

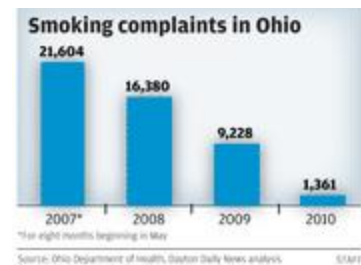
Smoking complaints have dropped each year since ban

State issues fewer fines but says complaints are down because most people obey the law.

By Ken McCall and Tom Beyerlein, Staff Writers Updated 9:02 PM Saturday, February 27, 2010

Complaints against businesses alleging violations of Ohio's smoking ban dropped sharply after the first few months of the ban and have declined with each successive year.

A Dayton Daily News analysis of the nearly 49,000 complaints filed with the Ohio Department of Health since the ban took effect in May 2007 also shows that fewer than five fines have been levied for every 100 complaints filed.



State officials credit the decline in complaints to better compliance from bars and restaurants, as evidenced by the declining number of first-time violators.

“We’re getting to the point where we have more (repeat violators) than initial violations,” said Mandy Burkett, chief of the health department’s indoor environments section.

Overall, the state logged 9,228 complaints in 2009 — down from 21,604 taken during an eight-month period in 2007.

“The overwhelming response we get is very positive,” Burkett said. “The overall numbers indicate compliance is increasing.”

She said compliance is up in part because business owners are hearing about inspections and fines of their peers. Iowa and Illinois — two states where similar bans were passed — also reported a decline in complaints after the first year.

A Franklin County judge last week clouded the enforcement picture, though, ruling that merely catching someone smoking in an establishment doesn’t prove that the business permits smoking in violation of the ban. The health department has appealed the ruling.

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