# LOCAL LEAD AGENCY AND COMPETITIVE GRANTEE ADMINISTRATIVE AND POLICY MANUAL
# POLICY SECTION
# FEBRUARY 2018

# TOBACCO CONTROL POLICY SECTION

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# 101 - Introduction

## OVERVIEW OF THE POLICY SECTION

The Policy Section of the Administrative and Policy Manual is provided by the California Department of Public Health (CDPH), California Tobacco Control Program (CTCP) to guide the programmatic and administrative operation and functioning of funded tobacco control programs. This includes Local Lead Agencies (LLAs), competitive grantees, and other funded partners. Except where specifically noted, policies within this section are applicable to all CTCP-funded projects.

In addition to providing programs with programmatic and administrative requirements, this section also contains background information on California's tobacco education campaign, the mission and philosophy statements of CTCP, and principles of strategic planning. This section should be reviewed prior to the development and implementation of interventions, media activities, materials development, evaluation activities, project staffing, and administration of tobacco control programs. As staff turnover occurs within your agency, please provide new staff with access to the entire Administrative and Policy Manual to ensure they are familiar with CTCP program and administrative expectations.  The policy manual is housed on the Online Tobacco Information System (OTIS), under the Help Tab and User Manual.

# 102 - Introduction

## PROPOSITION 99 AND PROPOSITION 56 LEGISLATIVE MANDATES

The California Tobacco Control Program (CTCP) was established in 1989 as a result of **Proposition (Prop) 99, the Tobacco Tax and Health Promotion Act of 1988** which added a 25-cent tax to each pack of cigarettes sold in the state and designated 20 percent of the funds be directed towards preventing and reducing tobacco use.

**Proposition 99**

In November 1988, California voters approved the Tobacco Tax and Health Protection Act of 1988, also known as Proposition 99. This initiative increased the state cigarette tax by 25 cents per pack and added an equivalent amount and designated a portion of the funds be directed towards preventing and reducing tobacco use. As shown in Table 1, Prop 99 revenues are deposited into six accounts by a formula and are used for specified purposes (Revenue and Taxation Code Section 30122(b), 30123, and 30124):

Table 1: List of Prop 99's Six Accounts

| Prop 99 Account | Purpose | Percent |
|---|---|---|
| Health Education Account (HEA) | Prevent and reduce tobacco use | 20% |
| Hospital Services Account | Health care services for low income patients served by hospitals | 35% |
| Physician Services Account | Health care services for low income patients served by physicians | 10% |
| Research Account | Tobacco-related disease research | 5% |
| Resources Account | Protect, restore, enhance fish and wildlife habitat; enhance state and local park and recreation resources | 5% |
| Unallocated Account | Available for any of the above purposes | 25% |

The HEA funds both community- and school-based health education programs to prevent and reduce tobacco use and is jointly administered by the California Department of Public Health (CDPH), California Tobacco Control Program (CTCP) and the California Department of Education (CDE), Tobacco Use Prevention Education (TUPE) Program. Currently, CTCP receives approximately two-thirds of HEA funds and the TUPE Program receives the other approximately one-third. CTCP is responsible for supporting a statewide comprehensive tobacco control program, one of the largest and most successful public health interventions of its kind ever initiated, nationally or internationally. CTCP provides funding for 61 Local Lead Agencies (LLA), competitively selected community-based organizations, a statewide media campaign, and an extensive evaluation of the entire program.

The enabling legislation for Prop 99 includes Assembly Bill (AB) 75 (Chapter 1331, Statutes of 1989), AB 99 (Chapter 278, Statutes of 1991), AB 816 (Chapter 195, Statutes of 1994), AB 3487 (Chapter 199, Statutes of 1996), Senate Bill (SB) 99 (Chapter 1170, Statutes of 1991), SB 960 (Chapter 1328, Statutes of 1989), SB 493 (Chapter 194, Statutes of 1995); the annual State Budget; Health and Safety Code Sections 104350-104480, 104500-104545; and Revenue and Taxation Code Sections 30121-30130. The enabling legislation, the various codes, and the annual State Budget, provide legislative and funding authority for programs administered by CTCP to

1. Conduct health education interventions and behavior change programs at the state level, in the community and in other non-school settings.
2. Apply the most current research findings and recommendations regarding tobacco use prevention.
3. Give priority to programs that demonstrate an understanding of the role community norm change has in influencing behavioral change regarding tobacco use.

**Proposition 56**

Almost three decades after Prop 99's passage, in November 2016, the voters of California overwhelmingly passed **Proposition 56, the California Healthcare, Research and Prevention Tobacco Tax Act of 2016**. Prop 56 increased the cigarette tax from $0.87 to $2.87 per pack, taking California's ranking from 37th to 9th in the nation. The initiative increased the tax on other tobacco products by an equivalent amount, including electronic cigarettes for the first time. With 64.4% of voters voting in favor of Prop 56, Californians sent a strong message to end the state's tobacco epidemic. Prop 56 revenues are distributed to state agencies to pay for implementation costs (Table 2), with the remaining revenues distributed to other state agencies by a formula (Table 3), all of which are to be used for specified purposes (Revenue and Taxation Code Section 30130.55 and 30130.57).:

Table 2: Prop 56 Revenue Distribution for Implementation Costs

| State Agency | Purpose | Percent or Fixed Dollar Amount |
|---|---|---|
| California Department of Tax and Fee Administration(CDTFA) | Reimbursement for expenses incurred in administering the Prop 56 tax | 5% |
| California State Auditor | Biennial audit of agencies receiving Prop 56 funds | $400,000/year |
| University of California (UC) | To increase the number of physicians trained and working in California | $40,000,000/year |
| California Department of Public Health (CDPH), Oral Health Program (OHP) | Education, prevention, and treatment of dental diseases, including those caused by tobacco use | $30,000,000/year |
| Department of Justice/Office of the Attorney General; CDTFA; CDPH, Stop Tobacco Access to Kids Enforcement (STAKE) Program | Funds distributed to three state agencies to be used for tobacco-related law enforcement | $48,000,000/year |

Table 3: Prop 56 Distribution of Remaining Revenue After Implementation Costs

| State Agency | Purpose | Percent |
|---|---|---|
| Department of Health Care Services (DHCS) | Increase funding for health care services by improving payments for Medi-Cal health care, treatment, and services | 82% |
| CDPH/CTCP | Bolster existing comprehensive tobacco control program efforts, established by Prop 99, to prevent and reduce tobacco use<br><br>At least 15% of funds distributed to CTCP must be used to accelerate and monitor the decline in tobacco-related disparities with the goal of eliminating them | 11.05% |
| CDE | Bolster existing school-based efforts, established by Prop 99, to prevent and reduce tobacco use<br><br>At least 15% of funds distributed to CDE must be used to accelerate and monitor the decline in tobacco-related disparities with the goal of eliminating them | 1.95% |
| UC | Medical research of cancer, heart and lung tobacco-related diseases | 5% |

# 103 - Introduction

## CALIFORNIA TOBACCO CONTROL PROGRAM GOALS

### Social Norm Change Strategy

The ultimate goal of tobacco control work is to reduce and eventually eliminate death, diseases, and illnesses such as cancer, cardiovascular disease, premature births, sudden infant death syndrome, emphysema, and asthma that result from tobacco use and exposure to secondhand smoke (SHS), including marijuana SHS and the aerosol emitted from Electronic Smoking Devices (ESDs). California's approach to protecting the public's health and preventing tobacco-related death, diseases and illnesses is achieved through a social norm change strategy that seeks to impact the diverse and complex social, cultural, economic, and political factors which foster and support continued tobacco use.

California's social norm change strategy is a cost-effective and efficient approach because the strategy involves creating population-level changes such as the adoption of policies that lead to reduced smoking rates and decreased exposure to SHS. The social norm change strategy is based on the premise that as new people or businesses move into the community, they inherit and adopt the established norms about smoking and the promotion and sale of tobacco.

Overall, California's social norm change strategy seeks to create an environment where tobacco use becomes less desirable, less acceptable and less accessible. Through community interventions, the provision of statewide training and technical assistance, and a mass media campaign, the California Tobacco Control Program (CTCP) works to achieve social norm changes, that sum to create a significant decrease in tobacco use at the population level. Community interventions that focus on policy, environmental, and system-level change are the building blocks of social norm change and play a vital role in changing and sustaining community norms.

### California Tobacco Control Program Goals

To reduce tobacco use among adults and youth in California and to eliminate exposure to SHS, including marijuana SHS and ESD aerosol, CTCP focuses on four broad goals.

### Limit Tobacco Promoting Influences

Tobacco industry advertising and promotions are major social and economic forces aimed at promoting tobacco use. While the 1998 Master Settlement Agreement (MSA) with the tobacco companies mandated changes in the behavior of the industry, including specific prohibitions against advertising and promotional strategies that target youth; eliminating tobacco industry influence in local communities, particularly within the retail environment, remains one of the highest priorities of CTCP. The tobacco industry continues to maintain massive expenditures on advertising and promotional campaigns, most significantly within the retail environment at the point-of-sale. Heavy spending on marketing and promotions at the point of sale buys the tobacco companies many things – brand recognition, brand preference, tobacco product cravings and unplanned purchases, fewer successful quit attempts, perceived norms of higher smoking prevalence, and increased initiation and continuation of tobacco use, especially by youth. Direct mail and website advertising are also significant advertising and promotion vehicles. In addition, although tobacco companies consistently report no spending in connection with the production or filming of any motion picture or television shows, the motion picture industry has increasingly dramatized the use of tobacco in movies, thus aiding in recruiting thousands of new adolescent smokers each year. Strategies to limit tobacco-promoting influences include limiting tobacco product advertising, marketing, and glamorization; addressing financial incentives and disincentives to reduce tobacco industry influences and promote non-tobacco use norms; and promoting healthy community physical environments.

### Reduce Exposure to SHS, Tobacco Smoke Residue, Tobacco Waste, and Other Tobacco Products

The risks of tobacco use extend beyond the actual smoker. Exposure to SHS increases risk for lung cancer and heart disease. Among children, SHS and thirdhand smoke (THS), or tobacco smoke residue, are also associated with serious respiratory problems, including asthma, pneumonia, bronchitis, sudden infant death syndrome, and low birth-weight. Protecting California workers and the public from the effects of SHS, THS, and ESD aerosol; and helping large numbers of smokers to receive the environmental support they need to quit smoking remains a high priority for CTCP. Strategies include reducing community and individual exposure to SHS, THS, ESD aerosol, and tobacco

waste.

**Reduce the Availability of Tobacco**

Widespread availability of tobacco products reinforces a social norm that promotes tobacco use. This strategy seeks to reduce the availability of tobacco to youth and members of priority populations targeted by the tobacco industry, as well as decrease the overall availability of tobacco products, price discounts, couponing, and sponsorship of adult only events. Strategies to reduce the availability of tobacco products include tobacco retail licensing, limiting the locations and/or types of tobacco products where tobacco can be sold, and/or reducing the types of tobacco products that can be sold in communities.

**Promote Tobacco Cessation**

Smoking cessation is the desired outcome of all initiatives and activities of CTCP that create new social norm change around the use of tobacco. Since social norms have shifted to tobacco use being less socially acceptable, and tobacco product prices have risen substantially, more smokers than ever are trying to quit. More than three out of every four California smokers say they would like to stop smoking. Past experience has demonstrated that the statewide media campaign, coupled with the California Smokers' Helpline (Helpline) and community-level cessation programs, successfully assists smokers in quitting. Smoking cessation is a complex and often extended process, often requiring several repeated quit attempts until success is achieved. As social norms shift away from the acceptability of smoking, more smokers become aware of health issues related to smoking, the level of motivation to quit across the entire population of smokers increases, and motivation by smokers to quit on their own increases. As such, cessation becomes the outcome, rather than the intervention.

While recognizing that in California the majority of former smokers report quitting without direct cessation services, the provision of direct cessation is primarily funded through the Helpline, which offers telephone cessation counseling in English, Spanish, Vietnamese, Korean, Mandarin, and Cantonese, and has tailored services for chew tobacco users, the hearing impaired, youth, and pregnant women. In addition, the Helpline offers text and chat services. Many CTCP-funded projects also provide direct cessation services at no cost or for a nominal fee. Additionally, CTCP-funded projects promote system changes that support population-based cessation services, such as introducing cessation in large managed health care plans, coordinating with clinics providing health care to people experiencing homelessness, behavioral health facilities, and university/college health centers that serve priority populations, and providing physicians nurses, dentists, and dental hygienists with training to establish systematized patient education and treatment programs in private offices and clinics.

