

Formative Evaluation of the *Smoke-Free Ontario Act*

Comparison of Baseline and Post-SFOA Measurements

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EXECUTIVE SUMMARY

This is the second in a series of reports about the formative evaluation of the *Smoke-Free Ontario Act* (SFOA). The design of the formative evaluation includes three province-wide compliance surveys of randomly selected tobacco vendors and public places (restaurants and bars): one survey conducted before the implementation of the SFOA (May 31st, 2006) and two surveys conducted post-implementation. This report presents the results of the second survey and compares them with results of the first survey

In the second survey, a total of 1,421 tobacco vendors and 1,415 public places (restaurants and bars) were inspected by Public Health Unit enforcement staff between September 18th and October 8th, 2006.

Point of Sale Promotions

The SFOA introduced firm restrictions on point of sale promotion of tobacco products. Prior to the Act's implementation a substantial proportion of premises engaged in point of sale promotions (68%). Since the Act was implemented in May 2006, point of sale promotions have disappeared from all but 11% of premises. In other words, 89% of vendors were in compliance with all restrictions on point of sale promotions.

Youth Access

The SFOA strengthened existing prohibitions on selling tobacco products to youth under the age of 19. The Act now requires that vendors request identification of purchasers who appear 25 years of age or less. Eighty-eight percent (88%) of vendors observed the Act's prohibition on sales to minors, while 12% of vendors continued to sell tobacco to underage youth despite the prohibition on sales to underage youth. This rate remained constant for the baseline and follow-up surveys.

Twenty percent of vendors did not comply with the requirement of requesting identification of purchasers who appear 25 years of age or less. Eighty-seven percent of tobacco sales to underage youth occurred when vendors did not ask for proof of age.

Smoke-Free Public Places

As of May 31st, the SFOA prohibits all indoor smoking in public places and places restrictions on smoking on patios and in smoking shelters with particular characteristics. Compliance with the prohibition on indoor smoking in restaurants and bars has reached a near perfect 99.9%, a significant increase from the 94% of restaurants and bars that were observed as being smoke-free prior to SFOA implementation. Bars experienced the greatest improvement. Smoking was observed in 16% of bars prior to SFOA implementation and less than one percent post-SFOA.

Findings suggest that there may be an increase in the proportion of restaurants and bars with patios whose structure permits smoking under the SFOA.

GLOSSARY

CAWG	Community Action Working Group
OTRU	Ontario Tobacco Research Unit
POS	Point of sale
SFOA	<i>Smoke-Free Ontario Act</i>
TCAN	Tobacco Control Area Network. The 36 Public Health Units in the province are divided into 7 geographic Tobacco Control Area Networks.
TIS	Tobacco Inspection System

INTRODUCTION

The Ontario Tobacco Research Unit (OTRU) is responsible for comprehensive evaluation of the Smoke-Free Ontario Strategy. An integral part of this effort is a formative evaluation of activities and impacts of the *Smoke-Free Ontario Act* (SFOA). The formative evaluation aims to provide policymakers and managers with timely information about SFOA implementation. The data will provide Ministry and Public Health Unit officials with valuable information for planning enforcement strategies. In accordance with the primary objectives of SFOA, the evaluation focuses on the extent of compliance with stipulations that prevent youth from purchasing tobacco, restrict point of sale promotion of tobacco products, and prohibit smoking in public places and workplaces.

METHODS

Design

A central component of the evaluation is a compliance survey of tobacco vendors and public places (restaurants and bars) conducted in three rounds: a baseline measurement prior to SFOA implementation and two measurements to track post-implementation changes in compliance. This report compares findings from the baseline and first post-implementation measurements. In order to understand patterns and trends that emerge from the compliance survey rounds, contextual information is being gathered through interviews, questionnaires and media tracking. This information will be presented in future reports. A more comprehensive evaluation of the SFOA experience will be possible after a full year of implementation.

Sample

A separate regionally-stratified random sample of tobacco vendors, restaurants and bars was drawn for each of the baseline and the first post-implementation compliance surveys. At baseline, the sample was drawn from inventories supplied by all 36 Public Health Units in the province. These inventories were sorted, categorized and merged into two inventories: one inventory for tobacco vendors and one for restaurants and bars. Some of the Public Health Unit inventories were partially outdated and as a result, a list of alternate premises was supplied to each Public Health Unit to use in the case where a selected premises was no longer in business or no longer sold tobacco. Since the baseline survey, the Ministry of Health and Long-Term Care has created the Tobacco Inspection System (TIS), which contains the premises inventories compiled at baseline as a component of the system. Public Health Units are responsible for updating the TIS premises inventory when they enter routine inspection data. The sample for the first post-implementation compliance survey was drawn from the TIS premises inventory. Again, lists of alternate premises were provided to use in the case where a selected premises was no longer in business or no longer sold tobacco.

Tobacco vendors were categorized into four trade classes for the first post-implementation survey: chain convenience stores, independent convenience and discount stores, gas stations, and grocery stores. In the baseline survey, restaurants were included as a fifth trade class of tobacco vendor. Due to the declining number of restaurants selling tobacco products, this class was excluded from the first post-implementation survey. For sampling purposes, restaurants and bars were grouped into one category because of the small number of premises listed as distinct bars in the premises inventory. For analysis purposes, tobacco enforcement personnel distinguished between restaurants and bars by noting the primary function of the premises as either eating or drinking alcoholic beverages at the time of inspection. Appendix A lists various types of vendors and public places excluded from the survey (e.g., gift shops and Royal Canadian Legions).

Both the vendor and restaurant/bar samples were stratified at the Tobacco Control Area Network (TCAN) level. In each TCAN, roughly 240 tobacco vendors and 240 restaurants and bars were randomly selected from the inventories. Equal numbers of vendors were selected in each of the four vendor trade classes. Due to the smaller premises population size and geographic dispersion, the North West and North East TCANs were collapsed into a single Northern area for the survey. Three hundred vendors were selected from the combined Northern area. In order to prevent undue burden on any Public Health Unit, premises were also selected in numbers proportional to the total number of premises in each Public Health Unit within each of the TCANs.

Data Collection

Data for the compliance survey was collected by Public Health Unit enforcement staff as part of their routine responsibilities. They used a standard data collection template jointly developed by the Ministry of Health Promotion and OTRU (Appendix B). Youth access to tobacco products was checked using test shoppers (specially trained youth employed by Public Health Units) who attempted to purchase cigarettes. Public Health Unit enforcement staff conducted point of sale promotions inspections. Restaurants and bars were inspected by enforcement staff to see whether people were smoking. Enforcement staff were instructed to inspect restaurants and bars after 9:00 PM whenever possible. No specified length of time was required for the inspections as they were meant to capture a 'snapshot' of the situation within each premise. Data for the baseline survey was collected between April 18th and May 9th, 2006. Data for the first post-implementation survey was collected four months later during the three week period commencing September 18th, 2006.

At the time of both the baseline and first post-implementation surveys, data collection for the point of sale promotions and restaurant and bar inspections was new to the enforcement staff. The Ministry of Health Promotion clarified how to interpret inspection findings following the first post-implementation survey. As such, there was some variability in how the enforcement staff interpreted the findings for these two types of inspections during data collection for both the baseline and first post-implementation surveys.

Completion rates for both surveys were quite high. All 36 Public Health Units participated in the first post-implementation survey. Enforcement staff inspected 97% of selected restaurants and bars and 90% of selected tobacco vendors during the first post-implementation survey. These

completion rates are comparable to the baseline survey completion rates of 98% for selected restaurants and bars and 89% for selected tobacco vendors. Tables 1 and 2 summarize the total number of premises, number of premises sampled and number of premises that were actually inspected in each trade class for vendors and public places respectively.

