



**SMOKEFREE**  
nebraska

*Celebrating five years of smoke-free air in 2014!*



**Five Years of Smoke-Free Air**

**The Nebraska Clean Indoor Air Act**

**2009-2014**

Department of Health & Human Services



**DHHS**

N E B R A S K A



May 2014

## Table of Contents

Executive Summary

Introduction	1
Background and History	2
Compliance and Enforcement	4
Support for the Statewide Smoke-Free Air Law	6
Importance of the Statewide Smoke-Free Air Law	7
Health Impact of the Statewide Smoke-Free Air Law	8
Smoke-Free Homes and Vehicles	9
Conclusion	11
References	12

## Executive Summary

---

The Nebraska Clean Indoor Air Act (Smoke-Free Air Law) will mark its five-year implementation anniversary on June 1, 2014. The purpose of the law is to protect the public from secondhand smoke exposure by prohibiting smoking in public places and places of employment.

This report provides a five-year overview of the law. The major findings include:

- From June 2009 to December 2013, 395 complaints were received pertaining to 270 businesses.
- 75% of complaints were received from outside of Lincoln, Omaha, Grand Island and Humboldt – where local smoke-free ordinances were already in effect before June 1, 2009.
- In 2013, 27 complaints were received – a decrease from the 129 that were received in 2009, after the law was implemented.
- 86% of Nebraskans support the law.
- The majority of Nebraskans (86%) believe it is important to have a law prohibiting smoking inside most public buildings, including restaurants and bars.
- Most Nebraskans (91%) believe that restaurants and bars are healthier for employees and customers as a result of the law.
- The majority of Nebraskans have smoke-free rules in their homes (89%) and family vehicles (85%).

## Introduction

---

June 1, 2014, marks the five-year anniversary of the implementation of the Nebraska Clean Indoor Air Act (Smoke-Free Air Law). The act prohibits smoking in indoor work places, restaurants, bars, and gaming establishments. The law was signed by the Governor in February 2008. When the law went into effect on June 1, 2009, Nebraska became the 16<sup>th</sup> state to implement a law prohibiting smoking in workplaces, restaurants, bars, and gaming establishments.

Secondhand smoke is a mix of the smoke from the burning ends of cigarettes, cigars and pipes and the smoke exhaled by someone who is smoking. The 2014 U.S. Surgeon General's report: *The Health Consequences of Smoking: 50 Years of Progress*, noted that there is no safe level of exposure to tobacco smoke. All cigarettes are harmful, and any exposure to tobacco smoke can cause both immediate and long-term damage to the body. Exposure to secondhand smoke can cause cancer, cardiovascular diseases, respiratory diseases and strokes.<sup>1</sup> In children, exposure to secondhand smoke can cause respiratory problems, more ear infections and Sudden Infant Death Syndrome (SIDS).<sup>2</sup>

## Objectives of the Report

This report provides a five-year overview of the Nebraska Smoke-Free Air Law. The objectives of the report are:

- To assess compliance with the law.
- To assess public support for the law.
- To assess smoke-free rules in Nebraska homes and vehicles.

---

<sup>1</sup> U.S. Surgeon General's Report, *The Health Consequences of Smoking: 50 Years of Progress, 2014*

<sup>2</sup> U.S. Surgeon General's Report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke, 2006*

## Background and History

---

### Implementation

The Nebraska Smoke-Free Air Law was passed by the Nebraska Unicameral and signed by the Governor in February 2008. The law went into effect on June 1, 2009. The period between passage and implementation provided the Nebraska Department of Health and Human Services (NDHHS) the opportunity to promulgate rules and regulations and to educate the business community and the general public about the law.

Pre-implementation activities involved partnering with stakeholders at the local level to ensure smooth implementation of the law. Local health departments worked in collaboration with local stakeholders, including tobacco prevention coalitions and Chambers of Commerce. At the state level, partnerships between NDHHS, the Nebraska Restaurant Association, Big Red Keno, Inc., and the Nebraska Liquor Control Commission were vital toward raising awareness about the law in the business community. Materials created and distributed by NDHHS included brochures, posters, frequently asked questions, factsheets, decals and articles.

### Resources

Nearly a year before the law was implemented, the NDHHS Division of Public Health established the SmokeFree.ne.gov Website as a clearinghouse for information about the law. On the site:

- Business owners were able to find materials to share with their employees and customers.
- Frequently asked questions were posted as well as guidance documents on how to implement the law.
- The public found information on how the law will impact them.