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## LOCAL LEAD AGENCY RESPONSIBILITIES

Each of the 58 California counties, as well as three major California cities, are designated as Local Lead Agencies (LLAs). LLAs include 56 local county health departments, three (3) city health departments (Berkeley, Long Beach, and Pasadena), and one (1) non-profit agency with offices serving both Merced and San Bernardino Counties. Sections 104375, 104380, 104400 104405, 104410, 104415, and 104440 of the California Health and Safety Code (H&S Code) address and outline requirements for LLAs. Per the enabling legislation, LLAs are responsible for planning, implementing, and coordinating a comprehensive tobacco control plan. As the lead tobacco control agency at the community level, the primary legislated responsibilities of LLAs are to:

1. Obtain the involvement and participation of local community organizations with special expertise in tobacco control and representatives of priority populations
2. Provide, or contract for, tobacco control activities at the local level
3. Establish a coordinated information, referral, outreach, and intake system for preventive health education against tobacco for priority populations
4. Coordinate efforts between county service providers, government agencies, and the County Office of Education (COE)
5. Provide technical assistance to tobacco control service providers
6. Establish a uniform data collection system in compliance with standards and guidelines issued by CTCP, and submit audit and fiscal reports as required by the department
7. Develop a local tobacco control intervention plan and appropriate budget
8. Evaluate local program interventions and report back to CTCP
9. Additional activities may be required as defined in specific procurements

Each LLA serves as the backbone agency to a local community coalition to foster collaboration and engage in grassroots community mobilization activities that modify policy, systems, and environments to support social norm change and education to reduce tobacco use and address the tobacco industry strategies that promote tobacco use. LLAs take the lead on local community policy development, the facilitation of the enforcement of tobacco control laws, and the provision of local tobacco cessation services.

# 105 - Introduction

## COMPETITIVE GRANTS PROGRAM

Competitive Grants

The California Health and Safety Code (H&S) Section 104385 authorizes the California Tobacco Control Program (CTCP) to award and administer Competitive Grants to agencies to prevent tobacco-related diseases, conduct health education and promotion activities targeted to high risk persons and groups to reduce the number of persons beginning to use tobacco, continuing to use tobacco, or developing tobacco-related diseases. The Competitive Grants Program funds a variety of statewide, regional, local, and pilot projects. As defined by H&S Code, Section 104355, a grantee is a public or private nonprofit entity. Grantees may include, but are not limited to: hospitals, community clinics, local health departments, voluntary health organizations, American Indian tribes, colleges, and universities, County Offices of Education (COE), school districts, health maintenance organizations, professional health associations, and professional health education associations. Pursuant to H&S Code, Section 104440, Local Lead Agencies (LLAs) are ineligible for competitive grant awards unless the LLA is a participant within a consortium of community-based organizations and non-profit agencies.

Statewide Grants

Several funded grants are designed to have a statewide impact, by providing technical assistance and training or direct services throughout California. As of July 1, 2017 the following projects are funded to provide training and technical assistance or direct services statewide:

**Training and Technical Assistance Providers**

1. California Youth Advocacy Network (CYAN) is dedicated to supporting youth and young adult tobacco prevention advocates and tobacco control agencies throughout California. It offers technical assistance, trainings, and resources related to youth tobacco issues, youth advocacy skills, and youth and adult partnerships. Technical assistance and training services include one-on-one support, staff and/or coalition trainings, assistance with developing policy campaigns, assistance with developing tobacco related social media campaigns, support for drafting tobacco-free policies, and presentation and materials development. CYAN has three separate program areas:
    a. CYAN's College Program works locally and statewide to eliminate tobacco use and industry presence on college and university campuses by advocating for tobacco-free campus policies and effective cessation programs.
    b. CYAN's Youth Program works with local tobacco control programs to engage youth in advocacy campaigns to decrease access and exposure to tobacco.
    c. CYAN's military program, called Project UNIFORM, focuses on tobacco use by active military personnel in California. The mission of Project UNIFORM is to build collaborative military-civilian partnerships to address tobacco use in military communities. They do this by providing culturally appropriate tobacco control information and trainings to existing military cessation programs on installations, collaborating with military support networks to promote cessation services, and educating tobacco control professionals to the culture and existing services within the Armed Forces of the United States.
2. ChangeLab Solutions provides community-based solutions to maximize health outcomes for all, especially for communities with the fewest resources. Through their expertise in law and policy, they provide free technical assistance, research, training, and analysis to help communities pass legally sound and effective tobacco control laws. Services include individualized capacity building assistance, training on tobacco control laws and policies, and the development of model tobacco control policies and educational materials on a variety of tobacco control topics. They offer legal technical assistance during the entire process of policy development and adoption, and help jurisdictions develop strategies and tools to enforce tobacco control policies.
3. The Center for Tobacco Policy and Organizing (The Center) is a project of the American Lung Association in California and serves as a state and local tobacco policy resource. It provides policy and organizing technical assistance to communities working to adopt tobacco control policies by using community organizing strategies. The resources offered by The Center include providing legislative updates on key tobacco control bills, tobacco industry campaign contributions, and emerging local issues; assistance to develop and maintain relationships with legislators at the Capitol and in their district offices; campaign consultation and planning assistance; local advocacy trainings, including the completion of the Midwest Academy Strategy Chart; and training and technical

assistance with assessing the local political environment and coalition member recruitment. They organize the annual Capitol Information & Education Days (I&E Days) where local projects, grantees, and individuals can educate their legislators about the burden of tobacco in their communities. Finally, The Center tracks and analyzes local smoke-free policies.

4. Tobacco Control Evaluation Center (TCEC) at University of California, Davis is the statewide evaluation technical assistance provider for California's tobacco control programs. They offer individual technical assistance to design evaluation plans, how-to documents and videos, and a searchable collection of data collection instruments. TCEC can also provide in-person or webinar trainings on specific evaluation tasks such as sampling or writing a final evaluation report, and they develop and disseminate a variety of tip sheets on evaluation-related topics including writing interview questions, using qualitative data collection methods, and selecting data collection methods. Finally, TCEC manages electronic data collection services that allow CTCP funded projects to utilize handheld devices for local data collection free of charge.
5. The LOOP at University of California, San Francisco is a centralized, one-stop resource that helps CTCP funded projects strengthen their capacity to connect, communicate, and collaborate with their local communities, especially those disproportionately burdened by tobacco. These priority populations include African American, Hispanic/Latino, Asian/Pacific Islander, American Indian and Alaska Native, and Lesbian, Gay, Bisexual, Transgender, Queer communities. The LOOP offer webinar trainings, in-person trainings, and individualized technical assistance. The LOOP's Leadership Development Program aims to increase the engagement of individuals from priority populations and strengthen the capacity of California's tobacco control force.
6. Rover Library is California' comprehensive tobacco control library that provides CTCP and their partners and funded projects with the resources and tools to stay current with tobacco-control research, advocacy and educational materials, and news. Rover's website features an online catalog of over 20,000 resources to request or download, and they provide a variety of services including literature searches, quick and in-depth reference requests, referrals to other experts in the field, and one-on-one trainings.
7. The Center for Tobacco Cessation at the University of California, San Diego, Moores Cancer Center is the training and technical assistance arm of the California Smokers' Helpline. It provides training and technical assistance to organizations statewide to increase their capacity in tobacco cessation efforts. Their services include information and resources, technical assistance, and online and in-person trainings on topics including development of a comprehensive cessation strategy, evidence-based behavioral treatments, tobacco cessation in special populations, promotional approaches to increasing cessation, evaluation of cessation programs, and more.

**Direct Service Providers**

1. The California Smokers' Helpline (Helpline) operated by the University of California, San Diego, Moores Cancer Center, is a free, statewide, research-based tobacco cessation program (1-800-NO-BUTTS). The Helpline provides free services to help smokers and other tobacco users quit, including telephone counseling in English, Spanish, Mandarin, Cantonese, Korean, and Vietnamese, self-help materials, text messaging support for cessation, a local resource listing, and on-the-spot customized telephone counseling for pregnant smokers, tobacco chewers, and teens. By choosing counseling, smokers may have coverage for quitting aids, such as the patch or Zyban, through Medi-Cal or their private insurance. Those who choose counseling will receive up to five follow-up calls after their initial call. Helpline services are also available via telecommunications device (TDD/TTY) for individuals who are deaf or hard-of-hearing. Finally, the Helpline provides a variety of free resources to tobacco control and health care professionals on referral sources for clients that want to quit smoking, including educational materials, proactive referral options, and in-person presentations about Helpline services.
2. The Tobacco Education Clearinghouse of California (TECC) is an online catalog for tobacco education and advocacy materials. Registered users can download print-ready materials to print in-house or take to a professional printer, and many materials can be customized with local contact information or message. These materials are available in a variety of languages for a wide range of audiences, and include items such as fact cards, brochures, posters, signage, and toolkits. TECC also collects and reviews CTCP and project materials and adapts them for the catalog. For CTCP funded projects, TECC provides a variety of services including material development assistance and review by subject matter experts for cultural, educational, and language appropriateness for target audiences.

# 106 - Introduction

## STATEWIDE MEDIA CAMPAIGN

The California Tobacco Control Program's (CTCP) media campaign, a key component in the nation's longest running anti-tobacco program, consists of advertising and public relations (PR) campaigns. Both campaigns reach California's diverse populations in six languages—Spanish, English, Cantonese, Mandarin, Vietnamese and Korean. The advertising campaign utilizes cutting-edge messages to communicate the dangers of tobacco use including Electronic Smoking Devices (ESD), the environmental impact of tobacc, and expose the tobacco industry's marketing ploys. The PR campaign's efforts include communications planning and implementation, facilitating media relations and advocacy, conducting social media activities, providing technical assistance to local programs, conducting news conferences, issuing media alerts and press releases, and coordinating media monitoring. Together, the advertising and PR campaigns work to deliver clear, powerful messages with the broadest reach, educating and furthering the cause. To learn more, visit TobaccoFreeCA.com or the Media and Communications page on the Partners website.

# 107 - Introduction

## EVALUATION

The California Tobacco Control Program (CTCP) is a data-driven program. Telephone, web-based, observational, and in-school surveys are used to track adult and youth tobacco knowledge, attitudes, and tobacco use behaviors. These surveys monitor progress and illustrate emerging challenges (e.g., new tobacco product use). Observational surveys are conducted to monitor tobacco retail marketing practices and tobacco product sales to persons under 21 years of age. Additionally, program evaluation is conducted to determine which strategies are most effective. Collectively, these surveillance and evaluation studies are used to tailor and improve educational and media outreach; determine which intervention strategies are most effective at reducing tobacco use; and monitor progress towards reaching CTCP goals and objectives.

# 200 - Program Operating Principles

## PROGRAM OPERATING PRINCIPLES

The following are operating principles for tobacco use prevention and reduction activities funded by the California Department of Public Health (CDPH), California Tobacco Control Program (CTCP).

CTCP is committed to providing leadership and resources to achieve a 100 percent reduction in tobacco use in California by 2035. CTCP advocates a social norm change that creates a tobacco-free lifestyle and environment for all Californians. Toward these ends, CTCP encourages projects to:

1. Empower local decision-making through broad-based community participation.
2. Recognize diversity and maintain respect for differences.
3. Encourage innovative and multi-dimensional models for health education.
4. Create a partnership among communities, schools, worksites, health care organizations, and government.
5. Recognize individual and community rights to self-determination.
6. Anticipate community needs and prepare for major shifts in program emphasis as conditions change.
7. Recognize the critical importance of using interventions that focus on involving the family and community rather than individuals. Instead, programs must tap into the social context of individual behavior. Individuals, whether they are young people or adults, interact within a vast complex of relationships, organizations, work, peer and reference groups, and participate in a variety of personal growth, religious, and recreational activities.
8. Recognize the paramount importance of program cost-effectiveness. In order for programs to be replicable throughout California, they must be financially feasible. There are a number of ways cost-effectiveness can be enhanced:
    a. Institutionalize interventions into worksites, schools, community networks, and health care systems through broad frameworks such as Community Health Needs Assessments (CHNA) and General Plans.
    b. Emphasize interventions that create generational change. This is particularly important when considering young people. We know, for example, that youth are more likely to use tobacco if their parents use tobacco. Therefore, reaching parents and other intermediaries such as trusted adults in their lives, can help break the chain and reduce program costs over time.
    c. Emphasize interventions that last. Policy development is of key importance to changing community norms about tobacco. Social norm change occurs through organizational, community, and business policies. Community ordinances ensure access to tobacco-free workplaces, post-secondary schools, and smoke-free housing. Supportive integration of healthy changes to the retail landscape, incorporation of cessation into behavioral health practices, and the reduction of access to tobacco eliminates its impact on our environment and creates a lasting impact on the lives of millions of Californians.
    d. Priority populations must be major audiences for tobacco use prevention and reduction efforts since they are major targets of the tobacco industry. Priority populations are groups that have higher rates of tobacco use than the general population, experience greater secondhand smoke exposure at work and at home, are disproportionately targeted by the tobacco industry, and have higher rates of tobacco-related disease compared to the general population. The tobacco industry maintains persistent and prolific advertisement efforts to direct individuals who are part of priority populations to their products.