In both surveys the categorization of vendors changed slightly when the data were returned. In some cases, enforcement staff had categorized vendors differently than the OTRU vendor categorization. Where the vendor categorization differed, the categorization from the enforcement staff was adopted. During restaurant/bar inspections, inspectors ascertained the primary function of the premise as either eating or drinking alcoholic beverages. This distinction was then used in analyzing differences between restaurants and bars.

Table 1: Tobacco Vendor Sample, by Survey Round, 2006

Trade Class	Total number of vendors	Number of premises sampled	Number of premises inspected
Baseline (April-May, 2006)^a			
Chain convenience	1,339	318	321
Independent convenience and discount stores	6,132	318	338
Gas stations	2,371	320	302
Grocery stores	1,298	320	254
Restaurants	3,154	318	199
Total	14,294	1,594	1,414
First Post-Implementation (September-October, 2006)^b			
Chain convenience	1,377	392	384
Independent convenience and discount stores	6,180	395	395
Gas stations	2,420	393	341
Grocery stores	1,347	395	301
Total	11,324	1,575	1,421

^aData Source: Premises inventories supplied by each of the 36 Public Health Units.

^bData Source: Tobacco Inspection System premises inventory.

Note: Vendor population size does not represent the complete provincial vendor population as vendors listed as belonging to additional categories were excluded from the sample. Please refer to Appendix A for a list of the exclusion criteria.

Note: The number of premises sampled was based on OTRU's original vendor type categorization and the number of premises inspected was based on how the enforcement staff categorized the vendors when they conducted the inspection

Table 2: Restaurant and Bar Sample, by Survey Round, 2006

Trade Class	Total number of restaurants/bars	Number of premises sampled	Number of premises inspected
Baseline (April-May, 2006) ^a			
Restaurants and bars	18,222	1,457	1,430
First Post-Implementation (September-October, 2006) ^b			
Restaurants and bars	18,368	1,460	1,415

^aData Source: Premises inventories supplied by each of the 36 Public Health Units.

^bData Source: Tobacco Inspection System premises inventory.

Note: Restaurant and bar population size does not represent the complete provincial restaurant and bar population contained in the premise inventory as various types of restaurants and bars were excluded from the sample. Please refer to Appendix A for a list of the exclusion criteria.

Data Analysis

Data analyses for this report were conducted in SAS using the bootstrap method. Bootstrap is a rigorous analysis technique that creates 500 randomly selected sub-samples of the original survey sample, completes the analysis in each sub-sample and then reports the mean proportion and the mean variance from all 500 sub-samples. The resulting mean variance estimation is more robust to outliers and to sampling error than the variance estimation that was used in the baseline report.

During the course of data analysis for the first post-implementation survey, variables that were used in the baseline survey were re-examined. For example, in the baseline survey, the proportion of warnings and charges issued was reported over all inspected premises. In this report, the proportion of warnings and charges issued are reported over non-compliant premises only. This change in the variable definition results in a slightly higher estimate than was reported in the baseline report. Other variables that were changed include: education provided, educational materials provided and all outdoor patio variables.

Interpretation of Results

The purpose of the first post-implementation compliance survey was to provide provincial compliance estimates of tobacco vendors, and restaurants and bars with regards to the SFOA after the implementation of the SFOA and in comparison with baseline data. All estimates presented in this report have been weighted to reflect the provincial vendor, restaurant and bar populations. These estimates all have sampling error associated with them. In this report, 95% confidence intervals were used to account for sampling variability. To illustrate, if the compliance rate for vendors was 85% with a 95% confidence interval of 80% to 90%, we are 95% confident that the interval 80% to 90% covers the true population value 19 times out of 20 similar samples.

Significant differences between the baseline and first post-implementation survey estimates are indicated in the text by a probability statement, such as $p < .05$. This means that the probability that the observed difference between the two estimates occurred by chance is less than 5%.

RESULTS

Point of Sale Promotions

The *Smoke-Free Ontario Act* now prohibits many ‘point of sale’ promotions that were common prior to May 31st, 2006. The data in this section provide a first glance of compliance with various ‘point of sale’ promotion prohibitions following the implementation of the SFOA. The survey covers six types of point of sale promotion prohibitions:

1. Countertop displays
2. Display that permits handling by a purchaser prior to purchase
3. Display of more than single cigarette packages (i.e., cartons)
4. Decorative or illuminated panels and /or promotional lighting
5. Three dimensional exhibits and/or other devices, instruments and enhancements
6. Outside promotional displays

Provincial Level

At the provincial level, compliance ranged from 96% to 100% for each of the six point of sale promotion prohibitions in the first post-implementation survey (hereafter referred to as the ‘follow-up survey’; Table 3). This contrasts sharply with baseline data, where each of the six point of sale promotions were observed at rates ranging from 54% to 90%. Eighty-nine percent (89%) of vendors were compliant with all six point of sale promotion prohibitions, up from the 32% of vendors that did not engage in any of the six point of sale promotions at baseline. The greatest change between the baseline and follow-up surveys was observed in the decorative/illuminated panels and/or promotional lighting stipulation (54% to 98%, respectively; $p < .05$). Between the baseline and follow-up survey, there was roughly a one-third increase in the proportion of vendors that did not have: three dimensional exhibits and/or other devices, instruments and enhancements (60% to 97%; $p < .05$); displays of cigarettes in units greater than a single cigarette package (67% to 96%; $p < .05$); and countertop displays (67% to 99%; $p < .05$). Similarly, the proportion of vendors that did not engage in outside promotional displays increased from 79% at baseline to 96% at follow-up ($p < .05$). The highest rate of vendor compliance at follow-up was for the display that did not permit handling by a purchaser prior to completing the purchase stipulation (100%), up from an observed 90% of vendors in the baseline survey ($p < .05$).

Table 3: Proportion of Vendors that did not engage in Point of Sale Promotions, by Type of Promotion and Survey Round, 2006

Promotion Type	Baseline	Follow-up	<i>p</i> - value
	%	%	
Decorative/illuminated panels and/or promotional lighting	54	98	*
Three dimensional exhibits and/or other devices, instruments and enhancements	60	97	*
Display of more than single cigarette packages	67	96	*
Countertop displays	67	99	*
Outside promotional displays	79	96	*
Display permits handling by purchaser prior to purchase	90 ¹	100	*