As implementation drew nearer, visits to the Website increased, peaking with nearly 10,000 hits to the site in May 2009. The site remains live as a resource.

NDHHS also established a toll-free information line, 1-877-633-7331, and email address: [dhhs.smokefree@nebraska.gov](mailto:dhhs.smokefree@nebraska.gov) as additional ways to communicate and ask questions about the law. Calls to the toll-free information line increased as implementation drew nearer. The primary questions asked by callers related to:

- Whether there were restrictions regarding the distance from doors that smoking would be allowed.
- Outdoor area building code restrictions.
- Private club exemptions.

### **Local Health Department Implementation Activities**

NDHHS provided small grants to local health departments throughout the state for education and awareness activities leading up to the law's implementation. As part of their efforts, many local health departments visited businesses to educate them about the law and to answer questions. They also conducted media awareness activities by placing ads in local newspapers and on radio stations. Additionally, a number of departments organized countdowns celebrating the law's implementation.

## Compliance and Enforcement

---

Individuals who observe violations of the Nebraska Smoke-Free Air Law can file a complaint via the online reporting form on the SmokeFree.ne.gov Website, report it to their local health department, call the toll-free number, 1-877-633-7331 or contact NDHHS via email at dhhs.smokefree@nebraska.gov. The statewide data reported from June 2009 to December 2013, show that the law was implemented with a high level of compliance and few reported complaints.

**TABLE 1. Business Types Reported, 2009-2013**

<b>Business Type</b>	<b>Frequency (%)</b>
Bar/Restaurant	172 (44%)
Retail/Wholesale	66 (17%)
Auto/Machine Part Service	40 (10%)
Government	18 (5%)
Housing Service/Assistant Living	18 (5%)
Manufacturing/Meatpacking	13 (3%)
Transportation	12 (3%)
Legal/Finance	11 (3%)
Construction/Material Service	10 (3%)
Other	35 (8%)
<b>Total</b>	<b>395 (100%)</b>