# 301 - Program Requirements

## TOBACCO CONTROL COALITION/ADVISORY COMMITTEE REQUIREMENTS

The goal of the California Tobacco Control Program (CTCP) is to change the social norms surrounding tobacco use. One way funded projects participate in efforts to create social norm change in relation to tobacco use is through community interventions which focus on policy, system, and environmental change. To change policies, systems, or environments, community involvement is a required and essential component to long-term success. When a community affected by a problem, such as tobacco use, and it is able to define the problem and solutions to that problem, it is on a path to overcome the problem. By taking ownership of the problem and solution, lasting social norm change is created.

In order to shape change in communities to produce social norm change, **all funded local lead agencies (LLAs) are required to establish a community-based tobacco control coalition or integrate issues of tobacco control into an existing community-based coalition**. Community-based coalitions are groups of diverse individuals and organizations with a common interest who agree to work together toward a common goal in their own community. The role of funded projects is to provide the community a space, knowledge, and resources to come together and support the community's problem-solving effort.

In addition to LLAs' community-based coalitions, ***some* competitive grant procurements may require the recruitment and maintenance of an advisory committee**. Advisory committees function in many similar ways to community-based coalitions and their membership should be just as diverse, but they are more likely to advise the project on how to do its work on various issues, rather than problem solve for the community as a whole.

Projects that are required to form and maintain a community-based coalition/advisory committee are to organize these bodies in such a way that they:

1. Obtain the participation and involvement of local community organizations with special experience and expertise in community health education against tobacco use and representatives of priority populations disproportionately impacted by tobacco use
2. Assist in the development and implementation of community-based tobacco control efforts
3. Develop and demonstrate widespread public support for issues, actions, and unmet needs
4. Maximize the power of individuals, single groups, and agencies through collaborative action for the purpose of creating a "critical mass"
5. Mobilize the talents and resources of multiple individuals, groups, and agencies to promote tobacco education and control strategies
6. Provide a united voice to respond to the tobacco industry

The organizational structure of the community-based coalition/advisory committee is flexible and may include:

1. Forming a centralized coalition/advisory committee that serves the entire health jurisdiction, region, or state
2. Integrating tobacco control issues into an existing community-based coalition or advisory committee
3. Creating campaign committees to focus on the passage of specific policies or implementation of existing polices.

The requirements for all community-based coalitions/advisory committees are as follows:

1. **Constituency Representation**: Community-based coalitions/advisory committees are to recruit a diverse membership that includes representatives that work or have a vested interest in tobacco control issues as well as those beyond traditional health, education and social service organizations. Outreach should be made on the part of LLAs and competitive grantees to include representatives of the respective local-funded project within the project's coalition/advisory committee. These various constituencies include, but are not limited to:

| Traditional Constituency Representation | Non-Traditional Constituency Representation |
|---|---|
| LLA / Health Departments | Business and Community Organizations |
| CTCP Grantees | Environmental Organizations |
| Alcohol and Drug Programs | Faith Representation |

| | |
|---|---|
| Education [including Tobacco Use Prevention Education (TUPE) Programs] | Labor and Union Organizations |
| Hospitals, Clinics and Health Care Providers | Law Enforcement |
| Social Service Organizations | Media and Communications-related Agencies |
| Voluntary Health or Tobacco Control Organizations | Military and Veteran Organizations |
| Other Tobacco Control Funded Agencies | Worksite/Employer |

2. **Population Representation**: Community-based coalition/advisory committee membership should be geographically-balanced and include priority population representation comparable to the demographics of the area. Tobacco-related priority populations are groups that have higher rates of tobacco use than the general population, experience greater secondhand smoke exposure at work and at home, are disproportionately targeted by the tobacco industry, and have higher rates of tobacco-related disease compared to the general population. Individuals may be members of more than one priority population. California's tobacco-related priority populations of focus are determined by the Tobacco Education and Research Oversight Committee (TEROC) and are identified in the most current version of their Master Plan, available on TEROC's website.
3. **Compensation:** Community-based coalition and advisory committee members serve without compensation, but members may be reimbursed for necessary travel expenses incurred in the performance of their duties as a coalition or advisory committee member.
4. **Operating Rules and Procedures:** Tobacco control community-based coalitions and advisory committees are required to have formalized operating rules and procedures (e.g., by-laws) that include:
    a. A description of the community-based coalition/advisory committee's organizational structure
    b. A mission statement for the community-based coalition/advisory committee
    c. A definition of the roles and responsibilities of members, the method of appointment to the community-based coalition/advisory committee, length of membership, and meeting frequency
    d. A defined process for new member orientation
    e. An annual assessment of members to monitor coalition/advisory committee functioning and member satisfaction utilizing assessment instruments identified by CTCP or others acceptable to the community-based coalition/advisory committee
    f. The creation of a standing subcommittee charged with recruiting new members that meets a minimum of four times a year to determine and fulfill membership recruitment goals
5. **Coalition Chair:** A community-based coalition/advisory committee chair should be a representative of the community that the coalition/advisory committee intends to serve and not receiving tobacco control-related funding obtained through a California tobacco tax initiative.
    a. If a community-based coalition/advisory committee is chaired by a ***single individual***, they may not be from the administrative agency that functions as the facilitator of the community-based coalition/advisory committee or another project funded by dollars obtained through a California tobacco tax initiative.
    b. If a community-based coalition/advisory committee determines there is a need for ***two co-chairs***, at least one chair may not be from the administrative agency or another project funded by dollars obtained through a California tobacco tax initiative.
6. **Membership Recruitment:** Agencies responsible for facilitating the community-based coalition/advisory committee are to develop a process for recruiting and orienting new members in coordination with the standing recruitment subcommittee.
7. **Training:** Agencies responsible for facilitating the community-based coalition/advisory committee are to periodically provide training for and review operational procedures with members.
8. **Communications:** Agencies responsible for facilitating the community-based coalition/advisory committee are to develop communication systems to keep members fully informed for both urgent (rapid response) and routine communication needs.
9. **Resources:** Agencies responsible for facilitating the community-based coalition/advisory committee shall provide staff, logistical assistance, training, budget support, and other assistance as needed by the community-based coalition/advisory committee.

# 302 - Program Requirements

## HEALTH EDUCATION PROGRAM REQUIREMENTS

The following are health education program requirements which are to be utilized by the California Tobacco Control Program (CTCP) funded projects and their subcontractors to design and implement tobacco-related health education strategies. Programs are to:

1. Focus on social norm strategies which are likely to be institutionalized and apply current and evidence-based research findings to ensure the effectiveness of policy, media, and program strategies.
2. Focus the greatest effort and resources toward the priorities of 1) limiting tobacco promoting influences; 2) reducing exposure to secondhand smoke, tobacco smoke residue, tobacco waste, and other tobacco products; and, 3) reducing the availability of tobacco.
3. Be comprehensive in nature and use community education, paid media, earned media, policy, training, technical assistance, collaboration, surveys, and other activities to work in a coordinated and focused fashioned to achieve outcome-oriented objectives.
4. Reflect coordination and collaboration with the efforts of Local Lead Agencies (LLA), competitive grants, statewide projects, regional projects, pilot projects, and statewide initiatives.
5. Reach out to and include groups with access to, knowledge of, and experience with priority populations of focus, but who are not currently involved in or receive tobacco tax funding. Such groups include, but are not limited to environmental organizations, faith-based organizations, housing organizations, law enforcement agencies, living wage groups, professional organizations, early childhood development, youth groups, schools, chambers of commerce, business groups, and unions.
6. Collaborate with representatives of priority populations of focus, policymakers, and intervention groups. They shall be conducted with the participation or support of organizations or individuals from the priority populations of focus or from representatives from organizations serving priority populations.
7. Mobilize the community to demonstrate support for educational, policy, and enforcement activities. This may include conducting letter writing campaigns, press conferences, community forums, obtaining resolutions from community groups, obtaining organizational endorsements, generating opinion editorials, meeting with key community leaders or agencies, creating new alliances with groups such as civil rights organizations, chambers of commerce, women's groups, community beautification groups, law enforcement agencies, land use planning, transportation, alcohol and drug professionals, mental health organizations, etc.
8. Build the capacity of communities to address tobacco issues through offering opportunities for training, conducting surveying efforts, participation in community-based coalition/advisory committees, facilitating educational presentations to policymakers, providing leadership opportunities for youth, and/or media opportunities (e.g., spokesperson training), etc.
9. Identify, document, and publicize the presence of tobacco-related problems and demonstrate public support for tobacco control interventions through the media. Documentation of the problem may include publicizing the results of the Healthy Stores for a Healthy Community (HSHC) survey, Young Adult Tobacco Purchase Survey (YATPS), surveys of tobacco advertising, Key Informant Interviews (KII) summaries, Public Opinion Poll/Public Intercept Surveys, Photovoice, telephone surveys, etc.
10. Utilize paid media, Public Service Announcements (PSA) and earned media opportunities in a coordinated fashion to support national, state, regional, and local policy and educational activities.
11. Provide education and materials that are culturally responsive and linguistically appropriate for the priority populations of focus and to intended intervention groups.
12. Incorporate program evaluation into tobacco control activities and meet at least the minimum percentage of deliverables required, as defined by the procurement. Evaluation activities are to be focused on outcomes, but also may include process evaluation and formative research.

# 303 - Program Requirements

## DEVELOPMENT AND USE OF EDUCATIONAL, INCENTIVE, AND MEDIA MATERIALS

The following requirements apply to using California Tobacco Control Program (CTCP) funds to develop, produce and disseminate educational, media (advertising and public relations), and incentive materials.

1. Examples of Materials
    a. are now known as “Incentives” as of January 2018.“Educational Materials” are items such as brochures, infographics, books, booklets, curricula, tip sheets, fact sheets, posters, videos, and non-campaign related social media posts.
    b. “Advertising (Ad) Materials” are items such as TV/video, radio, out-of-home (e.g., billboards, bus shelters/transit, cinema, etc.), print, or digital advertisements.
    c. “Public Relations (PR) Materials” are items such as press releases, key messages, images, video, podcasts, social media graphics, opinion editorials, bylined articles, Letters to the Editor, and press packets provided to media for announcements, media events, or news conferences.
    d. “Incentives” are used to motivate and/or reinforce positive behavior, participation, or involvement in activities related to a project’s Scope of Work (SOW) (e.g., completing a survey or participating in a focus group). If used, materials must be consistent with PROGRAM LETTER 12-01: ADVOCACY CAMPAIGN MATERIALS AND BEHAVIOR MODIFICATION MATERIALS GUIDELINES. Please note, all references to Behavior Modification Material (BMM), in Program Letter 12-01, are now known as “Incentives” as of 2018.
2. Approved Scope of Work Activities
    a. Development, modification and/or dissemination of any educational, advertising, public relations, and/or incentive materials cannot be conducted by the project unless there is an approved activity in the SOW describing the purpose, intended audience, format, consumer/focus group testing results (as appropriate), and dissemination of the product. Materials must be consistent with the approved SOW and must be developed to support SOW activities (e.g., for use during educational outreach events in tandem with educational efforts with the public, assisting with evaluation training or dissemination, use and distribution during educational presentations to policymakers, etc.).
3. Formative Research Requirement Prior to Developing Materials
    a. Prior to developing any educational materials, a funded project must check with the Rover Library and Tobacco Education Clearinghouse of California (TECC) to identify if an existing material is already available or could be adapted to fill the project’s need. This is a mandatory requirement to ensure non-duplication of efforts and statewide coordination.
    b. Prior to developing any advertising materials, a funded project must check the Media & Communications Section of the Partners website to identify any existing materials that have previously been developed and tested for target audience effectiveness. The Media & Communications Section on the Partners website provides a description of the advertising assets available and a form is available to request advertising materials and technical assistance from the Media & Communications Unit. For more information on requirements, see (5) *Technical Assistance to Develop Media Materials* below. This is a mandatory requirement to ensure non-duplication of efforts and statewide coordination
    c. Prior to the development of any educational, media or incentive materials, the funded project must obtain and incorporate the most recent evidence-based research to substantiate messaging. Assistance is available from the Rover Library. This is a mandatory requirement to ensure that all materials are factually accurate, current, and evidence-based.
4. Technical Assistance to Develop Educational Materials
    a. Throughout the material development process, it is highly recommended the project contact TECC for technical assistance with developing the intended educational material. TECC is available to provide assistance with content, design, readability, accessibility (ensuring access for people with disabilities or special needs), customization for the intended audience, format, consumer/focus group testing, production, and dissemination to ensure that all educational materials are high quality, cost-effective, and

appropriate for the intended audience.