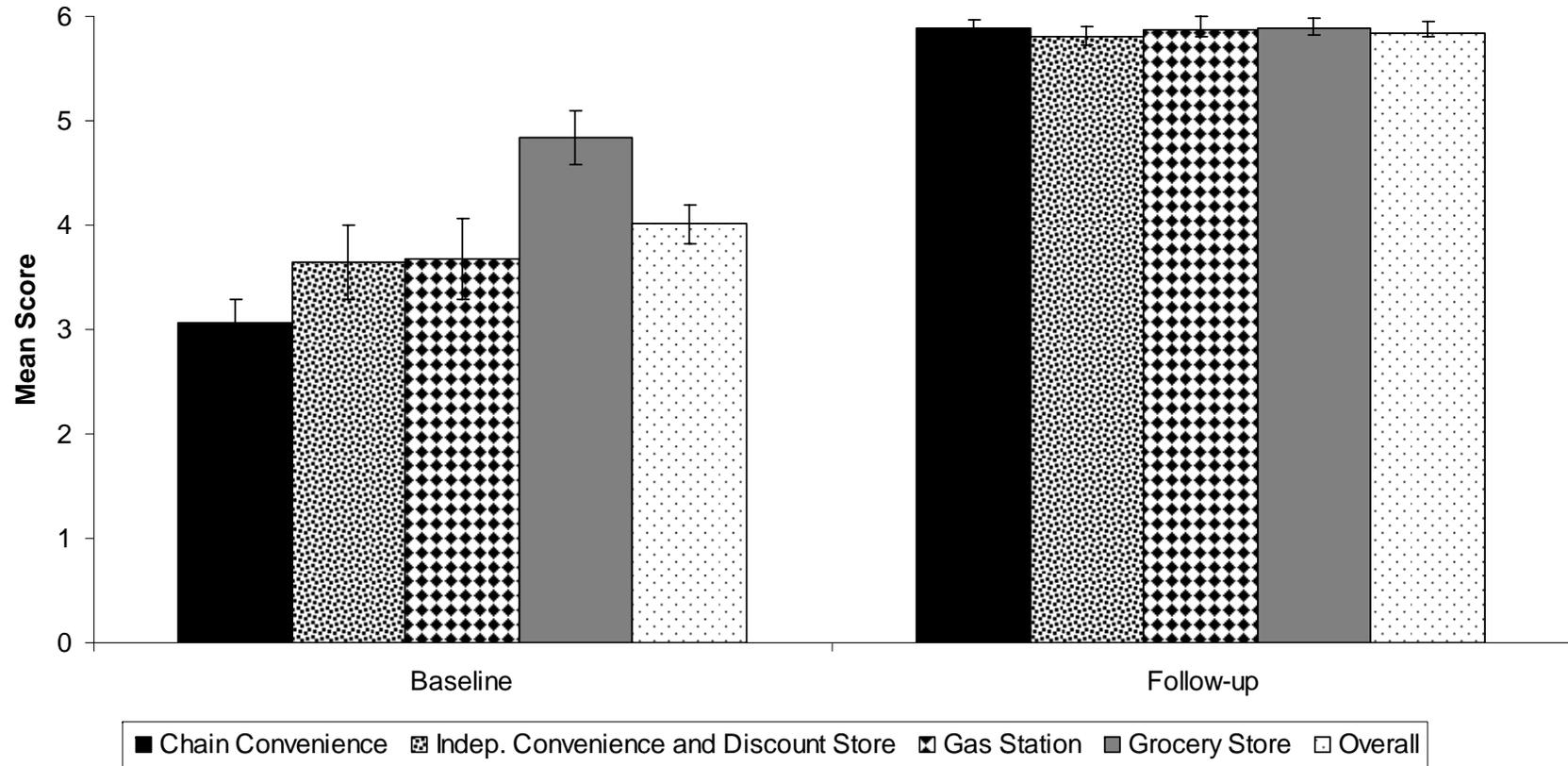
* $p < .05$ *Vendor Type Level*

To facilitate tobacco vendor type and geographic comparisons between the baseline and follow-up surveys, a point of sale (POS) index score was created. The six point index score was calculated by summing the number of point of sale promotional activities in which each vendor was not engaged. For example, a score of 6 would indicate that a vendor was not engaged in any of the six point of sale promotional activities and a score of 0 would indicate that a vendor was engaged in all six point of sale promotional activities.

The province-wide mean POS index score increased from 4.01 at baseline to 5.88 ($p < .05$). At the baseline measurement, mean POS index scores ranged from a low of 3.07 for chain convenience stores to a high of 4.84 for grocery stores ($p < .05$; Figure 1). At follow-up, there was no significant difference in mean POS index scores across tobacco vendor types.

¹ At the time of the baseline survey, handling tobacco products prior to completing the purchase was prohibited under the Federal *Tobacco Act*. Enforcement staff did not lay any charges for these observed violations.

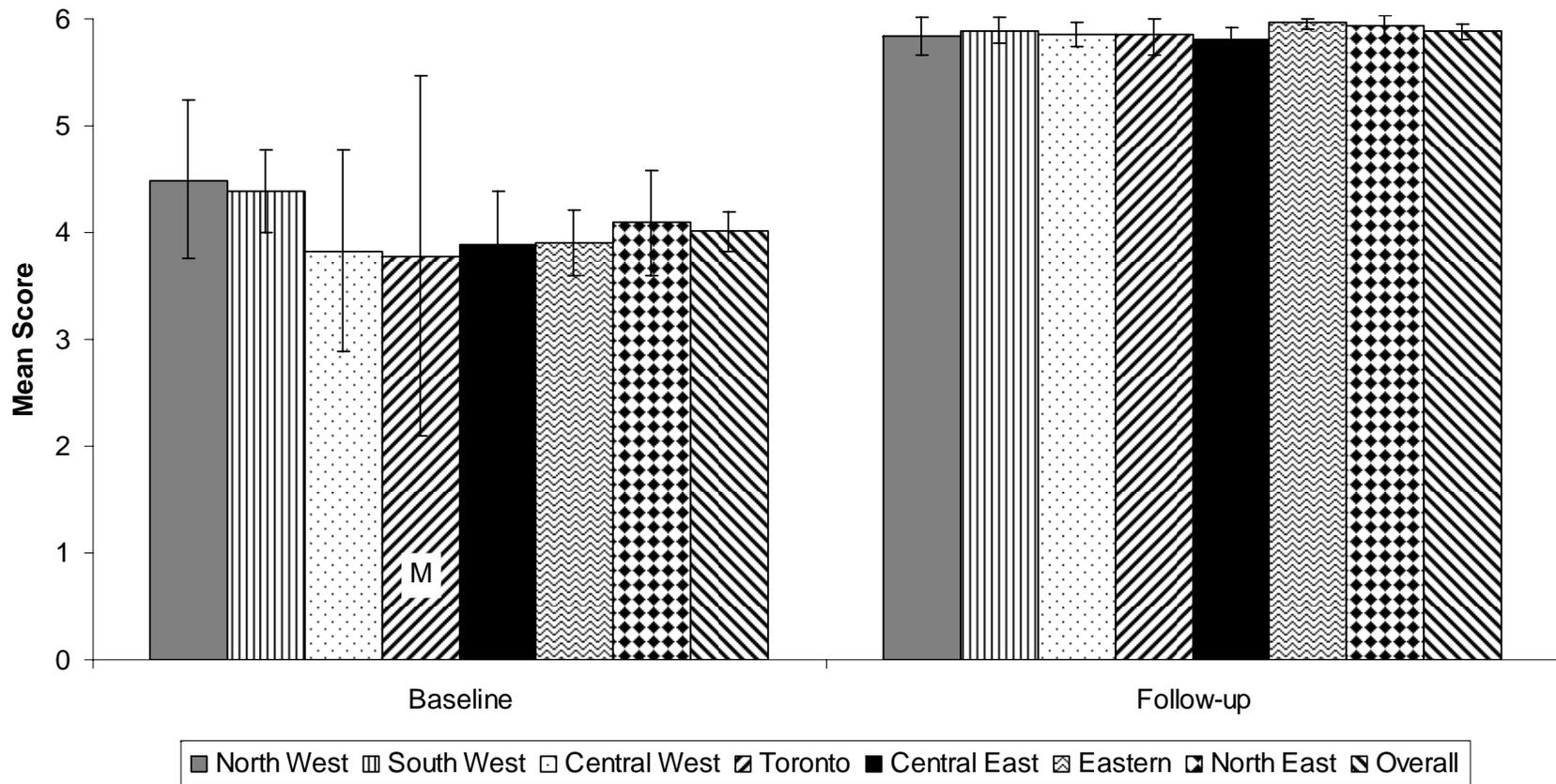
Figure 1: Mean Point of Sale Index Score, by Type of Vendor and Survey Round, 2006



TCAN Level

At the baseline measurement, mean POS index scores ranged from 3.78 in the Toronto TCAN to 4.49 in the North West TCAN (Figure 2). By the time of the follow-up survey, all TCANs achieved significantly higher mean POS index scores, ranging from 5.81 in the Central East TCAN to 5.96 in the Eastern TCAN. There was no significant difference in mean POS index scores across TCANs at baseline or follow-up.