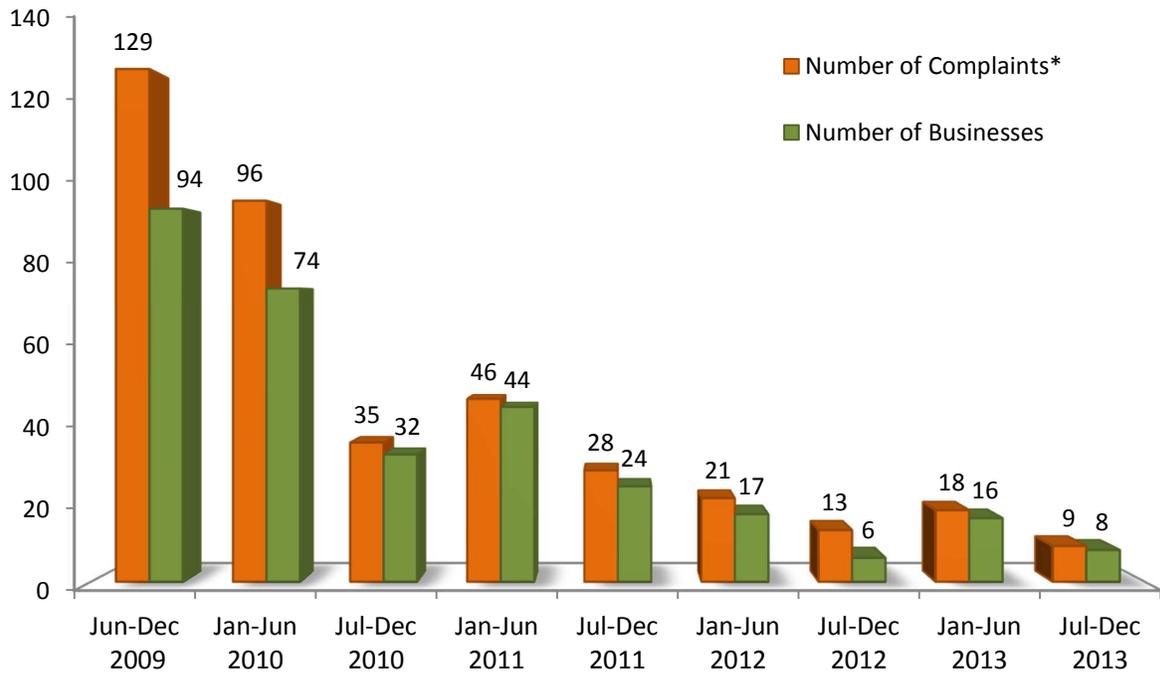
### Complaint Overview

- 395 total complaints.
- 270 businesses identified in the complaints.<sup>3</sup>
- 129 complaints reported in 2009.
- 27 complaints reported in 2013.
- The majority of complaints were reported from bars and restaurants (44%), retail and wholesale establishments (17%), and auto/machine service shops (10%).
- More than a half of the complaints (55%) occurred the first year after the law was implemented and have tapered off since.
- Three quarters of complaints (75%) were reported from businesses outside of Lincoln, Omaha, Grand Island and Humboldt – where local smoke-free ordinances were in effect before June 1, 2009.

---

<sup>3</sup> Some businesses received multiple complaints.

**Figure 1. Number of Complaints and Businesses Reported in Nebraska,  
June 2009 - December 2013**



\*Some businesses received multiple complaints.

## Support for the Statewide Smoke-Free Air Law

Tobacco Free Nebraska (TFN) is the state’s comprehensive tobacco prevention and control program. TFN conducts the annual Nebraska Adult Tobacco Survey (ATS) – which is a population based, random sample telephone survey for the purpose of state tobacco use surveillance. Since 2008, Nebraskans have been asked whether they support the Smoke-Free Air Law.

**Survey Question:** *In February 2008, the Nebraska State Legislature passed a law restricting smoking in public places in the state including all enclosed public buildings, restaurants and bars. Would you say that you strongly support, somewhat support, somewhat oppose, or strongly oppose the new law?*

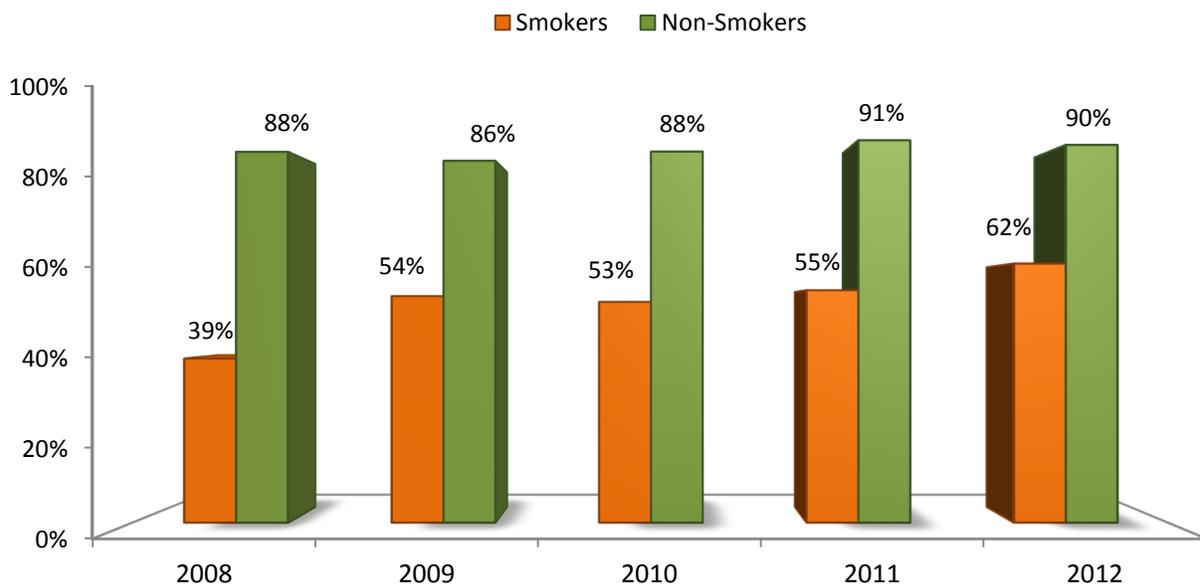
**Table 2. Support for the Smoke-Free Air Law**

Year	Support
2008	80%
2009	81%
2010	82%
2011	85%
2012*	86%

\*The most recent year for which there is data.

Support for the law was high prior to implementation (80%) and has increased to 86% in 2012 (Table 2). While non-smokers’ support increased and remains high at 90%, smokers’ support has gradually increased from 39% in 2008, to 62% in 2012 (Figure 2).

**Figure 2. Support for the Nebraska Smoke-Free Air Law, 2008-2012**



## Importance of the Statewide Smoke-Free Air Law

The Nebraska ATS asked Nebraskans how important it was to have a statewide smoke-free law that prohibited smoking inside most public buildings, including restaurants and bars. The question was asked prior to implementation as well as after the law went into effect.