5. Technical Assistance to Develop Media Materials
    a. Prior to the development of advertising materials, the funded project is required to contact CTCP's Media & Communications staff by filling out the Media Materials and Technical Assistance Request Form in the Media & Communications Section of the Partner's website, to discuss advertising development, including content, intended audience, intended target markets, media formats, testing, production, and time period for advertising placement. Staff is available to assist funded projects in communications strategy development. Media & Communications staff are also available to provide strategy and messaging feedback for funded projects' PR-related efforts.
6. Process to Request Use and/or Adapt Educational or Advertising Materials Produced with CTCP Funds
    a. The State of California, California Department of Public Health (CDPH) owns the copyright on educational and advertising materials developed with funds provided CTCP except for materials developed through a University of California interagency agreement -- the University of California retains the copyright for the materials.
    b. Following is the procedure to request the use of and/or adaptation of materials by a CTCP-funded project, other than the funded project that produced the material.
        i. For education materials, contact TECC for assistance with this procedure and to ensure that there are no copyright restrictions associated with the material.
        ii. For advertising and media materials, contact CTCP's Media & Communications staff by filling out the Media Materials and Technical Assistance Request Form on the Media & Communications Section of the Partner's website for assistance to ensure that there are no copyright or other restrictions associated with the material.
7. Requests for Use of Statewide Media Campaign Advertising Materials
    a. On the Media & Communications Section of the Partners website, there is a library of recent and historic ads developed by the CTCP Statewide Media Campaign, as well as ads developed by many tobacco control organizations throughout the state and country. Most CTCP advertising materials are available at no cost to funded projects.
    b. Requests from CTCP Funded Projects:
        i. All funded projects who wish to use or modify media materials produced by CTCP must complete the Media Materials and Technical Assistance Request Form located in the Media & Communications Section of the Partners website and provide the funded project's Communications Plan to outline the strategy and need for the media. In most cases, permission will not be granted for modifications to CTCP media materials (with the exception of taglines and logos) that may compromise the integrity of the materials. Any request for modifications of advertising will be forwarded to CTCP's Chief of the Media & Communications Section for a secondary review and decision.
        ii. Projects must make their own arrangements to "tag" (e.g. add the funded project's name, logo, and/or tagline) the media materials themselves.
        iii. Tagging costs are to be incurred by the project and negotiated directly with the vendor who is engaged to place the advertising.
    c. Requests from non-CTCP Funded Agencies/Organizations:
        i. Requests from local county programs (e.g., county alcohol and drug program, county environmental health) should be forwarded to the appropriate LLA for collaboration of local efforts. The CTCP Media Unit will forward all local county program media-related requests to the appropriate LLA for follow-up and collaboration as deemed necessary.
        ii. Requests from all other non-CTCP funded agencies/organizations will be reviewed by the CTCP's Chief of the Media & Communications Section. The request should describe the product, how it will be used and distributed, cost if applicable, and any modification the requestor would like to make.
        iii. The appearance of a gift of public funds for the profit or benefit of an agency will be considered and avoided in any request.
        iv. Requests for materials for use by a CTCP-funded project's subcontractors or consultants must be submitted to CTCP by the primary funded project.
        v. Any agency/organization granted permission to use or modify advertising materials from CTCP is to bear the cost associated with the permitted use or modification of the material.
8. Contract and Administrative Issues Related to Educational and Media Materials Development
    a. When utilizing the consulting services of an artist, writer, designer, advertising, and/or public relations agency for the development of materials, all agencies must indicate "Work Made for Hire" on contracts and invoices. Please include in all subcontract and consultant agreements, the language found in item "(8) (d) (i)" below. This will ensure that the copyright belongs to CDPH/CTCP, that CTCP has the authority to make derivative works, and that no residual costs will be incurred by CTCP for additional printing or use.

b. The funded project is responsible for ensuring that any selected services from an agency or consultant carry no conflicts of interest (e.g., no connection to the tobacco industry, subsidiaries, electronic smoking/vaping companies, or other related industries that work against the intended interests and mission of CTCP).
c. The funded project is responsible for ensuring that an agency or consultant has the expertise for the type of services being sought, an understanding of health or social issue campaigns, and the ability to respond appropriately to industry or political criticism.
d. Include the following provision in all subcontract agreements for a materials development agency or consultant:
    i. "The subcontractor grants the State of California copyright interest in any Works created, provided, developed, or produced under the agreement and ownership of any Works not fixed in any tangible medium of expression and agrees to assign those rights to the State. For any Works for which the copyright is not granted to the State, the State shall retain a royalty-free, non-exclusive and irrevocable license throughout the world to reproduce, to prepare derivative Works, to distribute copies, to perform, to display, or otherwise use, duplicate or dispose of such Works in any manner for government purposes, and to have or permit others to do so."
    ii. Print the following statement on any invoices for duplication services of materials:
        1. "All _____ (e.g.: artwork, type, electronic files, or photographic film or video/audio recording) created or submitted for reproduction is the property of the California Department of Public Health (CDPH), California Tobacco Control Program (CTCP). Acceptance of this order indicates agreement of these terms."
e. If any material to be developed involves any copyright limitations (e.g., talent fees, limits on distribution or term, stock photography royalties), agencies must get CTCP approval prior to the development of the material.
f. When using the image or likeness of an individual in an educational or media material agencies must ensure that the individual has signed a consent form or photo or talent release. Agencies shall obtain an additional consent form from the parent or legal guardian of individuals under 18 years of age.
g. Subcontract and consultant agreements and/or photo or talent releases must be completed and include the required CDPH/CTCP copyright language even if no monetary payment is part of the transaction.
h. Agencies are not allowed to profit from the sale of materials created with CTCP funds or utilize materials for non-tobacco control related purposes.
i. No CTCP video, ad, or portion of one can be edited and incorporated into another educational video without the express written permission from the CTCP.

9. Educational, Media, and Incentive Material Standards
    a. Materials must be consistent with the approved SOW and support SOW activities (e.g., for use during educational outreach events, use and distribution during educational presentations to policymakers, etc.).
    b. Materials must not duplicate existing materials known to Rover or TECC.
    c. Incentive Materials (incentives) must be consistent with PROGRAM LETTER 12-01: ADVOCACY CAMPAIGN MATERIALS AND BEHAVIOR MODIFICATION MATERIALS GUIDELINES. Please note: all references to Behavior Modification Material (BMM), in Program Letter 12-01, are now known as "Incentives."
    d. Materials are scientifically and factually accurate and cite original sources using a recognized standard format (e.g. the American Psychological Association, 6th Edition [APA] style formatting).
    e. Messages are based on research shown to be effective in discouraging tobacco use among the intended audience(s).
    f. Materials do not contain offensive or misleading language, visuals or messages, and do not put down, stigmatize or otherwise blame tobacco users or other groups (e.g., messages do not focus on smokers as "losers").
    g. Materials do not promote or inhibit any religious ideology.
    h. Materials do not feature the image, voice, or identifiable views of any elected public official or candidate for public office.
    i. Materials are free of grammatical, punctuation, and spelling errors.
    j. The reading level of the material is appropriate for the intended audience as verified through literacy testing.
    k. The material is appropriate for the intended audience, as verified through consumer testing.
    l. Materials convey messages that are consistent with other health or public health messaging (e.g., visuals with people on bicycles includes the use of helmets, and visuals of consumption food and beverages depict healthy options).
    m. Materials are visually appealing without the use of excessive production costs.
    n. Permission to use copyrighted material and artistic, photograph, talent, and model releases are obtained in advance and retained on file.
    o. Acknowledgement of the funding source is included on the piece.

p. Educational materials and consumer testing documentation is to be submitted to TECC via the following link: https://www.tecc.org/material-submission/.
q. Advertising, educational materials, and consumer testing documentation is to be submitted to CTCP with the funded project progress report.
r. The funded project agrees to allow CTCP and TECC to review the educational materials for possible statewide distribution and to adapt these materials as appropriate for free distribution through the TECC website.
s. The funded project agrees to allow CTCP to review the advertising materials for possible statewide distribution and to adapt these materials as appropriate for free distribution through the Partners website.
t. The funded project retains the following materials on file and makes them available to CTCP and/or TECC:
    i. Results of consumer testing for literacy level and cultural responsiveness for educational materials;
    ii. Advertising related consumer testing should include assessment of message comprehension, emotional impact, and overall reactions to concepts;
    iii. Field test, pilot test, or expert review evaluation findings, as appropriate;
    iv. Signed Copyright Release Form for all subcontractors including writers, designers, talent, photographers and artists;
    v. Signed Model/Talent Release Form for anyone who is recognizable in materials used.
u. For educational and media materials that are print, out-of-home and digital retain:
    i. Receipts/invoices for any stock photos or graphics purchased;
    ii. A copy of the original file from the page layout or design program (e.g., the original QuarkXPress; Adobe PageMaker, InDesign, Photoshop or Illustrator; MS Publisher; Word files) in editable/layered form;
    iii. All original illustrations and photos (including .jpg, .tif, .eps, .psd/Photoshop, and/or .ai/Illustrator files);
    iv. All fonts used, even if they are converted to outlines.
v. For educational and media materials that are television (TV)/Video digital file masters – generic taggable versions retain content in the following formats:
    i. Apple ProRes 422 (HD), Uncompressed, Broadcast Quality Master with Split VO & Music Tracks;
    ii. Apple ProRes 422 (HD), Uncompressed, Broadcast Quality Master.
w. For educational and media materials that are Radio/audio digital file masters – generic taggable versions retain content in the following formats:
    i. WAV format, Broadcast Quality Master with Split VO & Music Tracks;
    ii. WAV format, Broadcast Quality Master
x. Translations of materials submitted in languages other than English.

10. Acknowledgement of Funding Source
    a. Educational Materials: All educational materials (e.g. brochures, fact sheets, infographics, posters, reports, published documents, or materials) developed with CTCP funds must include the following statement:
        i. "© [current year]. California Department of Public Health. Funded under contract # XX-XXXXX."
    b. Advertising Materials: All advertising assets (e.g. TV, digital video, radio, out of home, digital banner, print) utilized by a funded project must acknowledge the agency that is placing the advertising with an attribution statement. Funded projects may choose from one of the following:
        i. "Sponsored by [Your Project/Agency's Name]
        ii. "This message paid for by [Your Project/Agency's Name]"
    c. Social Media Materials: Social media images, infographics, or gifs provided by CTCP, TECC, or downloaded from CTCP's Facebook profile are not to be modified.
    d. Incentive Materials: As appropriate, incentive materials should contain the following statement (e.g., cessation quit kit):
        i. "This material made possible by funds received from the California Department of Public Health, under contract # XX-XXXXX."
        ii. Projects may omit the acknowledgement if there is a space limitation or the attribution interferes with the image of the piece. Consult with the funded project's Program Consultant for additional guidance.
11. Use of Incentive Materials
    a. Funded projects may use incentives to reinforce or motivate a change in behavior. Incentives are only to be given to participants attending a pre-determined effort or activity. Incentives may be awarded to individuals, businesses, or groups for making a positive behavior or policy change (e.g., participating in a cessation program, adopting a smoke-free housing policy, creating, and promoting a smoke-free/tobacco-free event). They may also be awarded to adult and youth volunteers to reinforce participation in the project's scope of work (e.g. participation in the Communities of Excellence [CX]

Needs Assessment process, beach cigarette litter clean-ups, data collection for a Young Adult Tobacco Purchase Surveys [YATPS], or completion of significant service to the project's coalition).