Figure 2: Mean Point of Sale Index Score, by TCAN and Survey Round, 2006



Note: M= Interpret with caution, moderate level of error associated with estimate – Coefficient of Variation (CV) between 16.6% and 33.3%

Education Provided

An integral part of enforcement is providing education about how to comply with legislative requirements. At baseline, Public Health Unit enforcement staff provided education to vendors about the requirements of SFOA in 62% of the inspections. At follow-up, a significantly smaller proportion of vendors were provided education (23%; $p < .05$). Educational materials were provided to 19% of vendors at baseline and 10% at follow-up (Table 4).

Table 4: Education Provided in Point of Sale Promotions Inspections, by Survey Round, 2006

Education Provided	Baseline %	Follow-up %	<i>p</i> - value
Education provided	62	23	*
Educational materials provided	19 ^M	10 ^M	n.s.

Note: M= Interpret with caution, moderate level of error associated with estimate – Coefficient of Variation (CV) between 16.6% and 33.3%

n.s. not significant

* $p < .05$

Action Taken

The Ministry of Health Promotion's *Protocol for Tobacco Vendor and Manufacturer Inspections* (May 2006) applies a continuum of progressive enforcement to help achieve compliance with the SFOA. In this model, a vendor who exhibits non-compliance upon the initial inspection following the implementation of the SFOA will be issued a warning as the initial step on the continuum of increasingly stringent enforcement options. A subsequent re-inspection is scheduled within 5 working days (for display, promotion and signage only). If a vendor continues to exhibit non-compliance upon re-inspection, the next step on the continuum is to issue a charge. It was not determined that the inspections conducted during both the baseline and follow-up surveys were initial inspections following the implementation of the SFOA or subsequent re-inspections.

In the follow-up survey, 120 out of 1,421 vendors were non-compliant for one or more of the six point of sale promotion prohibitions. Seventy-nine percent of non-compliant vendors were issued warnings and three non-compliant vendors were charged.

Youth Access

Since 1994, the *Tobacco Control Act* (TCA) has restricted the sale and supply of tobacco products to youth under the age of 19. The SFOA has strengthened existing youth access prohibitions by requiring that vendors request identification of purchasers who appear 25 years of age or less.

Provincial Level

Sales to Underage Youth: The overall rate of compliance throughout the province with the prohibition on selling tobacco to underage youth was 88%. This rate remained constant between the baseline and follow-up survey (Table 5).

Proof of Age: All test shoppers appear to be 25 years of age or less. Eighty percent of vendors requested proof of age from test shoppers. There was no significant change in the proportion of vendors who requested proof of age from test shoppers since the baseline survey (77%). It is important to note that the vast majority of sales to underage youth occurred when vendors failed to request age or proof of age – 87% at follow up and 81% at baseline.

Signage: A significantly higher proportion of vendors displayed the required health warning sign at the follow-up survey (92% vs. 79% at baseline; $p < .05$). Ninety-two percent of tobacco vendors also displayed the required age identification sign compared to 87% at baseline. The sale of tobacco to underage youth was not associated with posting of either required sign.

Table 5: Proportion of Vendors in Compliance with the Youth Access Stipulations, by Survey Round, 2006

Stipulation	Baseline %	Follow-up %	<i>p</i> - value
Prohibition on tobacco sales to underage youth [†]	88	88	n.s.
Age identification required sign posted [†]	87	92	n.s.
Health warning sign posted [†]	79	92	*
Proof of age request made by vendor [‡]	77	80	n.s.

[†] No change in the stipulation between the TCA and the SFOA.

[‡] Stronger regulation in the SFOA compared to the TCA.

n.s. not significant

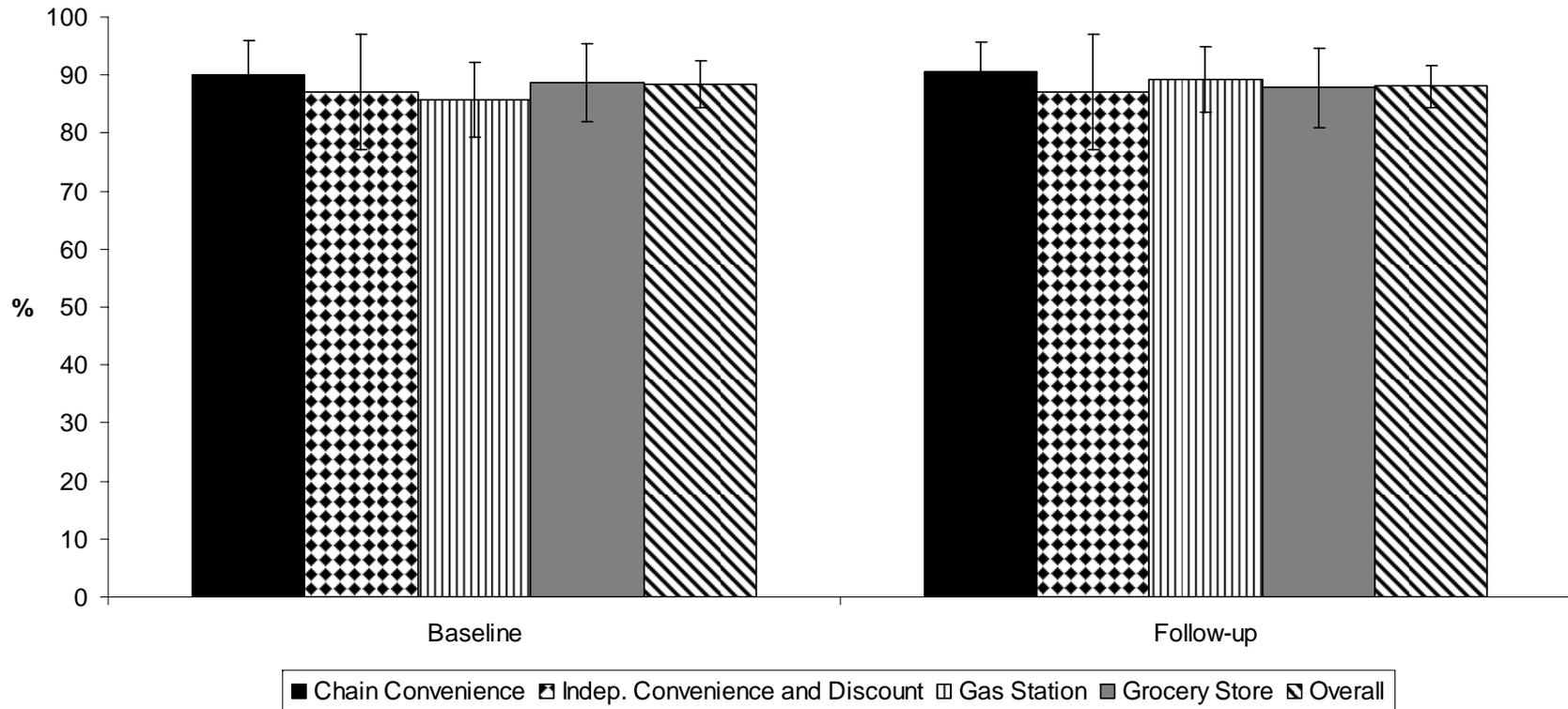
* $p < .05$

Vendor Type Level

There were no significant differences between the baseline and follow-up surveys in compliance rates with sales to underage youth across any of the vendor type categories (Figure 3). The range of compliance amongst types of tobacco vendors with the prohibition on tobacco sales to underage youth was very narrow in the follow-up survey (87% to 91%). Vendor compliance rates were also similar across vendor types for the required posting of age identifications signs, health warning signs and proof of age request made by the vendor. The only significant change in compliance within vendor types between baseline and follow-up was observed in the posting

of the required health warning signs in both grocery stores (74% to 94%; $p < .05$) and independent convenience stores (79% to 92%; $p < .05$).

