

# COLLABORATING TO PROMOTE SMOKE-FREE AIR

## A Case Study in Marin County



 Marin County has made important strides in commercial tobacco control<sup>1</sup> policies through decades of collaborative efforts between local government agencies and volunteer-run community groups. As a result, Marin County is considered a leader in commercial tobacco control, even among other Bay Area communities

Located in the northwestern part of the San Francisco Bay, Marin County is a comparatively affluent community with a population of approximately 254,407.<sup>2</sup> Over two decades, the county

adopted a series of increasingly restrictive smoke-free policies aimed at reducing tobacco use and exposure to secondhand smoke. Because of these measures, the grades the county has received from the American Lung Association (ALA) State of Tobacco Control report have steadily increased, and the unincorporated county now receives straight As.

Marin County passed its first general smoke-free air policy in 1993,<sup>3</sup> and amended it in 2006.<sup>4</sup> The 2006 policy, which applied to the unincorporated area of the county, prohibited smoking in all enclosed public places, including workplaces, restaurants, bars, and public transit, as well as parks and recreation areas.<sup>5</sup> It also required that a minimum of 80 percent of all guest rooms in hotels, motels, and bed and breakfasts be designated as non-smoking, and it prohibited smoking in common areas of multi-unit housing complexes and nursing homes.<sup>6</sup>

The county has continued to amend its smoke-free policies to make them even more comprehensive. In 2012, it thoroughly revamped its regulations and expanded its multi-unit housing policy to ban smoking in apartment units, rather than only common areas, while allowing landlords to seek a smoke-free exemption for up to 20 percent of units.<sup>7</sup> The 2012 revisions also widened the scope of the smoke-free ordinance.<sup>8</sup> In 2021, the county again overhauled its smoke-free policies. Among other changes, its new regulations no longer allowed landlords to seek exemptions for a portion of units.<sup>9</sup> The new ordinance also expanded the county's smoke-free laws to apply to e-cigarettes.<sup>10</sup>

## Laying the Groundwork

Only a decade and a half ago, Marin County lacked effective commercial tobacco control policies, as reflected in the low grades it received in the ALA's first State of Tobacco Control report in 2008. Although the county had several tobacco control laws in place, the ALA gave the county a D for its overall grade.<sup>11</sup>

By other metrics, the county was among the healthiest in California. For example, since 2009, Marin has ranked as the healthiest county in the state in the County Health Rankings of the University of Wisconsin's Population Health Institute.<sup>12</sup> The county's early tobacco control laws contributed to its high ranking, as did community efforts to encourage healthy behaviors. In commenting on these ratings, the director of the county's Department of Health and Human Services noted, "Marin's success in tobacco control is the result of many years of community-wide effort to change social norms around tobacco use."<sup>13</sup>

Despite this success, the ALA report revealed several areas in which the county could improve and expand its tobacco control laws. In 2012, the Smoke-Free Marin Coalition, a volunteer-run



organization that had been central to Marin’s community efforts to promote smoke-free air, shared ALA’s report with government officials and community partners, using the low grades as a catalyst to bring about legal change. At the start of 2012, for instance, the county still received the same low grades it received in ALA’s first report.<sup>8</sup> By bringing this to the attention of the county board of supervisors, the coalition helped motivate the county to expand its smoke-free policies later that year.<sup>14</sup>

The Smoke-Free Marin Coalition served as a liaison between government officials and local lead agencies for the California Tobacco Control Program. It helped foster conversations about comprehensive commercial tobacco ordinances, not just at the county level but in all of Marin’s communities. These interactions built a network of collaboration between local communities, the county, and the coalition.

Other community organizations also contributed to Marin’s increasingly comprehensive smoke-free air laws and other tobacco control policies. In 2007, for example, Healthy Fair Healthy Marin

assisted in making the county's fair the first in the U.S. to be smoke-free.<sup>15</sup> A youth-led group named the Youth Advisory Council also encouraged high school students to become advocates for tobacco control policies.<sup>16</sup> The council played an especially important role in the county's passage of a ban on the sale of flavored tobacco products.<sup>17</sup> These organizations reflect the power that volunteer efforts can have in making legal change and promoting public health.

## **Passing the Ordinances**

Marin's expansive smoke-free policies were adopted after several years of advocacy. The county conducted extensive outreach to property owners, managers, and tenants to ensure that all parties were aware of the new smoke-free multi-unit housing policies and their requirements. The county also provided resources and support to help property owners and managers implement the new policies.