*Please note: A 2015 Cochrane Database of Systematic Reviews on the use of incentives for smoking cessation programs concluded that six months or more after the beginning of the trial, people receiving incentives were more likely to have quit than those in the control groups were; however, only three trials reported prolonged success beyond the close of the program. Tobacco cessation programs using incentives and competitions should consider how to incorporate these findings.*

b. Non-Consumable (Non-Food/Refreshments) incentives can be both tangible and intangible in nature. A mix of both forms of incentives are permitted. For example, if a funded project wishes to reward a participant for involvement with a behavior change:
    i. Tangible Incentives: Giving a participant in data collection activities a merchandise card, following the completion of activities.
    ii. Intangible Incentives: Writing a letter of recommendation for a student applying to college detailing their participation in program activities.
c. Limitations to non-consumable incentives, include, but are not limited to:
    i. The cost of the incentives may not exceed $50 in value, per person, per year, and shall not include merchandise cards that can be used to purchase tobacco or alcohol products. The funded project is responsible for the possession, security (e.g. will keep under lock and key), and accountability of the merchandise cards. The funded project is responsible for maintaining a log sheet to track and identify each merchandise card, its value, the date the card was transferred, and the recipient of the merchandise card.
    ii. The $50 per person, per year limit may not be pooled to exceed the $50 per person, per year limit; however, awards over the $50 limit may be provided by soliciting donations from the community, which are not associated with CTCP funding.
    iii. Cash awards are not permitted as incentives.
d. The value of the incentive must be commensurate with the degree of behavior change sought. As such, a significant behavior change, such as quitting tobacco use and remaining tobacco-free for a six-month period, may merit a large award (e.g. $40). A less significant behavior change, such as attending individual cessation classes may be rewarded with incentives of more modest value (e.g., $5) per class. No total can exceed the $50 per person, per year limit.
e. Consumable (Food/Refreshment) incentives are allowable. These items may be purchased and made available at coalition or advisory committee meetings, or to volunteers who participated in tobacco control-related events and activities, such as Young Adult Tobacco Purchase Survey or beach litter clean-ups, specific to the funded project's SOW.
    i. Food is an appropriate item that acknowledges appreciation of people's participation in meetings, events, and activities. Moreover, it is recognized that the provision of food or refreshments is a cultural expectation in many of the communities that tobacco control projects work with and that the provision of refreshments at planning meetings with these communities will facilitate the development of positive relationships.
    ii. Limitations to consumable incentives, include, but are not limited to:
        1. The value of the incentive should be reasonable and budgeted overall at no more than $50 per person, per year. For example: yogurt, muffins, coffee, and juice for a morning event; sandwiches, fruit, and bottled water for lunch events; or pizza, fruit, and bottled water for evening events.
        2. The $50 per person, per year limit may not be pooled to exceed the $50 per person, per year limit; however, awards over the $50 limit may be provided by soliciting donations from the community, which are not associated with CTCP funding.
        3. Cash awards are not permitted as incentives.
    iii. Food incentives may be awarded in addition to the other non-consumable incentives that may be awarded for reinforcing a positive behavior change or for recognizing and reinforcing community participation in tobacco control activities.
    iv. This incentive policy does not permit the purchase of meals for staff of CTCP-funded projects, nor local health department employees. These individuals are subject to the rules and policies for meal and per diem reimbursement required by the CTCP contract language or their agency's personnel policies.
f. Recommendations on Utilizing Incentives:
    i. It is best to provide a series of small incentives for the initiation of intermediate changes, which could be for the reduction of smoking and given on the selected quit date. Incentives of more significance should be awarded after the intervention is concluded, and in the case of cessation, when the behavior change can be documented (e.g., smoke-free one month after the conclusion

of the cessation program).

ii. Incentives may be used to motivate or reinforce institutional change (e.g., plaques given to businesses or worksites that support non-smoking policies, certificates to businesses that reduce the amount of tobacco advertising in their stores, signage to help educate the public about the policy).

iii. It is important to reinforce the behavior change or maintenance of positive behavior by clearly stating how the person earned the incentives when it is given.

iv. Consider leveraging incentives by reinforcing other healthy behaviors (e.g., a pass to a recreational activity, healthy food options, or cultural event), reinforcement of other tobacco education efforts in the community (e.g., a gift card to a store that has stopped selling tobacco products), or providing healthy consumable incentives (e.g. fruit trays, vegetable platters, non-sugar sweetened beverages).

v. The value that the target population places on the incentives item should be considered. Youth may be more likely to value iTunes gift cards, amusement park, or movie tickets, while adults may value coffee shops or restaurant gift cards.

# 304 - Program Requirements

## USE OF CTCP FUNDS FOR TOBACCO CESSATION

The following are requirements for the provision of tobacco cessation interventions which are to be utilized by the California Tobacco Control Program (CTCP) funded projects to design and implement tobacco cessation strategies.

1. CTCP funded projects may:
    a. Administer tobacco cessation programs utilizing self-help, group, community, web-based, and media strategies;
    b. Train health care professionals or others to provide tobacco cessation services and/or to adopt and implement tobacco use assessment and cessation counseling policies;
    c. Work with and provide technical assistance to voluntary health organizations to ensure that priority populations, such as ethnic/racial populations, individuals who identify as Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ), people experiencing low socioeconomic statuses, people belonging to labor populations, and smokeless tobacco users are served by the cessation efforts of those voluntary health organizations;
    d. Conduct efforts to motivate tobacco users to quit using tobacco products;
    e. Conduct efforts to educate and inform tobacco users about the cessation benefit available to them through either publicly-funded (e.g., Medi-Cal or Medicare) or privately-funded (e.g., employment-based or individual insurance programs).
2. Local Lead Agency (LLA) tobacco control projects may use no more than 10 percent of their cumulative budget for the provision of direct cessation services. Competitive grant funded tobacco control projects are limited to the portion of their budget that may be applied to the delivery of direct cessation services through the procurement under which the project was funded.
3. Tobacco cessation methodologies are to incorporate the following:
    a. Elements focusing on the health and social consequences of tobacco use;
    b. Strategies and exercises aimed at quitting;
    c. Relapse prevention;
    d. Evaluation of quit status at three months, six months, and one year, and an annual determination of the cost effectiveness of cessation activities.
4. Tobacco cessation methodologies MAY also incorporate pharmacological interventions (when used as an adjunct to an educational intervention meeting the tobacco cessation criteria described above) however, CTCP funds MAY NOT be used to purchase or reimburse the cost of medications.
5. Funds MAY NOT be used to fund health care professionals or lay professionals to provide individual tobacco cessation counseling or tobacco use prevention counseling, unless expressly permitted in the procurement under which the project was funded.
6. Funds MAY NOT be used to develop or administer intensive telephone or texting tobacco cessation counseling without explicit written authorization from California Tobacco Control Program (CTCP) in order to avoid duplication of services with the California Smokers' Helpline (Helpline).
7. Tobacco cessation methodologies MAY NOT incorporate:
    a. Hypnosis techniques;
    b. Acupuncture;
    c. Aversion therapy.

# 305 - Program Requirements

## SUBCONTRACT AGREEMENT REQUIREMENTS

Subcontracts are allowable when the prime agency funded by the California Tobacco Control Program (CTCP) requires a level of service or expertise that extends beyond what is available within the funded agency. The following definitions, requirements, and guidance are applicable when using CTCP funds for subcontracts. The requirements described below apply to different types of agreements between CTCP and its funded projects [e.g., Local Lead Agency (LLA) Allocation Agreements, grants, contracts, and Interagency Agreements with state universities and colleges]. Subcontracting requirements vary based upon the type of agreement used to fund the prime agency. The variations are described below.

**Definitions**

1. **Subcontract Agreement**: A subcontract agreement is between the prime agency funded by CTCP (e.g., LLA, grantee, contractor, university) and a third party (e.g., subcontractor or consultant) to perform a component of the Scope of Work (SOW) approved by CTCP. Subcontracts are to be awarded via a competitive bid process and must contain a detailed SOW that clearly identifies the services/activities to be performed and a detailed budget/budget justification.
2. **Subcontractor**: The term subcontract refers to an individual or agency qualified to:
    a. Complete specialized component(s) or task(s) directly related to the SOW.
    b. Perform a service or activity on a limited term basis.
3. **Consultant Agreement**: A consultant agreement is a type of subcontract agreement awarded to an individual or agency qualified to:
    a. Provide a service or expertise that is advisory in nature (a product of the mind) versus the completion of a mechanical or physical task.
    b. Offer services such as: conduct a workshop or seminar; provide an answer to a specific question; and/or advise on programmatic issues (e.g., evaluation; program design and development; group facilitation; and in-service training).
4. **Community Engagement Agreement**: A community engagement agreement is one in which the award is less than $5,000 and the funds are used to facilitate community engagement to support completion of activities described in the SOW. Community engagement activities may include providing funds to an agency to participate in data collection, educational outreach, advocacy activities, and trainings.
5. **Competitive Bid Process:** A competitive bid prohibits the drafting of a competitive bid document (e.g., Invitation for Bid or Request for Proposal) in a manner that limits bidding directly or indirectly to any single bidder and it seeks to obtain at least three competitive bids.

**Requirements**

1. **Duplication of Services:** A prime agency, funded by CTCP (e.g. LLA or Competitive Grantee), may enter into a subcontract with another agency funded by CTCP when the services provided by the subcontractor do **not** overlap or supplant the funding for similar services provided by the other agency under their original CTCP-funded agreement.
2. **Competitive Bid Process Requirements:** When the amount of the subcontract agreement is $5,000 or more, the prime agency must submit their competitive bid process to CTCP for approval before making an award. When the prime agency is a LLA, the following applies:
    a. CTCP does not review and approve the competitive bid process or agreement, regardless of the amount, when the LLA follows its City or County competitive bid process, policies, and procedures for awarding a subcontract or community engagement agreement.
    b. CTCP reserves the right to review any subcontracts or community engagement agreements, as well as the competitive process, at any time.
    c. When the LLA subcontracts 60 percent or more of their award to another entity, CTCP must approve a detailed line-item budget, in the Online Tobacco Information System (OTIS), for the subcontractor.
3. **Documentation:** Once CTCP approves the competitive bid process and the subcontractor selection for agreements $5,000 or more, the prime agency is responsible for submitting a “Subcontract Agreement Transmittal Form” through OTIS for each subcontract agreement. The prime agency must also retain a copy of the competitive bid process and subcontract agreement that includes a detailed SOW and Budget/Budget Justification. This requirement does **not** apply to LLAs when their City or County competitive bid process is applied.

**Interagency Agreements with State Universities and Colleges**

Subcontracts within an Interagency Agreement are subject to restrictions on subcontracting. In general, a subcontract within an Interagency Agreement may not exceed 25 percent of the total budget of the prime agreement or $50,000 whichever is less.

**Guidance For Hiring Evaluation Subcontractors**

Subcontracting for Local Program Evaluator services is a common type of subcontract agreement that CTCP-funded agencies use. The solicitation, under which an agency applies for CTCP funding, typically provides guidance about the evaluation activities to be performed and the minimum qualifications of the Local Program Evaluator who oversees and guides implementation of the evaluation activities.

The number and complexity of the evaluation activities in the approved SOW will determine both the expertise needed to perform the tasks and the amount of time required to complete tasks. The evaluation subcontract may be with an individual or an agency. For an evaluation consultant the justification is to include the Local Program Evaluator’s hourly rate, number of hours of work to be performed, and a description of the services to be performed. For evaluation services that are with an agency, the description may include a multi-category budget (e.g., salary, fringe benefits, travel, and indirect expenses), the complexity level of the approved

evaluation components will determine both the expertise needed to perform the tasks and the amount of time required to complete the tasks.

1. **Evaluator Qualifications:** Minimum education and experience levels required for the project's evaluator are listed below. Evaluators must certify they meet these qualifications when setting up their directory profile at the CTCP Tobacco Control Funding Opportunities and Resources (TCFOR) website, under the Local Program Evaluator Directory, which also identifies the complete list of required minimum education and experience levels. Minimum education and experience requirements for an evaluator include:
    a. Completion of at least one course in study design or at least one year of experience in determining the study design for an evaluation;
    b. Have intermediate or higher proficiency in calculating sample size, developing a sampling scheme, and determining appropriate data collection methods;
    c. Completion of one course in program evaluation or one year of planning and implementing a program evaluation;
    d. Have intermediate or higher proficiency in evaluating behavior change, policy, or media intervention;
    e. Completion of at least two intermediate courses in statistics;
    f. Have intermediate or higher expertise in using statistical software packages to analyze and interpret quantitative data.
2. **Typical Evaluation Activities:** The approved evaluation components of the plan will dictate the funding level and time to determine overall costs. The goal is to find an evaluator with skillsets comparable to the approved evaluation components. The components completed by the evaluator will determine the funding amount and hours. Typical evaluation activities include:
    a. Brief Evaluation Reports
    b. Data Analysis Reports
    c. Education/Participant Surveys
    d. Final Evaluation Reports
    e. Focus Groups
    f. Key Informant Interviews
    g. Media Activity Records
    h. Observation Surveys
    i. Public Opinion Polls/Intercept Surveys
    j. Policy Record Reviews
    k. Youth Tobacco Purchase Survey
    l. Other Evaluation Activities as Needed
3. **Estimating Appropriate Evaluation Budgets:** The State of California has classifications, comparable titles, and salaries for positions responsible for evaluation work. State classifications and salaries vary but provide examples of salary levels for knowledge, skills, and abilities needed for minimum to maximum evaluation components. More information about these classification qualifications are located on the CalHR website.