Figure 3: Proportion of Vendors that did not sell Tobacco to an Underage Youth, by Type of Vendor and Survey Round, 2006



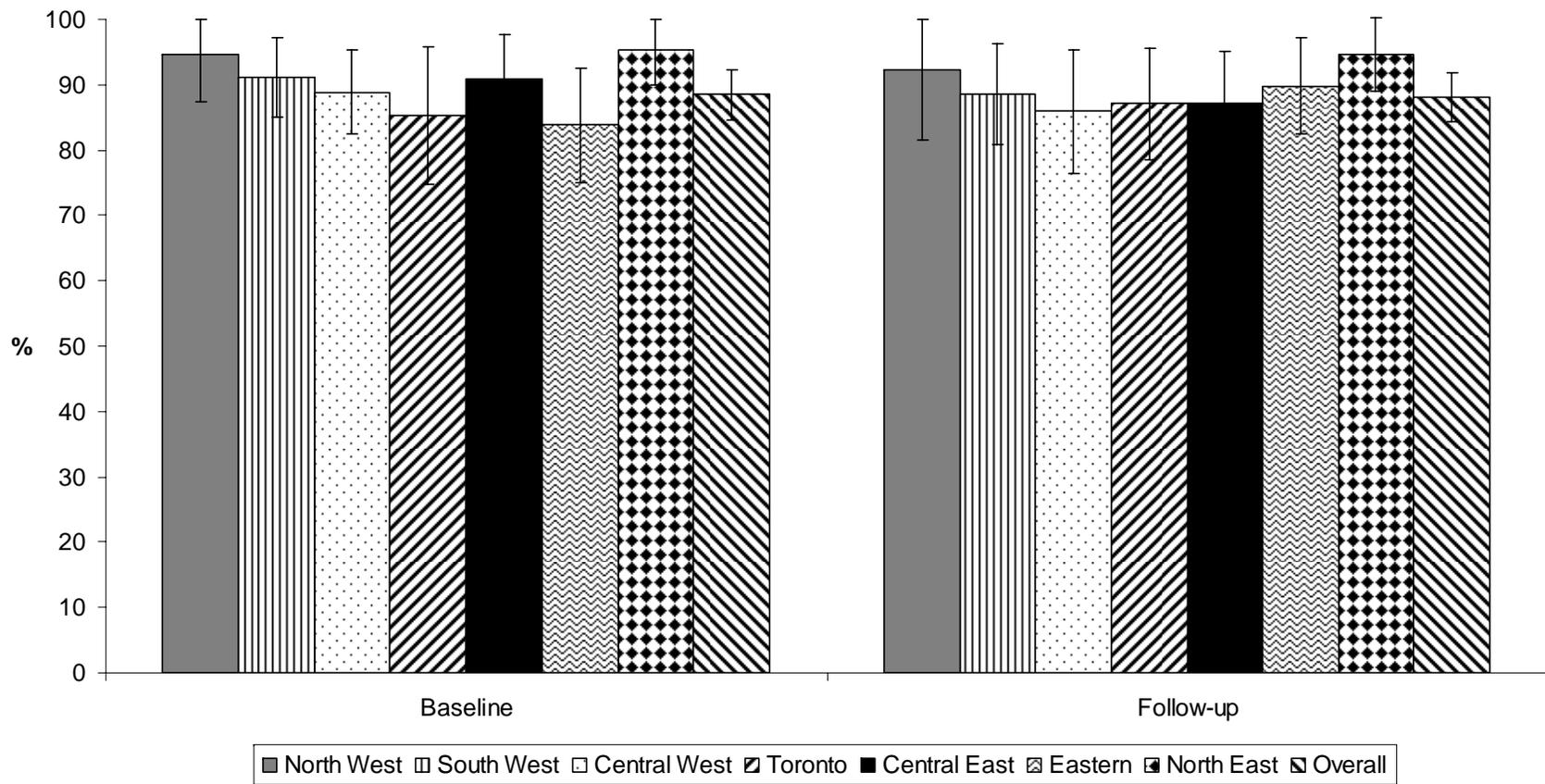
TCAN Level

Sales to underage youth: Compliance with the prohibition on tobacco sales to underage youth ranged from 86% in the Central West TCAN to 95% in the North East TCAN at follow-up (Figure 4). There were no significant changes between survey rounds in rates of compliance with the prohibition on tobacco sales to underage youth within any of the TCANs.

Proof of age: Vendor compliance with requesting proof of age varied across TCANs at follow-up, ranging from 68% of vendors in the Toronto TCAN to 92% in the Eastern TCAN ($p < .05$). Similarly, there was a wide range in the proportion of tobacco vendors requesting proof of age from the test shoppers across TCANs in the baseline survey, from 64% in the Toronto TCAN to 88% in the North East and North West TCANs.

Signage: At follow-up, there was no difference in the rate of compliance across TCANs for vendors posting the required health warning sign. However at baseline, tobacco vendors in the North West TCAN were least likely to post the health warning signs (19%) compared to the provincial estimate of 79% across all TCANs ($p < .05$). At follow-up, tobacco vendors in the Central West TCAN were more likely to post the required age identification sign (99%) compared to the provincial estimate of 92% across all TCANs ($p < .05$). Compliance with posting of the required age identification sign did not differ between TCANs at baseline. The only significant change in compliance within TCANs between baseline and follow-up was observed in the compliance with posting the required health warning signs in four TCANs: North West TCAN (19% to 98%; $p < .05$), Central West TCAN (66% to 92%; $p < .05$), Eastern TCAN (76% to 95%; $p < .05$) and North East TCAN (75% to 95%; $p < .05$).

Figure 4: Proportion of Vendors that did not sell Tobacco to an Underage Youth, by TCAN and Survey Round, 2006



Education Provided

At follow-up, education was provided to a significantly smaller proportion of vendors (11%) during the inspections compared to the baseline survey (32%; $p < .05$; Table 6). Educational materials were provided to only 4% of vendors at follow-up as compared with 9% at baseline.

Table 6: Education Provided in Youth Access Inspections, by Survey Round, 2006

Educational Activities	Baseline %	Follow-up %	<i>p</i> -value
Education provided	32	11	*
Educational materials provided	9 ^M	4 ^M	n.s.

Note: M= Interpret with caution, moderate level of error associated with estimate – Coefficient of Variation (CV) between 16.6% and 33.3%.

n.s. not significant

* $p < .05$

Action Taken

The Ministry of Health Promotion's *Protocol for Determination of Tobacco Vendor Compliance* (May 2006) applies a continuum of progressive enforcement to help achieve compliance with the SFOA. In this model, a vendor who exhibits non-compliance upon an initial inspection (compliance check) will be issued a warning as the first step on the continuum. A subsequent re-inspection (enforcement check) is scheduled within 3 months. If a vendor continues to exhibit non-compliance upon re-inspection, the next step is to issue a charge. It was not determined that the inspections conducted during both the baseline and follow-up surveys were initial inspections following the implementation of the SFOA or subsequent re-inspections.

