county health officials] don't really have any kind of enforcement role, but we have resources that could assist the cities in enforcing the law; but they all do something different.

Smoking Enforcement as Low Priority

The efficacy of local enforcement efforts related to AB 13 relied heavily on the attitudes of those in charge with enforcing the smokefree policy. Some local governments—often with the assistance of tobacco control groups—made enforcement of AB 13 a priority, organizing a highly effective system of consistent bar checks and publicized sting operations. Officials in

these localities perceived that the administrative leadership considered enforcement of AB 13 to be a priority, and this attitude transferred to the enforcement agencies and to enforcement agents in the field. In these localities, bar owners who allowed smoking in their establishments were cited and expected to attend a formal hearing before a magistrate. Respondents in our interviews deemed these efforts successful because the enforcement applied equally to everyone, efforts were coordinated between implementation and enforcement agencies, and the system remained intact for years after the ban took effect, showing bar owners that enforcing the law would remain a priority in their jurisdiction.

Respondents from anti-tobacco coalitions and non-profit health groups reported, however, that in many state, county, and localities there was no ‘buy-in’ among political leaders, as well as high ranking enforcement personnel, and this translated to weak enforcement of AB 13. Officials were keenly aware of this situation:

A [mayor] was quoted in the [local newspaper] saying, ‘I don’t want smoking police running around. This should be voluntary. This is ridiculous.’ So if I were anyone who worked for the-[mayor], which is essentially all of us in that chain, I wouldn’t stick my neck out and do a damn thing. And that was a huge problem, as I see it. The bare minimum got done.

Several officials also spoke of their frustration when working with local enforcement entities and authorities who didn’t share their belief that the issue of secondhand smoke was of salience to the local communities. Yet enforcement officials, including those at the street-level, felt that they were doing as much as they could do, given their circumstances. One suggested:

The other question is, is it important to make everybody quit everywhere? Is it important to be draconian? The only reason you’re even talking to me is because the [county tobacco control] people just can’t let up on anybody. They’re unrelenting. You know, and I know cigarette smoking is bad for you and you shouldn’t do it and all those kinds of things, but it’s unclear to me that it’s really worth while to chase things down.

In localities where the police or sheriff was responsible for enforcement, a low prioritization of enforcing the smoking ban was easily rationalized:

The [police] always have other priorities. Police are not interested in anything that deals with quality of life issues. They just want to chase criminals, and the police have relationships with bar owners that are useful to them in terms of gaining information regarding illegal activities. So they’re not inclined to be real good enforcement agents in bars. They’re usually friends of the bartender, friends of the bar owner. It makes it hard for them to want to go in and give a lot of tickets.

The police and sheriff personnel who were interviewed for this study were quite frank in their own assessment about the quality of enforcement; most stated that enforcing the ban was a low priority for them. Health officials and tobacco control advocates were quick to point out that the lack of funding for AB 13 signalled to many that enforcing the policy was a low priority for the state as well.

Sanctions Offered Little Deterrence

A final challenge faced by implementation and enforcement officials concerns the sanctioning mechanism of AB 13 itself. Every official interviewed for this study mentioned the minimal deterrence effect of the sanctions legislated by the California Assembly, and many described the law as written as having ‘no teeth.’

According to the language of AB 13, the first two violations within one year would be infractions punishable by a fine of \$100 and \$200, respectively. A third violation within one year (and subsequent violations) would draw a \$500 fine and also trigger the California Occupational Safety and Health Administration (Cal-OSHA) to inspect the premises. A fine up to \$7,000 may be given to the operator of the establishment if the bar was found to be failing to adhere to the law (CA Labor Code Sec. 6404.5(j)(k)).

According to our respondents, the Cal-OSHA provision was never triggered in the three metropolitan counties analyzed for this study. Several officials noted the process in citing bar owners for non-compliance was too complex. Officials in Los Angeles County, for instance, stated that the combination of inspecting thousands of bars, as well as the backlog of court cases on the dockets, made it virtually impossible for a recalcitrant bar owner to get cited three times within one year. As one official stated, 'In a place like Los Angeles you're talking about close to 8,000 establishments alone. And you have two inspectors for the entire city.'

More profoundly problematic was the perception that judges did not want to preside over these cases:

We were finally starting to file these cases in court, [but] due to a lot of the impacts—our courts are just incredibly impacted—these cases were just not looked upon among the judicial community as a priority. When I went with the prosecutors to file the cases, the judges were so upset that their courts were being filled, that these cases were even being brought to court. The judge would say, "Mr. [name], do not bring these cases to my court room."

Presumably, then, a fine of \$100 or \$200, or even \$500, was a 'slap on the wrist,' according to officials, and many stated that bar owners considered such small fines to be merely operating expenses (see Moore et al., 2006, for bar owners' views on this subject). One official noted:

It is very, very difficult because the penalty is such that it's like a parking ticket. The problem with that is you have no incentive to file a case that is just an infraction. The costs are obviously higher than what the outcome is, than what the city gets in its return. And the trend has been that the bar owners see it as a cost of doing business.