**Survey Question:** *In February 2008, the Nebraska State Legislature passed a law restricting smoking in public places in the state including all enclosed public buildings, restaurants and bars. How important is it to you to have a law prohibiting smoking inside most public buildings including restaurants and bars? Is it very important, somewhat important, not too important or not at all important?*

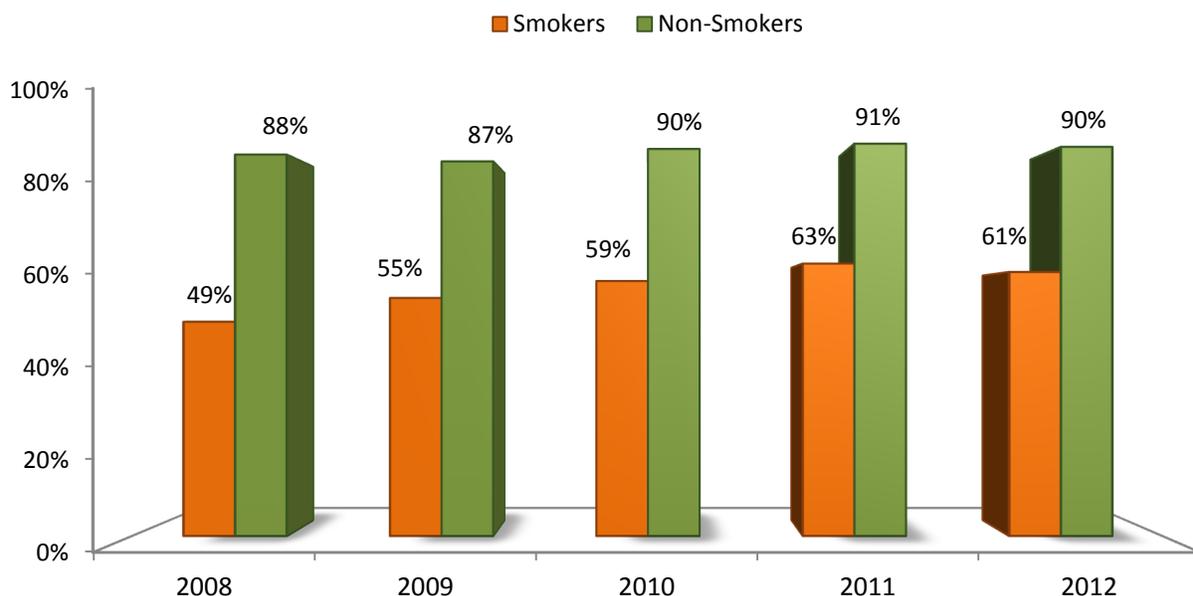
**Table 3. Importance of the Smoke-Free Air Law**

Year	Importance
2008	82%
2009	81%
2010	84%
2011	86%
2012*	86%

\*The most recent year for which there is data.

The majority of Nebraskans report that the law prohibiting smoking in public places is important to them (Table 3). While non-smokers' support gradually increased and remained high before and after the law's implementation, smokers' support increased from 49% in 2008, to 61% in 2012 (Figure 3).

**Figure 3. Importance of the Nebraska Smoke-Free Air Law, 2008-2012**



## Health Impact of the Statewide Smoke-Free Air Law

The Nebraska ATS asked Nebraskans if they agreed that restaurants and bars in Nebraska will be healthier for employees and customers once the Smoke-Free Air Law goes into effect. The question was asked both prior to implementation and after the law went into effect.

**Survey Question:** *Do you agree or disagree with the following statement: “Restaurants and bars in Nebraska will be healthier for employees and customers once the smoke-free air law goes into effect on June 1, 2009.”*