At follow-up, 148 out of 1,421 vendors sold tobacco to an underage youth at the time of the inspection. 79% of these non-compliant vendors were issued a warning and 40% were charged (Table 7). The proportion of non-compliant vendors to whom warning letters were issued increased from baseline to follow-up (56% vs. 79%, respectively). Most of the action taken against non-compliant vendors occurred when a vendor sold tobacco to an underage youth at the time of the inspection. Non-compliance with proof of age and signage requirements did not generally lead to issue of warning letters or to the laying of charges.

Table 7: Action Taken in Youth Access Inspections when Tobacco was supplied to an Underage Youth, by Survey Round, 2006

Action Type	Baseline %	Follow-up %	<i>p</i> -value
Warning letter issued	56	79	n.s.
Charges laid	50 ^M	40 ^M	n.s.

Note: M= Interpret with caution, moderate level of error associated with estimate – Coefficient of Variation (CV) between 16.6% and 33.3%.

n.s. not significant

* $p < .05$

Smoke-Free Public Places (Restaurants and Bars)

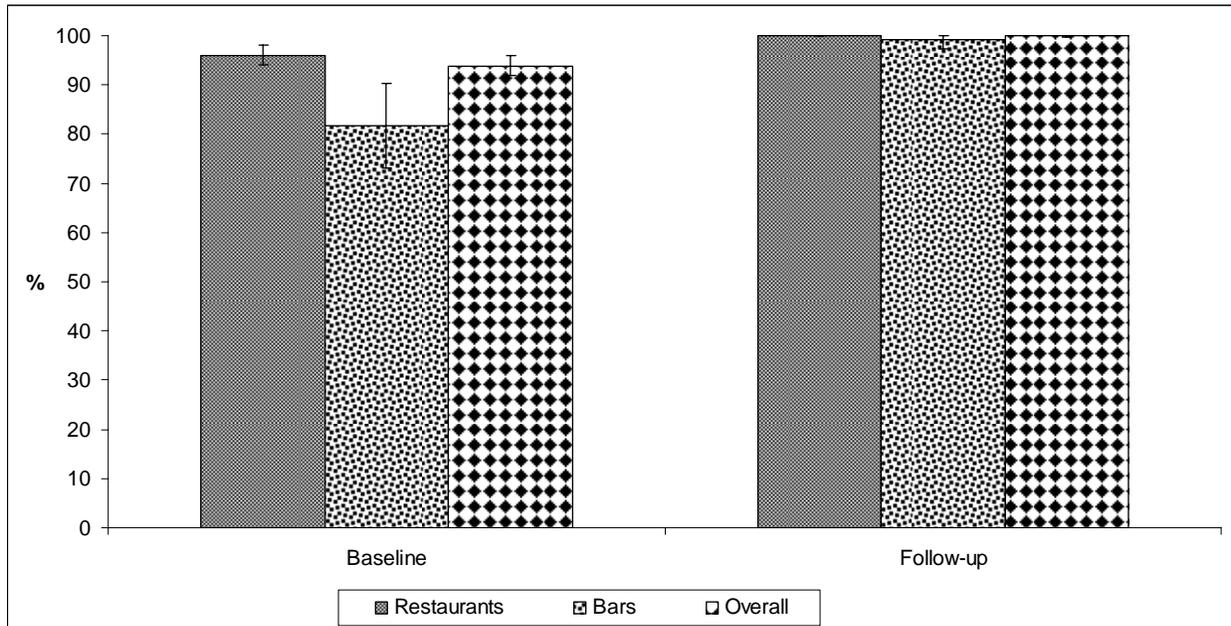
As of May 31st, the *Smoke-Free Ontario Act* prohibits all indoor smoking in public places and places restrictions on smoking on patios and in smoking shelters with particular characteristics.

Indoor Smoking: Provincial and Public Place Type Levels

Compliance with the prohibition on indoor smoking in restaurants and bars reached a near perfect 99.9% at follow-up (only 2 non-compliant premises). This is a significant increase from the 94% of restaurants and bars that were observed as being completely smoke-free at baseline, including both designated and non-designated smoking areas ($p < .05$; Figure 5).² At baseline, excluding designated smoking rooms, 96% of restaurants and bars were observed as being smoke-free. At baseline, restaurants were more likely to be observed as being smoke-free than bars (98% vs. 84%, respectively; $p < .05$). The proportion of bars that were observed as being smoke-free increased significantly from 84% at baseline to 99% at follow-up ($p < .05$). There was no difference in indoor smoking compliance rates between restaurants and bars at follow-up. Almost all restaurants and bars were compliant with the prohibition on indoor ashtrays at follow-up (99% vs. 94% at baseline; $p < .05$). Compliance did not differ between restaurants and bars for the prohibition on indoor ashtrays at follow-up. About three-quarters (76%) of restaurants and bars had posted the required 'no smoking' signage at follow-up, up significantly from the 67% of restaurants and bars observed posting the 'no smoking' signage at baseline ($p < .05$). The proportion of restaurants and bars observed posting the required 'no smoking' signs was similar between restaurants and bars in both baseline and follow-up surveys.

² At the time of the baseline survey, there were an estimated 500-600 restaurants and bars in the province with DSRs (MOHLTC Health Update: Designated Smoking Rooms, 2006), comprising less than 5% of all restaurants and bars in the province. In addition, 92% of the Ontario population was living in a community with a smoke-free restaurant by-law and 89% was living in a community with a smoke-free bars by-law (Ontario Tobacco Research Unit. (2004, December). Indicators of OTS Progress. [Special Reports: Monitoring and Evaluation Series, 2003-2004 (Vol. 10, No. 3)]. Toronto, ON: Ontario Tobacco Research Unit).

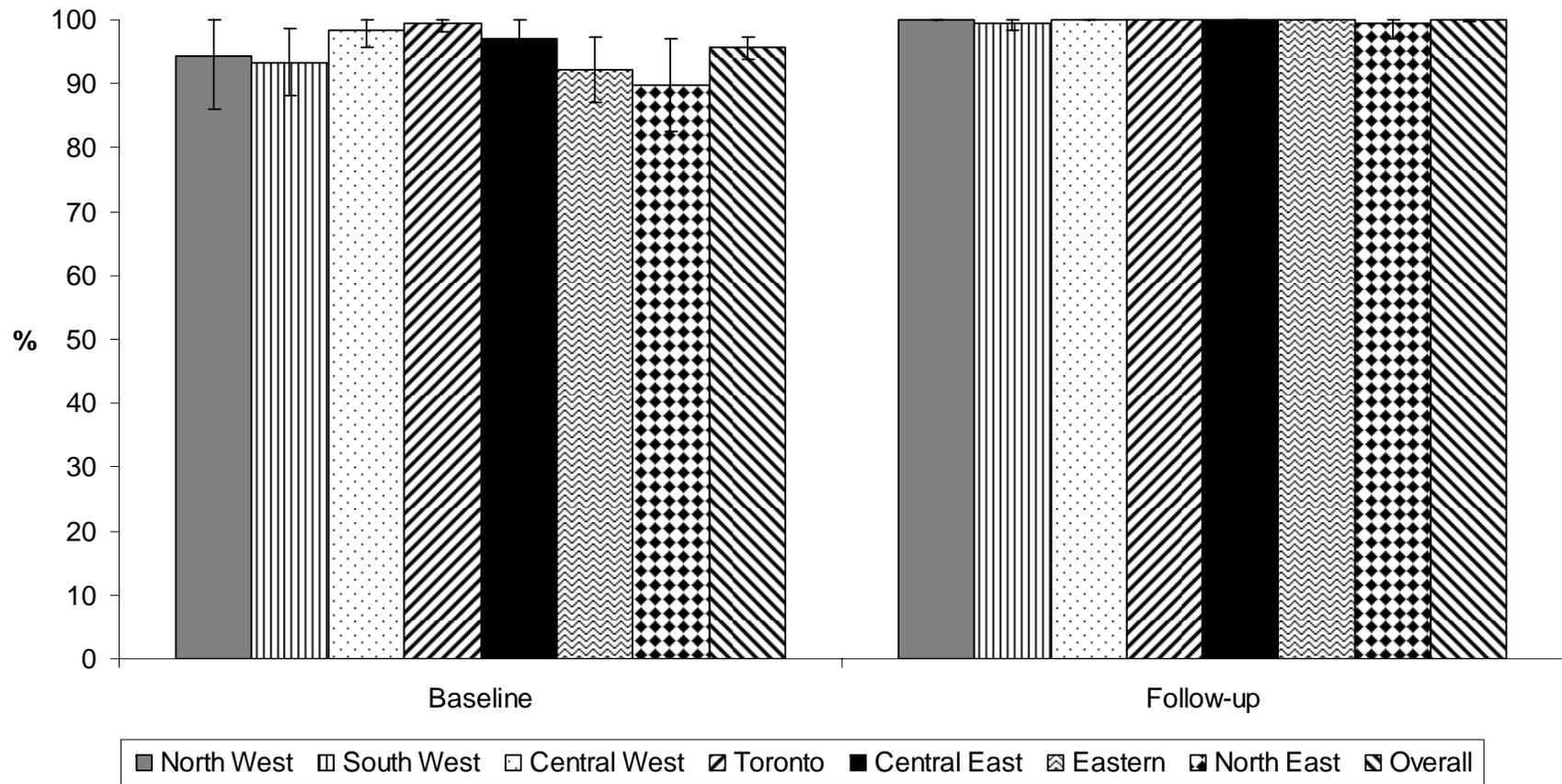
Figure 5: Proportion of Restaurants and Bars observed as being completely Smoke-Free Indoors, by Type of Public Place and Survey Round, 2006