**Comparable Evaluator Salaries for the State of California**
**(as of 8/8/2017)**

| State Classification Title | Comparable Title | Comparable Monthly Salary (based on 40-hour work weeks) |
|---|---|---|
| **Research Program Specialist I** | Geographic Information System Specialist I | $5,255.00 - $6,728.00 |
| **Research Program Specialist II** | Geographic Information System Specialist II | $5,772.00 - $7,441.00 |
| **Research Program Specialist III** | Geographic Information System Specialist III | $6,341.00 - $7,937.00 |
| **Research Scientist Supervisor I** | Epidemiologist/Statistician Supervisor I | $7,387.00 - $9,206.00 |
| **Research Scientist Supervisor II** | Epidemiologist/Statistician Supervisor II | $8,728.00 - $10,872.00 |
| **Research Scientist Manager** | Epidemiologist/Statistician Manager | $10,249.00 - $11,637.00 |
| **Research Scientist I** | Epidemiologist/Statistician I | $5,488.00 - $6,820.00 |
| **Research Scientist II** | Epidemiologist/Statistician II | $6,028.00 - $7,491.00 |
| **Research Scientist III** | Epidemiologist/Statistician III | $6,582.00 - $8,239.00 |
| **Research Scientist IV** | Epidemiologist/Statistician IV | $7,568.00 - $9,474.00 |
| **Research Analyst I** | Research Analyst I | $3,377.00 - $5,387.00 |

| | | |
|---|---|---|
| **Research Analyst II** | Research Analyst II | $5,022.00 - $6,290.00 |

To assist projects with budgeting for their evaluation plan, the table below lists average hours needed to help projects estimate their evaluation costs based on common evaluation activities, at the quantity of sample sizes (n=) listed. This chart is intended to help projects consider their evaluation scope of work and corresponding budget needs; it is not meant to substitute for negotiation with a project's evaluation subcontractor or consultant. These numbers are averages, and projects may need lower or exceed the hours listed, due to a number of factors, including, but not limited to:

a. Evaluator experience
b. Need for data collector training and number of collectors to train
c. Need for pre- and/or post-evaluation data
d. Number of jurisdictions worked in per objective
e. Number of waves for data collection needed per activity
f. Required travel for evaluator, if not built into hourly cost
g. Sample size for evaluation activity
h. Whether objective requires process and/or outcome evaluation
i. Use of pre-developed and pre-tested instruments

Note: Please refer to Section I, Administrative Section of the Competitive Grantees Administrative and Policy Manual, Chapter 600, Subcontract and Community Engagement Agreements Requirements for additional instructions.

| Average Hours for Completion of Evaluation Activities (by hours needed to complete the five inputs for common activities) | | | | | |
|---|---|---|---|---|---|
| **Activity** | **Developing an Instrument** (Piloting, field testing, setting up collection system, etc.) | **Training Data Collectors** | **Collecting Data** | **Data Entry/ Raw Data Summary/ Data Cleaning** | **Data Analysis & Report Writing** |
| **Education/Participant Survey n=25** | 2-6 hours | 0-1 | 0-1 | 1-3 | 2-4 |
| **Focus Groups (based on two groups per activity) n=6-10 (adults) n=5-7 (youth)** | 4-8 | 1-2 | 2-5 | Summary: 2-8<br>Transcription: 8-18 | 10-12 |
| **Key Informant Interviews n=5-10** | 2-3 | 1-2 | In-person: 10-20<br>Phone: 5-10 | 4-6 | 10-12 |
| **Public Intercept Survey n=100** | 12-20 | 1-2 | 20-30 | 12-25 | 15-25 |
| **Store Observation Survey n=50** | 2-3 | Training: 3-6<br>Prep: 8-16 | 50-100 | -- | 15-20 |
| **Brief Evaluation Report (For Non-Primary Objectives)** | -- | -- | -- | -- | 10-30 |
| **Final Evaluation Report (For Primary Objectives)** | -- | -- | -- | -- | 20-40 |
| **Summary Reports (Policy Record Review or Media Activity Record)** | 1-2 | -- | 5-15 | 2-4 | 4-8 |
| **Evaluation Plan Development (including negotiations and revisions)** | -- | -- | -- | -- | 15-30 |
| **New Evaluation Plan Review & Certification Only (minor edits)** | -- | -- | -- | -- | 4-12 |
| **Evaluation Plan Monitoring, Scheduling, Implementation & Data Discussion Regular meetings with Project Director/ Internal Evaluation Project Manager** | -- | -- | -- | -- | 1-4 hours per month<br>12-48 hours per year |

# 306 - Program Requirements

## YOUNG ADULT TOBACCO PURCHASE SURVEY REQUIREMENTS

The following requirements shall be followed by agencies when conducting young adult tobacco purchase surveys:

1. Agencies may use either consummated buys or attempted buys for conducting young adult tobacco purchase surveys. A list of the pros and cons of each of these formats can be found immediately following this policy.
2. You **do not need** to obtain letters of immunity. Due to changes in Penal Code 308, underage individuals are no longer penalized for possession. Therefore, you do not need to obtain immunity from prosecution for underage participants. As a courtesy and for safety purposes you still may need to get support from and coordinate with local law enforcement.
3. Agencies should notify one another and coordinate underage tobacco purchase surveys conducted in the region with Local Lead Agencies and other competitive grantees as appropriate to avoid confusing the local law enforcement agencies and the media.
4. Underage individuals participating in the purchase surveys should preferably be between 18 and 20 years of age and include an approximate equal gender representation. Efforts must be made to ensure appropriate ethnic representation to match the communities being surveyed.
5. Decoys must receive a minimum of one hour of training on the survey protocol.
6. Safety of all the participants must always be placed first and appropriate safety measures followed at all times.
7. Informed consent and a liability waiver must be obtained from all adult and underage survey participants prior to their participation in any survey activities. Documentation of valid California driver license is required of all adult drivers.
8. Agencies are required to use California Tobacco Control Program (CTCP) protocols and procedures for conducting young adult tobacco purchase surveys including the young adult purchase survey instrument, forms, and data collection procedures (for consummated or attempted purchase surveys).
9. The agency shall develop a random sample of retailers (to include grocery stores, gas/convenience stores, liquor stores, convenience stores, drug stores/pharmacies, gas stations only, restaurants, and others) for the self-selected geographic area to be surveyed. CTCP may be contacted for assistance in generating random lists, and for sample size. Stores may be contacted prior to the survey to confirm their correct address, and that the store sells tobacco; however, precautions must be taken not to alert the store of an upcoming purchase survey.
10. Results of the purchase survey should be disseminated to policy-makers, including local elected officials and community leaders, through media channels (press conferences, news releases, press kits), and other appropriate mechanisms to generate support for action to decrease underage access to tobacco. Results should be posted on Partners.
11. A report of the results is to be sent to CTCP and is to include, at a minimum, purchase protocol, survey instrument, survey methodology, buy rate for each area surveyed, and barriers/facilitating factors in conducting the survey.
12. Stores surveyed may be contacted following the purchase survey to provide feedback (letters of congratulations or disappointment). Educational activities directed to merchants who illegally sold tobacco to underage following a purchase survey include: distribution of merchant education materials, in-store visits, and merchant education training.

There are two ways of doing tobacco purchase surveys: consummated versus attempted. **Consummated buys** provide evidence of a sale and are more accurate. Additionally, tobacco products can be used in press conferences, and it more closely duplicates the real situation. **Attempted buys** are typically well received by media because an underage buyer stopped the buy. Also, money does not have to be spent on tobacco products; money does not need to be tracked during the "buys." The risk with an attempted buy is that it may tip retailers off, and there is no hard evidence that the buy took place. Both approaches have their pros and cons. Please be sure to weigh your options before deciding which is best for your community.

# 307 - Program Requirements

## USE OF PROPOSITION 99 AND 56 FUNDS FOR ENFORCEMENT ACTIVITIES

The following are requirements and restrictions when utilizing California Tobacco Control Program (CTCP) funds for enforcement activities:

1. CTCP funds may not be used to conduct law enforcement activities. They can only be used for purposes specified in the statute. Law enforcement is not within the scope of any of the specified purposes as detailed below.
2. California Revenue and Taxation Code Section 30122 authorizes use of CTCP funds as follows:
    a. The Cigarette and Tobacco Products Surtax Fund is hereby created in the State Treasury. The fund shall consist of all revenues deposited therein pursuant to this article. Moneys in the fund may only be appropriated for the following purposes:
        i. Tobacco-related school and community health education programs
        ii. Tobacco-related disease research
        iii. Medical and hospital care and treatment of patients who cannot afford to pay for those services, and for whom payment will not be made through any private coverage or by any program funded in whole or in part by the Federal government
        iv. Programs for fire prevention, environmental conservation; protection, restoration, enhancement, and maintenance of fish, waterfowl, and wildlife habitat areas; and enhancement of state and local park and recreational purposes
    b. The funds consist of six separate accounts as follows:
        i. The Unallocated Account, which shall be available for appropriation for any purpose specified in subdivision (a)
3. California Revenue and Taxation Code Section 30130.55 (b) (1) additionally authorizes use of CTCP funds as follows:
    a. Proposition 56 funds may be used for implementation, evaluation, and dissemination of evidence-based health promotion and health communication activities in order to monitor, evaluate, and reduce tobacco and nicotine use, tobacco-related disease rates, and tobacco-related health disparities, and develop a stronger evidence base of effective prevention programming with not less than 15 percent of health promotion, health communication activities, and evaluation and tobacco use surveillance funds being awarded to accelerate and monitor the rate of decline in tobacco-related disparities with the goal of eliminating tobacco-related disparities.
4. Law enforcement activities which MAY NOT be funded include, but are not limited to:
    a. Inspections or stings conducted for the purpose of determining compliance with local, State, or Federal law and issuing a penalty or fine (this should not be construed to mean that Prop 99-funded programs cannot conduct surveys or evaluation activities to determine compliance with tobacco-related laws)
    b. Legal fees
    c. Fees associated with due process, court hearings, or administrative hearings
5. CTCP funds MAY be used to:
    a. Motivate appropriate agencies to conduct enforcement activities
    b. Train enforcement agency staff
    c. Educate violators of tobacco-related laws
    d. Provide educational warning letters, educational materials, and signs describing tobacco-related laws
    e. Train business owners and employees
    f. Generate or demonstrate public support for enforcement of tobacco-related laws

# 308 - Program Requirements

## COMMUNICATIONS SYSTEM REQUIREMENTS

California Tobacco Control Program (CTCP) funded agencies are responsible for coordinating information, referral, and outreach efforts. The following guidance is to be utilized by CTCP projects to meet these minimum communication requirements. Programs are to:

1. Utilize the Partners website, a statewide password-protected electronic communication system used by CTCP-funded agencies to share information and resources related to day-to-day tobacco use reduction and prevention efforts.
2. Agencies are required to subscribe to CTCP's Partners website and at least one staff member is required to **log onto Partners on a weekly basis**.
3. Agencies are required to post or respond to questions on the Partners **InfoHub forum at least one time per month**.
4. Agencies are required to **annually submit a Partners' Spotlight On** article highlighting a major success, preferably related to a policy, system or environmental change outcome.
5. Agencies are to use the CTCP calendar available through the Online Tobacco Information System (OTIS) to post major trainings, conferences or events that may be of interest to California's tobacco control community or that may facilitate efforts to coordinate events statewide.
6. Agencies are to use the electronic project directory available through OTIS for purposes of coordination, collaboration, and to avoid duplication of effort when planning, implementing, and evaluating tobacco control projects.
7. Agencies are required to submit the educational materials they develop and the results from evaluating those materials to the Tobacco Education Clearinghouse of California (TECC) using the Materials Submission page on the TECC website. Educational materials will be reviewed by TECC and its Materials Advisory Team for consideration for possible statewide dissemination.
8. Agencies providing direct cessation services are to provide information to the California Smokers' Helpline (Helpline) about the type, availability of the services, and enrollment information on an annual basis. This information will be shared with Helpline callers who prefer to participate in local cessation services.
9. Agencies are to widely publicize and promote the California Smokers' Helpline to the public, health care providers, worksites, schools, and others.
10. Agencies are to include the Helpline telephone number or texting information, as appropriate, on educational and media materials. Contact the Helpline prior to any mass media promotion utilizing the Helpline telephone number so that the Helpline can plan ahead for an increase in calls resulting from promotional efforts.
11. Agencies are encouraged to incorporate hyperlinks to the TobaccoFreeCA website on their project's website, and include TobaccoFreeCA in local advertisements, flyers, banners, and other print materials.
12. Local Lead Agencies (LLA) should develop an electronic resource directory of tobacco education and control resources within the local health jurisdiction and provide this information to the public on the agency's webpage. Agencies should send annual updates regarding these local resources to the Helpline and to TobaccoFreeCA for inclusion of the LLA's local resources on these sites.