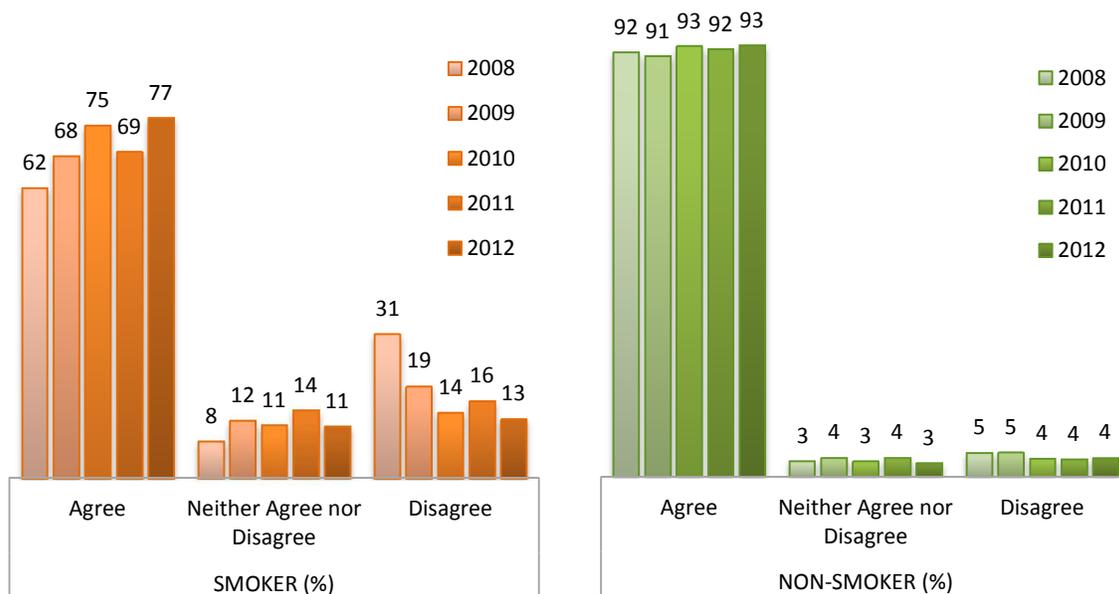
**Table 4. Health Impact of the Smoke-Free Air Law**

Year	Healthier
2008	87%
2009	87%
2010	90%
2011	89%
2012*	91%

\*The most recent year for which there is data.

Before the law, 87% of Nebraskans agreed that restaurants and bars in Nebraska will be healthier for employees and customers as a result of the law. The percentage has increased to 91% in 2012. Most non-smokers agreed with the statement that restaurants and bars in Nebraska would be, or were, healthier for employees and customers as a result of the law. Smokers were more likely to agree after the law went into effect (Figure 4).

**Figure 4. Health Impact of the Smoke-Free Air Law on Employees and Customers, 2008-2012**

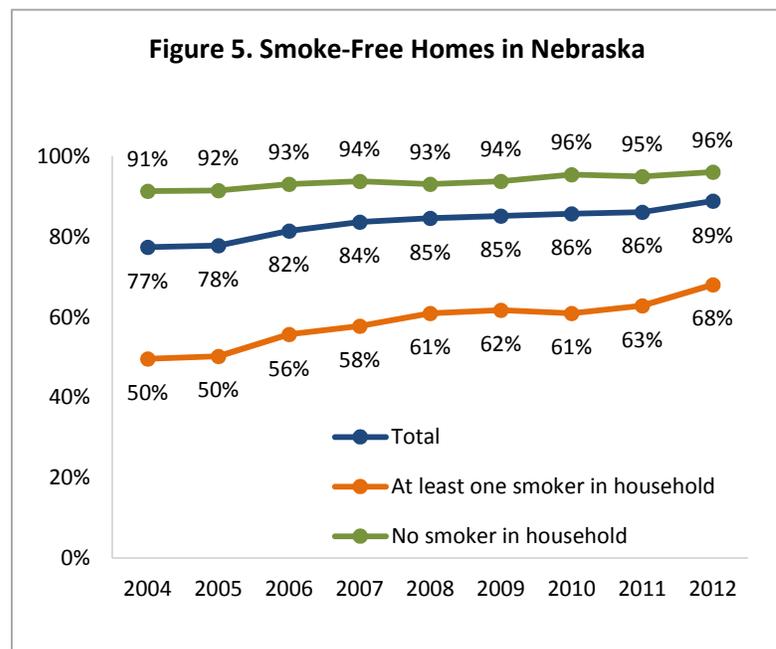


## Smoke-Free Homes and Vehicles

Although the Statewide Smoke-Free Air Law prohibits smoking in public and private worksites, restaurants, bars, and gaming establishments, the law does not protect people from secondhand smoke exposure in their private homes or vehicles. Research shows that smoke-free air laws provide the additional benefit of encouraging voluntary adoption of smoke-free rules in homes and vehicles due to education and changes in social norms.<sup>4</sup> This section examines the prevalence of self-reported smoke-free rules in Nebraska homes and vehicles as an indicator of public attitudes and social norms toward secondhand smoke.