Indoor Smoking Prohibition: TCAN Level

At the TCAN-level, there was no difference in indoor smoking compliance rates between TCANs at follow-up (Figure 6). At baseline, the Toronto TCAN had a higher proportion of restaurants and bars that were observed as being smoke-free compared to the provincial average (100% vs. 96%, respectively; $p < .05$). Similarly, there was no difference in compliance with the indoor ashtray prohibition between TCANs at follow-up. However, at baseline the Toronto TCAN had a significantly higher proportion of restaurants and bars that were observed as having no indoor ashtrays compared to the provincial average (100% vs. 94%, respectively; $p < .05$). At follow-up, restaurants in the North Western TCAN had a significantly higher compliance rate for posting ‘no smoking’ signs (94%) compared to the provincial average (76%; $p < .05$). In contrast, there was no difference in the proportion of restaurants and bars observed posting the ‘no smoking’ signage between TCANs at baseline.

Figure 6: Proportion of Restaurants and Bars observed as being Smoke-Free Indoors, by TCAN and Survey Round, 2006



Designated Smoking Rooms

At baseline, designated smoking rooms (DSR) were permitted in some communities under local by-laws. A total of 50 DSRs were observed by inspectors at baseline and 70% of those DSRs had people smoking inside. DSRs are no longer permitted in public places under the SFOA. Nevertheless, at follow-up, 7 DSRs were identified (all in the Toronto TCAN). None of the DSRs had people smoking inside at the time of the inspection.

Patio Smoking Prohibition

The SFOA allows for outdoor smoking except under covered patios with certain structural characteristics. The follow-up survey revealed that 29% of all restaurants and bars had patios, up from the 25% observed at baseline. There was no difference between restaurants and bars in the proportion of premises with patios. At follow-up, a smaller (but statistically non-significant) proportion of patio structures (35%) would not allow for smoking under the SFOA, than at baseline (45%). Continuing the trend from baseline, most of these patios were covered with permanent structures (67% at baseline and 68% at follow-up) and awnings (55% at baseline and 46% at follow-up).

At the time of inspections, people were sitting outside on 23% of restaurant and bar patios where the structure would prohibit smoking under the SFOA. Overall, compliance with the smoking prohibition on patios where the structure prohibited smoking under the SFOA guidelines was 62%. Comparable compliance estimates from the baseline survey were too small to report.

Comparisons could not be reported between compliance estimates for bars and restaurants and TCANs due to the smaller number of patios whose structures would prohibit smoking under the SFOA.

Education Provided

Enforcement staff provided education to a significantly smaller proportion of restaurants and bars at follow-up compared to baseline ($p < .05$; Table 8). This is likely related to relatively intensive educational efforts in preparation for the May 31st, 2006 implementation of the SFOA. In comparison, the proportion of restaurants and bars that received educational materials from enforcement staff doubled between baseline and follow-up surveys (13% to 26%, respectively; $p < .05$). The increase in providing educational materials is apparently due to an increase in the provision of ‘no smoking’ signs at follow-up.

Table 8: Education Provided in Restaurant and Bar Inspections, by Survey Round, 2006

Educational Activities	Baseline %	Follow-up %	<i>p</i> - value
Education provided	53	33	*
Educational materials provided	13	26	*

* $p < .05$

Action Taken

The Ministry of Health Promotion's *Protocol for Smoke-Free Inspection for Enclosed Workplaces and Public Places* (May 2006) applies a continuum of progressive enforcement actions – starting with education and progressing from warnings to increasingly more serious charges to match the nature and frequency of contraventions under the Act. In this model, a restaurant or bar that exhibits non-compliance with the signage stipulations upon the completion of the initial inspection following the implementation of the SFOA will be issued a warning as the initial step on the continuum of progressive enforcement. A subsequent re-inspection is scheduled within 5 working days. If a restaurant or bar continues to exhibit non-compliance with the signage stipulations upon re-inspection, the next step on the continuum is to issue a charge. In contrast, if a restaurant or bar exhibits non-compliance with the indoor or outdoor smoking restrictions upon the completion of the first inspection following the implementation of the SFOA, the proprietor will be charged. It was not determined whether the inspections conducted during both the baseline and follow-up surveys were initial inspections following the implementation of the SFOA or subsequent re-inspections.

Very little action was taken to gain compliance with the smoke-free enclosed workplaces and public places prohibitions at baseline. At follow-up, 367 out of 1,415 restaurants and bars were non-compliant with the indoor and outdoor patio stipulations. Forty-eight percent of these non-compliant restaurants and bars were issued warning letters. Two restaurant and bar owners and 2 individuals were charged as a result of non-compliance.

CONCLUSION

This report reflects a snapshot of compliance with stipulations regarding point of sale promotions, youth access and smoke-free public places four months following the implementation of the SFOA.

Compliance with major stipulations of the SFOA is very high four months after the Act was implemented. Of particular note is that indoor smoking has all but disappeared in bars and restaurants, at least at the time of observation. This encouraging finding is somewhat tempered by an apparent increase in the number of outdoor patios where the structure permits smoking.

A second encouraging finding is that the proportion of tobacco vendors who engaged in any form of point of sale promotions decreased from 68% at baseline to 11% at follow-up. This marked improvement in only four months time reflects a substantial contribution to decreasing exposure to tobacco industry marketing. This bodes well for the implementation of the final point of sale advertising ban to come into effect May 31, 2008.

Four months after implementation, the SFOA does not appear to have affected illegal sales of tobacco to underage youth. In test shops conducted as part of the compliance survey, 12% of vendors persisted in completing such sales. There was no change in this rate in comparison with the pre-SFOA baseline survey. Twenty percent of vendors neglected to ask for proof of age as required. A further study will focus on patterns associated with sales to underage youth.