The county's policies prohibiting smoking in public places were adopted after several months of public hearings and community input. The county received strong support for the policies, with many community members testifying about the health benefits of smoke-free parks and other public places. The smoke-free outdoor dining ordinance was adopted after a similar process of public hearings and community input.

## **Implementing the Policies**

Implementing Marin County's smoke-free policies was a multi-step process that involved several stakeholders, including public health advocates, government officials, and community members. The process began with the development of a comprehensive plan that outlined the steps needed to achieve the policy's goals. The plan included a timeline that outlined specific deadlines for different aspects of implementation, such as training, education, and communication.

The county provided educational resources for retailers, landlords, and other community members and businesses to ensure compliance with the policy, including information on the ordinance effective date and how to identify and report violations. The county also collaborated with community organizations and public health advocates to raise awareness about the policies and their benefits through community events, social media campaigns, and outreach to local media outlets.

## Marin County Tobacco Product Policy Grades

Jurisdiction	Overall Tobacco Control	Smokefree Outdoor Air	Smokefree Housing	Reducing Sales	Flavored Product Restrictions
Belvedere	A	A	A	n/a	n/a
Corte Madera	A	A	A	A	Y
Fairfax	A	A	A	A	Y
Larkspur	A	A	A	A	Y
Mill Valley	A	A	A	A	Y
Novato	A	A	A	A	Y
Ross	A	A	A	n/a	n/a
San Anselmo	A	A	A	A	Y
San Rafael	A	A	A	A	Y
Sausalito	A	A	B	A	Y
Tiburon	A	A	A	n/a	Y
Marin County Unincorporated	A	A	A	A	Y

Source: American Lung Association in California, *State of Tobacco Control 2023 Report*

### Enforcing the Policies

Marin County's Department of Health and Human Services is responsible for enforcing its smoke-free policies, with assistance from the Marin County Fire Department, Environmental Health Department, and Parks Department.<sup>18</sup> The department's enforcement agents conduct routine inspections of public places, workplaces, and multi-unit housing complexes to ensure compliance. Penalties for violations of Marin's smoke-free policies include fines ranging from \$250 to \$1,000.<sup>19</sup>

The health department's approach in addressing complaints centers on educating members of the community before escalating to law enforcement. These actions contribute to better relationships among community members and successful compliance.

## Success

In addition to reducing secondhand smoke exposure and promoting a healthier environment for its residents, Marin County's smoke-free policies reflect a trajectory of continued improvements. In 2021, the ALA awarded A grades in smoke-free air to the county and all the jurisdictions in it. These stellar grades in tobacco control have continued through 2023, demonstrating the long way that Marin County has come in its commitment to smoke-free air.<sup>20</sup>

In 2023, the county and its cities continued to receive As in every category of ALA's tobacco control report. The only grade lower than an A awarded to any Marin jurisdiction was Sausalito, which received a B for smoke-free multiunit housing. However, with assistance from the Smoke-Free Marin Coalition and the Youth Advisory Council, Sausalito recently passed a smoke-free multiunit housing ordinance, which took effect in May 2024. Sausalito's adoption of this smoke-free ordinance was initially challenging because Sausalito's city council only meets monthly and typically has many items on its agenda. Still, the persistence of community volunteer leaders and their collaborative work with city council members resulted in the smoke-free multiunit housing ordinance passing with no council opposition. Thus, Sausalito will likely join its fellow Marin County jurisdictions in receiving an A as well when ALA releases its latest smoke-free housing grades.

Marin County's comprehensive smoke-free policies are a testament to the collaborative efforts of community leaders and the interest of city council members in safeguarding the health of their residents. Community public health advocates in the Smoke Free Marin Coalition are now considering proposing a county-wide minimum floor price law. The coalition hopes to introduce this ordinance to all jurisdictions by September 2025.

## Conclusion

Marin's comprehensive smoke-free policies have served as an example for other counties in California. Several jurisdictions have followed the county's lead and implemented similar smoke-free policies in public places, workplaces, and multi-unit housing complexes. The passage of Marin County's smoke-free policies attests to what years of work, collaboration, and community involvement can achieve.