### Smoke-Free Home Rule

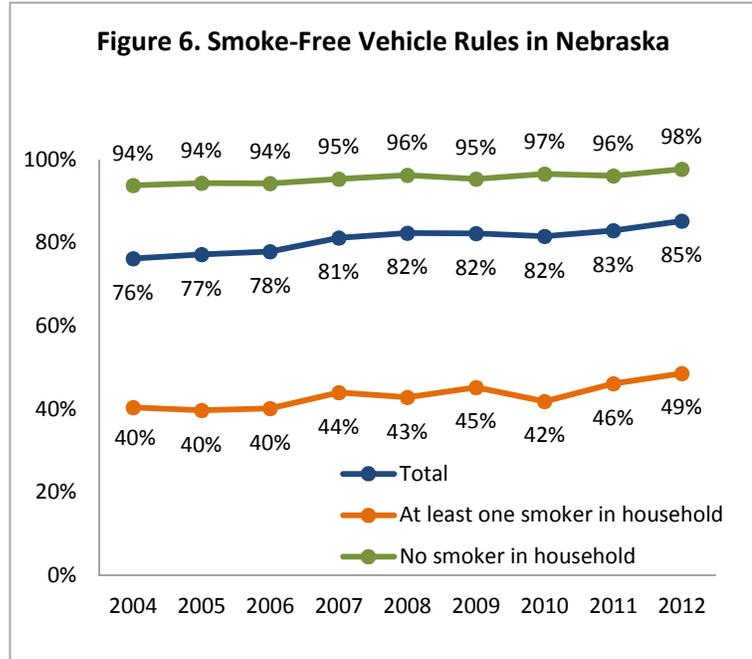
The Nebraska ATS asked Nebraskans about smoking in their homes. The percentage of Nebraskans who reported that smoking was not allowed in any part of the home has increased from 77% in 2004, to 89% in 2012. In 2012, most nonsmokers (96%) report having a smoke-free home rule in place. Households – with at least one member of the household who smokes – were less likely to report a voluntary smoke-free home rule, but the percentages have increased from 50% in 2004, to 68% in 2012.



<sup>4</sup> Murphy-Hoefer, R., Madden, P., Maines, D., & Coles, C. (2014). Prevalence of Smoke-Free Car and Home Rules in Maine Before and After Passage of a Smoke-Free Vehicle Law, 2007-2010. *National Center for Chronic Disease Prevention and Health Promotion*. 2014

## Smoke-Free Family Vehicle Rule

The percentage of Nebraskans who reported that smoking was not allowed in their family vehicle has increased from 76% in 2004, to 85% in 2012.<sup>5</sup> Most nonsmokers reported a voluntary smoke-free vehicle rule, increasing from 94% in 2004, to 98% in 2012. Households with at least one smoker were less likely to report a voluntary smoke-free vehicle rule (Figure 6).



<sup>5</sup> Respondents who do not have a family vehicle were excluded.

## Conclusion

---

Based on the data shown in this report, the Nebraska Smoke-Free Air Law was successfully implemented and continues to be successful five years later. It shows:

- Complaints have decreased since the law was implemented.
- Support for the law remains high and has increased significantly among smokers.
- The majority of Nebraskans – smokers and non-smokers alike – agree that the law is important.

The implementation of the Nebraska Smoke-Free Air Law is a significant public health accomplishment for the state and helps ensure that Nebraskans are living healthier lives.

## References

---

- Murphy-Hoefer, R., Madden, P., Maines, D., & Coles, C. (2014). Prevalence of Smoke-Free Car and Home Rules in Maine Before and After Passage of a Smoke-Free Vehicle Law, 2007-2010. *National Center for Chronic Disease Prevention and Health Promotion*. [http://www.cdc.gov/pcd/issues/2014/13\\_0132.htm](http://www.cdc.gov/pcd/issues/2014/13_0132.htm), Retrieved April 2014.
- U.S. DHHS (2006). *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006.
- U.S. DHHS (2010). *A report of the Surgeon General: How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking Attributable Disease*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2010.
- U.S. DHHS (2014). *The Health Consequences of Smoking – 50 Years of Progress: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014.

## **Division of Public Health**

Tobacco Free Nebraska  
301 Centennial Mall South  
P.O. Box 95026  
Lincoln, NE 68509-5026  
(402) 471-2101

Email: [dhhs.tfn@nebraska.gov](mailto:dhhs.tfn@nebraska.gov)  
Website: [dhhs.ne.gov/tfn](http://dhhs.ne.gov/tfn)