Overall, the survey findings suggest that substantial majorities of vendors and restaurants and bars are complying with major stipulations of the SFOA. This situation suggests that the time may be ripe for a risk-based approach to inspection, coupled with a variable enforcement schedule, in which resources are targeted at premises identified as more likely to be non-compliant. Further evaluation work will focus on characterizing higher risk premises. This work will be informed by analysis of data from the third compliance survey together with data from the first follow-up and baseline surveys and from more qualitative data collection from tobacco enforcement personnel.

APPENDIX A: PREMISE EXCLUSION CRITERIA

Types of Premises Excluded from Survey

Tobacco Vendors

Adult entertainment facilities
Banquet facilities
Bars
Bingo halls
Bowling centers
Bulk food stores
Campgrounds
Caterers
Department stores (e.g., K-Mart, Zeller's)
Duty-free stores
First Nations
Gift shops
Hotels/Motels/Inns
Hospitals/Institutions
Meat/butcher shops
Mobile catering (e.g., chip wagons)
Private Clubs (e.g., Canadian Legions and
 Golf and Country Clubs)
Racetracks
Resorts
Shopping centre kiosks
Snack bars/refreshment stands/canteens
Trailer parks
Waterparks
Wholesale stores (e.g., Costco, Sam's)

Public Places

Arcades
Banquet facilities
Bed and Breakfasts
Bingo halls
Bowling centres
Cafeterias
Campgrounds
Caterers
Dinner theatres
Fast food restaurants/food court vendors
Ice cream parlours (e.g., Dairy Queen)
Movie theatres
Private Clubs (including Canadian Legions and
 Golf and Country Clubs)
Racetracks
Resorts
Submarine sandwich shops

APPENDIX B: DATA COLLECTION SHEETS



TOBACCO VENDOR DISPLAY, PROMOTION AND HANDLING DATA COLLECTION SHEET

PHIIS Premise ID:	<input type="text"/>									
PHU Premise ID:	<input type="text"/>									
Legal Name:										
Operating Name:										
Unit Number:					Street Number:					
Street Name:										
Street Type:										
Street Direction:	<input type="checkbox"/> North		<input type="checkbox"/> South		<input type="checkbox"/> East		<input type="checkbox"/> West			
City/Town:										
Postal Code:										
Telephone:										
Owner Name:										

Date of visit:	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>		Time:	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>		AM <input type="checkbox"/>
	YYYY	MM	DD			H/H	M/M		PM <input type="checkbox"/>
Purpose of visit:	<input type="checkbox"/> Inspection		<input type="checkbox"/> Re-inspection		<input type="checkbox"/> Complaint				

Findings:		
1. Counter top display present	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. More than single cigarette packages displayed	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Tobacco products displayed in a manner that permits handling by a purchaser before a purchase	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. Decorative or illuminated panels and/or promotional lighting present	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Three-dimensional exhibits and/or any other device, instrument or enhancement present	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6. Promotional material displayed outside of premise	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7. Age identification signage	<input type="checkbox"/> Government issued <input type="checkbox"/> Operation ID <input type="checkbox"/> Not to Kids! <input type="checkbox"/> We Expect ID	



TOBACCO VENDOR DISPLAY, PROMOTION AND HANDLING DATA COLLECTION SHEET

Action Taken: No Compliant Corrective Action Taken
 Exempt Other _____

Yes

1. Verbal Warning Issued: Yes No

2. Education Provided: Yes No

3. Educational Material Provided: Yes No

4. Charges Laid: Yes No

Charge	Part I	Part III	Section	Ticket	Summons	Pending
1 st	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>
2 nd	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>
3 rd	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>
4 th	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>

Comments:

Officer's Name: _____

Officer's Signature: _____



TOBACCO VENDOR COMPLIANCE AND ENFORCEMENT CHECK
(Youth Access)

Findings:

- 1. Age of test shopper requested: Yes No
- 2. Proof of age requested: Yes No
- 3. Proof of age presented: Yes No
- 4. Tobacco supplied to test shopper: Yes No
- 5. Health Warning/Age Restriction Sign posted: Yes No
- 6. Identification sign posted: Yes No

Action Taken: No Compliant Access Restriction Other _____
 Yes

- 1. Warning Letter Issued: Yes No
- 2. Education Provided: Yes No
- 3. Educational Material Provided: Yes No
- 4. Charges Laid: Yes No

Charge	Part I	Part III	Section	Ticket	Summons	Pending
1 st	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>
2 nd	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>
3 rd	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>
4 th	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>

Comments:

Officer's Name: _____

Officer's Signature: _____



**SMOKE-FREE WORKPLACE AND PUBLIC PLACES INSPECTION
DATA COLLECTION SHEET**

PHIS Premise ID:

PHU Premise ID:

Legal Name:

Operating Name:

Unit Number: Street Number:

Street Name:

Street Type:

Street Direction: North South East West

City/Town:

Postal Code:

Telephone: - - X

Owner Name:

Date of visit: Time: : AM
YYYY MM DD H/H M/M PM

Purpose of visit: Inspection Re-inspection Complaint

Type of Premise: Workplace Public Place

Alcohol License Type: Licensed Unlicensed N/A

Primary Function at time of inspection: Restaurant (primarily eating)
 Bar, Pub, or Cocktail Lounge (primarily drinking)
 Nightclub

Findings:

Indoors:

1. One or more people smoking or holding lighted tobacco Yes No

2. Ashtrays or similar equipment present Yes No

3. Signage posted Yes No

Designated Smoking Room:

4. Does the premise have a designated smoking room Yes No

5. One or more people smoking or holding lighted tobacco Yes No N/A



**SMOKE-FREE WORKPLACE AND PUBLIC PLACES INSPECTION
DATA COLLECTION SHEET**

Outdoor Patio:

6. Does the premise have an outdoor patio Yes No

7. Is the structure of the patio such that smoking is prohibited under the Smoke Free Ontario Act Regulations Yes No N/A

Patio has a roof in the form of:

Awning Yes No N/A

Tarp Yes No N/A

Canvas sheet Yes No N/A

Other permanent cover Yes No N/A

Other temporary cover Yes No N/A

Other prohibited structure Yes No N/A

Please Specify: _____

8. Are people sitting outside on the patio Yes No N/A

9. One or more people smoking or holding lighted tobacco Yes No N/A

10. Ashtrays or similar equipment present Yes No N/A

11. Signage posted Yes No N/A

Outdoor Smoking Shelter:

12. Does the premise have a smoking shelter as defined by the Smoke-Free Ontario Act/Regulation Yes No

13. Structure of smoking shelter such that smoking is prohibited under the Smoke-Free Ontario Act/Regulation Yes No N/A

14. One or more people smoking or holding lighted tobacco Yes No N/A

15. Ashtrays or similar equipment present Yes No N/A

16. Signage posted Yes No N/A

Outdoor Smoke Inside:

17. Visible tobacco smoke drifting inside from the outdoor smoking area Yes No N/A

Action Taken: No Compliant Other _____

Yes

1. Verbal Warning Issued for signage violation Yes No

2. Education Provided Yes No

3. Educational Material Provided Yes No

4. Charges laid to employer or proprietor Yes No



**SMOKE-FREE WORKPLACE AND PUBLIC PLACES INSPECTION
DATA COLLECTION SHEET**

Indoor/ Outdoor	Smoking/ Ashtray/ Signage	Part I	Part III	Section	Ticket	Summons	Pending
		<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>

5. Charges laid to individuals for smoking: No Compliant Other _____
 Yes

Employee/ Patron	Part I	Part III	Section	Ticket	Summons	Pending
	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>

Comments:

Officer's Name: _____
Officer's Signature: _____