# 309 - Program Requirements

## TRAINING AND TECHNICAL ASSISTANCE REQUIREMENTS

California Tobacco Control Program (CTCP) funded projects and their subcontractors should utilize the following training and technical assistance (TAT) requirements as appropriate to their scope of work:

1. CTCP funded projects may provide TAT on a variety of topics including, but not limited to: adoption and implementation of policies to reduce exposure to secondhand and thirdhand smoke, limiting youth access to tobacco, reducing youth exposure to tobacco advertising and promotions, spokesperson and leadership development, grant writing, program planning, evaluation, developing the capacity to manage tobacco control programs, data collection, legal education, community and grassroots organizing.
2. A key goal of TAT should be to build the capacity of the agency, organization, individual, or institution to plan, implement, and evaluate tobacco use prevention and reduction activities.
3. TAT activities and services provided by local and regional projects, as well as priority population coordinating centers, may not duplicate those provided by CTCP-funded statewide TAT providers.
4. Local Lead Agencies (LLAs) are responsible for providing TAT to agencies, organizations, businesses, worksites, cities, law enforcement agencies, retail groups, and others involved or interested in tobacco use prevention and reduction activities. LLAs may also be called upon to assist CTCP-funded grantees with both programmatic and administrative concerns.

# 310 - Program Requirements

## USE OF PAID, EARNED, AND SOCIAL MEDIA

The following requirements apply to using California Tobacco Control Program (CTCP) funds for media interventions.

1. Media Interventions to Support Project Objectives
    a. Media plays a key role in project interventions, such as policy adoption,implementation, education, and community engagement. Media strategies include earned media (e.g., public relations activities to generate news coverage), social media, and paid advertising, including paid media sponsorships. Agencies should align media interventions to support the objectives their scopes of work (SOW).
    b. All agencies are expected to coordinate their media interventions with other funded projects and coalition partners in their geographic area or community of interest to ensure nonduplication of efforts, inundation of similar messaging, and synergy in the media market(s) they work within.
2. Communications Planning Tool for Media
    a. A Communications Plan is a tool that is used in conjunction with a SOW, which contains paid advertising, earned media, and/or social media activities. The Communications Plan ensures that media efforts are planned strategically, in coordination with other funded projects in the media market(s) and the state media campaign to avoid saturation of advertising or mixed messages.
    b. The definitions for types of media that can be included in SOWs include:
        i. *Paid Advertising* (including paid media and sponsorship) is any kind of advertising that a funded project pays to run or air on a medium, including TV/video, radio, out-of-home (e.g., billboards, bus shelters/transit, cinema, etc.), print or digital advertisements. Advertising may be purchased directly from media outlets (e.g., cable company) or through media planners or buyers who typically plan and negotiate from multiple media vendors to achieve key metrics to reach the target population(s) (e.g., targeted rating points, impressions, or click-through-rates).
        ii. *Earned Media* refers to publicity through promotional efforts other than advertising. Earned media is also referred to as media relations, word-of-mouth, public relations, or publicity. This media type includes unpaid brand mentions or recognition (e.g. news article or news segment, published interview, or online review by a third-party).
        iii. *Social Media* refers to websites and applications that enable users to create and share content or to participate in social networking online. Common social media platforms include, but are not limited to Facebook, Twitter, Instagram, YouTube, Periscope, Snapchat, Pinterest, and LinkedIn. Social media can have both paid advertising (e.g. boosting or promoted) and unpaid advertising (e.g. word-of-mouth, shared, or viral) components.
    c. Communications Plan requirements vary by CTCP funding opportunity (e.g., Local Lead Agency Guidelines or Request For Application). Please refer to the funding opportunity for your project requirements and deadlines.
    d. The Communications Plan template and instructions are available on the Media & Communications Section of the Partners website. Technical assistance to review and complete the Communications Plan is available from CTCP's Media Unit by filling out the Media Materials and Technical Assistance Request Form.
3. Using Paid Advertising Sponsorships to Support Project Objectives
    a. Acceptable paid advertising sponsorships is to be used to promote a pro-health/anti-tobacco message, and event policies should be consistent with tobacco control program goals and objectives (e.g., the project should not sponsor an event where smoking is allowed). Paid advertising sponsorships may include (but are not limited to):
        i. Paid advertisement sponsorship through TV, radio, print, digital, or social media placement for an outdoor event (e.g. health fair, street fair, County Fair or festival), in which the project will be participating and includes at a minimum the project logo, tagline and/or coalition logo, and tobacco-free messaging;
        ii. Paid advertisement sponsorship/promotion for a tobacco-free local film festival or art exhibit with an anti-tobacco submission category;
        iii. Signage or digital displays with tobacco-free messaging at an event, advertising in an event program or materials, booth space to distribute tobacco educational materials and/or engage the public;

iv. Public announcements at and during the event and/or cross-promotions with other sponsors.

b. All paid advertising sponsorships will be reviewed by CTCP through the progress report submission and may be denied if deemed to be an inappropriate use of state taxpayer monies.

4. Media Tracking and Evaluation
   a. To help evaluate the effectiveness of media, all earned media related to the funded project's SOW and tobacco issues at-large within the project's territory must be tracked on a Media Activity Record form. The completed form is to be submitted as a tracking measure with the progress report. A Media Activity Record template is available from the Tobacco Control Evaluation Center (TCEC) website. For assistance with this tool, contact TCEC.
   b. All paid advertising must be tracked on a Media Tracking Form, and submitted as an tracking measure for the Media Activity Record evaluation activity (an activity required for all objectives with paid media activities) to track and measure placement, reach, and coverage of the advertising placed, and is to be submitted as part of the progress report when activity has occurred in the reporting period. The Media Tracking Form template is available in the Media & Communications Section on the Partners website. For assistance with this tool, contact the CTCP Media Unit.
   c. Social media site(s) (e.g., Facebook, Instagram; program or coalition-based) supported by a paid media budget should be tracked and analyzed via the tools available within the social media site(s) as to the reach, views, engagement, likes/follows, etc., and should be submitted as part of the progress report when activity has occurred in the reporting period. Creating an "other" evaluation activity that assesses your social media site's analytics will assist in measuring the effectiveness and potential uses for future media efforts, and is highly recommended. For assistance with developing a social media analytics/insights summary report, contact TCEC.
   d. Other communications activities or tactics (e.g. websites, electronic newsletters, mass listserv e-mails, etc.) should be measured by tracking access, delivery, opens, clicks, reach, engagement, etc. Summary reports should assess differences between multiple communications and/or explore themes in readability and interest amongst the audience with access to the communications activities over time, to help projects adjust their work to meet the needs of the project and the audience. For assistance with developing summary report for other communications activities, contact TCEC.

# 311 - Program Requirements

## LOBBYING AND POLITICAL ACTIVITIES POLICY

The California Tobacco Control Program (CTCP) engages in and funds policy activities which are legitimate tools of health education, health promotion, and public health. It is CTCP policy that CTCP funds (including funds from Proposition 99 and Proposition 56) **may not** be used to support lobbying and political activities.

Lobbying and political activities are defined as any attempt to promote or influence support or opposition on a specific piece of legislation, local ordinance, ballot measure, or to promote any candidate for an elective public office through any oral, written, or other form of communication. This includes direct communication with legislators, their staff, or government employees that participate in the formulation of legislation or encouraging the general public to contact these individuals to influence policy of any type. Other examples of lobbying include making a donation to a political action committee, developing and placing advertising that references ballot measures and/or legislation and either taking a position regarding them or urging the public to take a position, writing and publishing an op-ed calling for elected officials to support or oppose a piece of legislation, submitting copies of legislative amendment or ballot measure as an action alert, or posting a call to action supporting or opposing a piece of legislation on an organization's social media page.

Educating legislators, their staff, government employees, or the general public about a tobacco control program or about tobacco-related issues is **NOT** considered lobbying. However, expressing an opinion on a specific piece of legislation is considered lobbying and is not permitted.

These regulations apply to all employees of an project funded by Proposition 99 and Proposition 56 as well as tobacco control coalition members representing a tobacco control coalition. An individual may participate in personal lobbying activities during lunch or outside of work hours on personal time and property. Voluntary organizations such as the American Cancer Society or the American Lung Association can approach an elected official to seek the initiation or formulation of legislation under their organizational authority.

# 312 - Program Requirements

## COLLABORATING WITH SCHOOL DISTRICTS AND SCHOOLS

The California Tobacco Control Program (CTCP) and the California Department of Education's (CDE) Tobacco-Use Prevention Education (TUPE) program both receive funding from tobacco tax initiatives to provide tobacco-focused health interventions and behavior change programs. Enabling legislation for Propositions 99 and 56 stipulates:

1. CTCP programs to provide interventions at the state level, in the community, and in other non-school settings.
2. TUPE programs to provide youth-focused, school-based interventions.

Many school districts and schools receive TUPE funding to provide tobacco prevention education in the classroom, but all County Offices of Education (COE) receive TUPE County Technical Assistance and Leadership Funding (CTALF). CTALF funds are provided to California counties to plan, develop, and implement capacity building, technical assistance and training, evaluation, program improvement services, and coordination activities for TUPE activities on behalf of local school districts and schools.

CTCP local programs, COEs, and TUPE programs are to coordinate efforts in the delivery of programs targeting youth 13-18 years of age in the school setting, as well as youth and young adults in community, non-school settings, to create a comprehensive approach to tobacco prevention efforts. The following requirements apply to the use of CTCP funds in K-12 schools:

1. CTCP funds cannot be used to develop or to provide in-classroom education in public K-12 schools. "Charter schools" are public schools.
2. In K-12 private schools, CTCP funds cannot be used to directly benefit the school or assume the school's responsibility to provide tobacco control education.
3. CTCP funded projects may subcontract with existing TUPE funded school districts or schools to support policy-related SOW objectives or provide for extra-curricular activities related to tobacco control for which CDE funding is not available (see specific examples of acceptable efforts in detail below).

As appropriate to the funded project's scope of work (SOW), utilize the following guidance to enhance partnerships and build complementary workplans with CDE funded projects:

1. Develop a communication system and partnership with the local COE, and to the degree possible, with school districts.
2. Designate a staff member to serve as a liaison to the COE TUPE Program Coordinator. It is recommended that CTCP funded projects work closely with the COE to ensure effective coordination of local school and non-school tobacco prevention and reduction efforts.
3. Collaborate with COE's on the following types of tobacco control activities, during non-school hours (during lunchtime or after school), as they pertain to and support the SOW:
    a. **Coordination/Collaboration Activities**
        i. Invite the COE and/or TUPE Program Coordinator to participate in the local tobacco control community-based community coalition/advisory committee
        ii. Participate in the COE/TUPE program's grant advisory committee
        iii. Engage the COE and/or TUPE Program in the Local Lead Agency (LLA) Communities of Excellence (CX) Needs Assessment and participate in Local Educational Agency (LEA) Needs Assessment
        iv. Review and recommend improvements to proposed county school districts plans for tobacco prevention and reduction for Wellness Plans. Prepare a letter for the local COE recommending changes based upon the review
        v. Promote adoption of science-based tobacco use prevention curricula by submitting comments to CDE during the Health Education Curriculum Framework revision period.
    b. **Training/Technical Assistance Activities**
        i. Provide technical assistance to COEs and school districts via phone calls, email, or through workgroup participation on relevant tobacco prevention and reduction topics
        ii. Coordinate surveillance activities on youth tobacco use, youth access to tobacco, and tobacco advertising and promotional cues in the community targeting youth
        iii. Offer training, consultation, support, and continuing education with local school policymakers to help create a tobacco-free school environments
        iv. Promote the use of the California Smokers' Helpline (Helpline) services in schools for

parents, faculty members, and administrators
v. Conduct out-of-classroom and after-school education as it supports and pertain to the SOW and tobacco prevention, during non-school hours
vi. Jointly conduct a county youth conference on tobacco control topics to support SOW objectives
vii. Provide training on speaking to policymakers and recruit youth to participate in a speakers' bureau
viii. In partnership with the COE and/or TUPE Program Coordinator, provide a collaborative training for teachers, parents, and youth serving community based organizations on tobacco control topics, during non-classroom hours
ix. Encourage youth development and empowerment by sending students to attend state and local advocacy networking opportunities (e.g., YouthQuest).