Enforcement personnel indicated that this ineffectual penalty system affected their own attitude towards their work. As one noted, 'What good is it to cite them when the fines are so minimal? They don't care.'

Conclusion

Despite the widespread recognition of the harmfulness of secondhand smoke and a growing global movement to restrict use of tobacco in public settings, our findings on California's Smokefree Workplace Act highlight the complexities of implementing such tobacco control policies. As one health official summed up the specific case of AB 13:

We were the first state to pass a law [prohibiting bar smoking]. We didn't have any prior knowledge in what would be the most effective way to implement and enforce it, and it just taught us lessons that there's benefits to passing a state law and covering the entire state in one swoop, and there are also consequences. If you are not prepared, it can be a very difficult situation. And if you don't implement and enforce the law well, you may as well not have a law. If you're not going to implement and enforce it's about the same thing as not having a law at all because if people are violating it, then why bother?

The study of complexity in bureaucratic processes represents a scholarly tradition going back to at least Weber (1978). Scholars find these 'process bureaucracies' are due to a combination

of many factors, including poorly written statutes (Dexter, 1981; Ingram & Schneider, 1990; Lowi, 1964; Meier, 1987), administrators' and enforcers' discretion (Lipsky, 1980; Maynard-Moody, Musheno & Palumbo, 1990; Nielson, 2006), and insufficient policy expenditures (Hood, 1986; Ingram & Schneider, 1990). In the case of AB 13, all of these factors interacted, creating and reinforcing the difficulties of enforcing the law. The complaint-driven system exacerbated the administrative maze of the local enforcement system and amplified implementation and enforcement problems consistent with administrative bureaucracies (Ingram & Schneider, 1990; Lipsky 1980; Maynard-Moody, Musheno & Palumbo, 1990; Meier, 1987; Nielson, 2006; Scholz & Wei, 1986). The lack of resources appropriated for the enacted policy can be attributed with some of the challenges; some theorists argue that funding (and staffing by way of funding) is one of the most critical aspects of street-level enforcement (Brehm & Gates, 1999; Lipsky, 1980; Meyers & Vorsanger, 2003; Weatherly & Lipsky, 1977), often referring to the resources attached to the implementation of policy legislation as a 'policy tool' (Hood, 1986; Ingram & Schneider, 1990). Just as expenditures earmarked for implementation can have a positive effect on its ultimate outcome (Hood, 1986, May & Winter, 2000; Perry & Porter, 1982), the lack of such appropriations can weaken a piece of legislation. Similarly, our findings underscore both the real and symbolic value of implementation and enforcement funding. Additionally, the perceived weakness of the sanctions undermined the efficacy of the law. Deterrence theory proposes that persons will comply with a law if the punishment for noncompliance and the costs of compliance outweigh the potential expected benefits of noncompliance (Braithwaite, 1985). Our findings support this model not only as explaining the behavior of many of those at whom the law was addressed—bar owners and patrons—but also as explaining, in part, the behaviors of those intended to enforce the law.

Such findings highlight the interdependence between the institutions, agencies, and individuals charged with implementing and enforcing laws (Vago, 2000). Though most of our informants agreed that local enforcement entities were required as part of the state-wide ban, it was apparent that the complex interplay between state and local authorities shaped how the enforcement process has been implemented. The case of AB 13 as it pertains to stand-alone bars demonstrates the need for tobacco control legislation to clearly delineate implementation with particular attention to the divisions and interactions between various levels of government. In recent years prevention scientists working in the field of alcohol policy have identified key elements of successful policy formulation to be: 1) streamlining enforcement bureaucracy, 2) obtaining a 'buy-in' from political leaders and 3) stronger fines (Holder et al., 1997; Homel, McIlwain, and Carvolth, 2001; Stockwell and Gruenewald, 2001). Our findings support this framework. In addition, based on the experiences of our respondents in California, another key feature of a successful tobacco control policy in bars would be a central enforcement mechanism—be it provincial, state or national—for cohesion and a unified approach, working closely with local entities to carry out the day to day work. Yet even a policy with these elements may be unsuccessful without adequate funding attached to the legislation to support the costs of enforcement, particularly at the local level.

We should note that even given the enforcement challenges described here, the vast majority of bars in California have been found to comply with the smoking ban (Weber, 2003; Wingo et al., 2001). While smoking bans in other countries such as New Zealand, France, and England have also proved to be successful (Koh et al., 2007), bars continue to be among the most difficult locations to enforce tobacco control. Yet that such a ban has been shown to be successful in Ireland, where bar smoking might be considered a part of local culture (Fong et al., 2006; Goodman et al., 2007), indicates that such policies can and do work. The findings from this study may serve to aid governments around the world in crafting and implementing more effective smoke-free workplace laws.

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