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## Endnotes

- 1 The Partnership recognizes that traditional and commercial tobacco are different in the ways they are planted, grown, harvested, and used. Traditional tobacco is and has been used in sacred ways by Indigenous communities and tribes for centuries. Commercial tobacco is manufactured with chemical additives for recreational use and profit, resulting in disease and death. For more information, visit <http://keepitsacred.itcml.org>. When the word “tobacco” is used throughout this document, a commercial context is implied and intended.
- 2 U.S. Census Bureau, *Marin County, California, Quick Facts* (latest data as of July 2023), <https://www.census.gov/quickfacts/marincountycalifornia>.
- 3 See Marin County Municipal Code § 3150.3 (1993), [https://library.municode.com/ca/marin\\_county/codes/municipal\\_code?nodeId=TIT7HESA\\_CH7.70SMRE](https://library.municode.com/ca/marin_county/codes/municipal_code?nodeId=TIT7HESA_CH7.70SMRE).
- 4 Marin County Municipal Code § 7.70 (2006) (Ordinance of the Marin County Board of Supervisors Regulating Second-Hand Smoke and Amending the Marin County Code (2006)), <https://www.marincounty.org/userdata/bs/agendas/061024/061024-11-PL-ord-ORD.pdf>.
- 5 *Id.*
- 6 *Id.*
- 7 Megan Taros, *Marin Smoking Ban Stretches into the Home*, *SFBay.ca* (May 23, 2012), <https://sfbayca.com/2012/05/23/marin-smoking-ban-stretches-into-the-home>.
- 8 Marin County Municipal Code § 7.70 (2012) (Repealing Section 7.70.030 of Chapter 7.70 of the Marin County Code, Amending Section 7.70.020 and Adding New Section 7.70.030 to Chapter 7.70 of the Marin County Code to Clarify the Prohibition of Smoking in County Facilities and Vehicles and Prohibit any Smoking in Unenclosed Areas of Facilities Owned, Leased, or Operated Solely by and for the County of Marin (2012)), [https://marin.granicus.com/MetaViewer.php?view\\_id=33&clip\\_id=8085&meta\\_id=845674](https://marin.granicus.com/MetaViewer.php?view_id=33&clip_id=8085&meta_id=845674).
- 9 *Id.* at § 7.70.060.
- 10 *Id.* at §§ 7.70.020(W), 7.70.050(A)(1).
- 11 Nels Johnson, *Marin County Posts Poor Scores in Annual Tobacco Law ‘Report Card,’* *MARIN INDEPENDENT J.* (Jan. 19, 2012), <https://www.marinij.com/2012/01/19/marin-county-posts-poor-scores-in-annual-tobacco-law-report-card/amp>.
- 12 Population Health Institute, *California Data and Resources*, County Health Rankings and Roadmaps, <https://www.countyhealthrankings.org/explore-health-rankings/california/data-and-resources>.
- 13 Larry Meredith and Matthew Willis, *Marin Ranked Healthiest County in California Again: Tobacco Control a Major Success; Alcohol Consumption Now Targeted*, County of Marin (Mar. 20, 2013), <https://www.marincounty.org/-/media/files/departments/ad/press-releases/2013/20130320hhscountyhealthranking.pdf>.
- 14 Letter from Larry Meredith, Director, Marin Health and Human Services, to Marin County Board of Supervisors, May 22, 2012, [https://marin.granicus.com/MetaViewer.php?view\\_id=33&clip\\_id=6212&meta\\_id=635180](https://marin.granicus.com/MetaViewer.php?view_id=33&clip_id=6212&meta_id=635180).
- 15 *Healthy Fair, Healthy Marin*, Marin County Fair, <https://www.fair.marincounty.org/2023/pages/healthy-fair-healthy-marin>.
- 16 *Activism*, Youth Advisory Council, <https://nicoteenfree.org/activism-1>.
- 17 Bob Curry, *Youth Take Active Role in Tobacco Policy: Local Flavor Bans and Public Advocacy Influenced by Team of Teens*, County of Marin (Sept. 17, 2021), <https://www.marincounty.org/main/county-press-releases/press-releases/2021/hhs-antitobaccoteens-091721>.
- 18 Marin County Municipal Code § 7.70.120(B)(C).
- 19 Marin County Municipal Code § 7.70.130(E).
- 20 American Lung Association, *Marin County State of Tobacco Control 2021 — California Local Grades* (2021), <https://www.lung.org/getmedia/887c8ce8-2e18-4220-82a1-a73ec90daa49/Marin.pdf>; see also *Marin County State of Tobacco Control 2023 — California Local Grades* (2023), <https://www.lung.org/getmedia/dd3872ba-b745-4c72-91b8-730b9dfe2d14/SOTC-CA-2023.pdf>.