c. **Paid Media Activities**
   i. Purchase advertising space in high school yearbooks or newspapers, as appropriate to the SOW and target audience
   ii. Provide paid advertisement of the local COE/TUPE program's film festival, art exhibit, or speech contests in line with CTCP's "experiential media" policies for an anti-tobacco submission category
   iii. Purchase advertising space on school scoreboards or in school sporting event calendars.

d. **Earned Media Activities**
   i. Coordinate a special edition of the school newspaper covering tobacco issues and provide recognition (a.k.a., "Pulitzer prize") for the best story and/or photojournalism editorial
   ii. Provide tobacco prevention and reduction content for school newsletters or weekly email blasts, to promote education and awareness of relevant SOW activities.

e. **Community Education Activities**
   i. Provide educational presentations to school administrators on the need to implement tobacco-free policies in schools
   ii. Provide presentations to parent groups (e.g. Parent/Teachers Associations), School Site Councils, County Boards of Education, and/or Local Control and Accountability Plan (LCAP) meetings to provide education to decision makers on relevant SOW tobacco prevention and reduction activities and to move objectives forward
   iii. Provide educational presentations to parents on the dangers of secondhand (SHS) and thirdhand smoke (THS) exposure in the home
   iv. Participate in tabling outreach during school-sponsored health fairs and events to provide tobacco prevention education and cessation resources (e.g. information on accessing the Helpline) to students (13-18) and faculty
   v. Link school community service or service-learning requirements and activities with community youth tobacco control interventions by coordinating community service events:
      1. Recruit students for participation in tobacco-related survey and compliance check activities.
      2. Collect and tabulating tobacco product-related litter.
   vi. Collaborate on youth tobacco advocacy activities (e.g., letter-writing campaigns, newspaper letters to the editor/opposite the editorial page (op-eds), educational presentations to policymakers, media activities, etc.

# 313 - Program Requirements

## PARTNERS COMPUTER NETWORK SYSTEM

**Partners** is an exclusive website for California Tobacco Control Program (CTCP) programs, found at TCSPartners.org. The goal of Partners is to provide efficient and timely communication for CTCP to communicate with its contractors and for projects to share resources and expertise in program development, policy adoption, and implementation.

In addition, Partners provides a forum for planning and strategizing across the state, maximizing resources, avoiding duplication of effort, and enhancing agency capability. The system allows CTCP-funded projects throughout California to share information, educational materials, program and training resources, and planning strategies. **All CTCP-funded projects are required to participate in the network and log onto the website at least once per week**. Technical assistance is provided to assist users with Partners via e-mail at partners.webmaster@cdph.ca.gov.

There are many features on the Partners website that projects will benefit from accessing regularly, including the following:

1. **Updates**: ***CTCP Update*** is a weekly newsletter with news and announcements, published on the first workday of each week. Past issues of the CTCP Update are also archived on the site. In addition to the Update, the ***Spotlight On*** section is where the latest and greatest policy achievements around California are shared with the field and the ***California Tobacco Matters blog*** is where Branch Chief April Roeseler regularly posts entries on CTCP's vision and provides comments on funded-projects activities and achievements in the field.
2. **Resources:** Policy manuals, guidelines, tools for contractors, media and communications materials, statewide project information and more are made available in the **Resources** sections for projects to access as needed. The Policy Evaluation Tracking System (PETS) is a linked and searchable system under this menu and provides a longitudinal policy surveillance database of tobacco control policies in local jurisdictions throughout California.
3. **Focus Areas:** New or experienced projects can find pages devoted to resources, trainings, and information on common policies and campaigns in the Focus Area section. The Focus Area includes information on the Healthy Stores for a Healthy Community (HSHC) campaign, health equity topics, secondhand smoke, tobacco cessation, environmental tobacco waste, smoke-free housing, electronic smoking devices (ESD), and marijuana secondhand smoke.
4. **Training:** An archive of digital and in-person trainings conducted by CTCP, including webinars, presentations at conferences, and other trainings can be found in the Training section of Partners.
5. **Member Directory:** Member Directory is a resource for agencies to find and connect with colleagues throughout California who can share input, experiences ,and feedback.

**Subscription (Membership) Requirements**

**Partners** is a password-protected website. Only staff from projects funded by the CDPH CTCP and related subcontractors are eligible to create applications for new Partners memberships. There is no cost to the project for enrollment in the Partners network, and **any number of users** per project may be enrolled.

Only Project Directors can request new user accounts. To request a new user account in Partners:

1. Go to the Partners Account Request Form .
2. Enter the Project Director's Security PIN, a four (4) digit number. If the user does not currently have a Project Director Security PIN, they can create a four (4) number pin code in the requested field.
3. Click "Agree and Submit" to be taken to the "Partners Account Request Form" page to request a new account for the new staff member.
4. Enter the requested information in the Registrant Entry Form.
5. Accept the Terms and Conditions.
6. Click "Submit".

Users are assigned a unique username and password and notified by e-mail once they are approved for an account. **Usernames and passwords are specific to the individual and must not be transferred, reassigned, or shared**.

**Closing a Partners Account:**

When staff leave their CTCP-funded projects, it is the responsibility of the project to inform CTCP so that the account may be closed. Project Directors are to request removal of old user accounts by sending an email with the user name(s) to be removed to Partners.webmaster@cdph.ca.gov.

# 314 - Program Requirements

## PC 308(a) OPERATIONS GUIDELINES

The following minimum standards shall apply to all decoys working with members of designated agencies engaged in undercover activities pertaining to California Penal Code (PC) 308(a) enforcement. For further information on conducting PC 308(a) operations, consult the Healthy Stores for a Healthy Community Campaign Web page on Partners.

1. All decoys shall be less than 21 years of age at the time of any undercover decoy operation. The decoy shall display an appearance consistent with their age (less than 21 years of age) and environment.
2. A photograph or video recording will be taken immediately prior to or at the time of the operation for the purpose of recalling the decoys appearance at this time. The photograph and/or video recording will be retained by the agency supervising the decoy operation.
3. A decoy shall carry his or her own identification showing their correct date of birth or not carry any identification. A decoy who carries identification shall present it upon request to any seller of tobacco products.
4. Enforcement agencies require decoys to respond truthfully to the seller if verbally asked their age.
5. A decoy shall be supervised by a regularly employed adult peace officer or other authorized statutory adult authority at all times during the operation.
6. The designated agency may use recording equipment, including video, audio, photographic, and other audio/visual recording equipment, to record and document an operation.
7. Upon completion of the decoy operation, the designated agency may notify the owner or owner’s agent of the operations results.

# 315 - Program Requirements

## NON-ACCEPTANCE OF TOBACCO COMPANY FUNDS

In order to receive funds from the California Tobacco Control Program (CTCP), contractors must comply with the following:

1. Universities/Colleges:

   The Principal Investigator, or any investigator associated with the contract, cannot receive funding from or have an affiliation or contractual relationship with a tobacco company, any of its subsidiaries or parent company within the last five years prior to the start date of the contract period. In addition, the Principal Investigator or any investigator associated with the contract will not accept funding from or have an affiliation or contractual relationship with a tobacco company, any of its subsidiaries or parent company during the term of the contract with CTCP (see attached partial list of tobacco company subsidiaries).

1. All Other CTCP Contractors

   The contractor will not accept funding from, or have an affiliation or contractual relationship with, a tobacco company, any of its subsidiaries, or parent company during the term of the contract with CTCP (see attached partial list of tobacco company subsidiaries). Since subcontractors are held to the same standards as the prime contractor, they are also subject to these requirements.

Contractors are required to sign and submit the “Certification of Non-Acceptance of Tobacco Funds” form as part of the Request for Application process. The certifications are on file at CTCP (see attached sample of the certification form). Violation of this CTCP policy during the term of the contract may result in termination of the contract.

***CERTIFICATION OF NON-ACCEPTANCE OF TOBACCO FUNDS***

_____
Company/Organization Name

_____

**Please check one of the following:**

The Primary Agency named above hereby certifies that it will not accept funding from nor have an affiliation or contractual relationship with a tobacco company, any of its subsidiaries, or parent company during the term of the contract with the California Department of Public Health, California Tobacco Control Program. Acceptance of such funds during the term of the contract is grounds for termination.

University/Colleges Only
The Principal Investigator, or any investigator associated with the contract, of the university or college named above hereby certifies that he/she or any of the investigators associated with (either paid, voluntary, or in-kind) this contract have not received funding from nor had an affiliation or contractual relationship with a tobacco company, any of its subsidiaries, or parent company within the last five (5) years prior to the start date of the grant period. In addition, the Principal Investigator, or any investigator associated with the contract, of the university or college named above hereby certifies that he/she will not accept funding from nor have an affiliation or contractual relationship with a tobacco company, any of its subsidiaries, or parent company during the term of the contract with the California Department of Public Health, California Tobacco Control Program. Acceptance of such funds during the term of the contract is grounds for termination.

_____

**CERTIFICATION**

---

I, the official named below, hereby swear that I am duly authorized legally to bind the contractor or grant recipient to the above described certification. I am fully aware that this certification, executed on the date below, is made under penalty of perjury under the laws of the State of California.

Director of Agency or Principal Investigator:

_____

Signature | Date | Print Name and Title

# 316 - Program Requirements

## ONLINE TOBACCO INFORMATION SYSTEM (OTIS)

**The Online Tobacco Information System (**OTIS) is a web-based business management portal that incorporates California Department of Public Health, California Tobacco Control Program (CTCP) business management systems with information-communication systems. It provides a single uniform interface for recipients of tobacco control funding to access contract and grant-related documents and networking-collaboration tools from any computer, 24 hours a day, 7 days a week. As a database, OTIS is searchable, provides access to real-time data, and the ability to aggregate data for reports.

Overall, OTIS provides an efficient means for CTCP and applicants to manage its contracting processes. These include the:

1. Submission and approval of Comprehensive Tobacco Control Plans and competitive grant applications;
2. Submission and approval of progress reports;
3. Submission and approval of fiscal documents;
4. Submission and approval of other contract related documents such as subcontracts; and
5. Serves as an official communication database between CTCP and funded projects.

Communication systems within OTIS include a personal and shared calendar that provides access to national, state, regional, and local event information; a task management system for personal and project use; a contact directory with a master list of agency contacts; a searchable project directory that provides access to the scopes of work of all projects within OTIS; and a Local Program Evaluator Registry that provides contact information and the qualifications of registered local program evaluators.

Major benefits to using this Web-based business management portal include:

1. Data entry and terminology are standardized and consistent across procurements.
2. The budget justification and other areas requiring calculations are totaled for the applicant by OTIS.
3. Common terminology facilitates the linkage of activities described in the Scope of Work (SOW) to budgeted expenses (providing Behavior Modification Materials, placing media, educational materials development, printing, etc.).
4. Agency contact information only has to be submitted once regardless of the number of applications the agency has funded by CTCP.
5. Other CTCP funded projects' SOWs can be searched in order to identify agencies working with similar target audiences, interventions, and evaluation activities. This can facilitate networking, marketing trainings, identification of programming gaps, or collaborating on advertising and educational materials development.
6. Generates usable reports that track who, what, where, and how much funding is going toward particular programs, and what projects are working on specific interventions or with specific target populations.
7. Integrates any communication and business applications into a single website for improved access to timely information. System applications include statewide calendar, project directory, local program evaluator directory, application/proposal/plan submission, application/proposal/plan approval, progress report submission, progress report approval, and cost report/invoice submission and approval.
8. Promotes management of local project materials development by Tobacco Education Clearinghouse of California (TECC).
9. The review and approval of documents submitted by contractors is streamlined (e.g., no more losing paper, and the ability to track where documents are in the approval process).
10. Logs all communications for increased continuity and accountability.

**OTIS Account Requirements**

OTIS is a password-protected website for CTCP-funded projects. Users will be issued an individual user identification and password. These may not be transferred, reassigned, or shared with anyone else. New OTIS accounts can only be requested by the Project Director through OTIS.

To request a new user account:

1. Log into OTIS at https://OTIS.catcp.org
2. From "Welcome" in the upper right top of screen, mouse over your name, and select "My Agency" from the drop-down.
3. My Agency page appears. Click "Request a New User" link at top.
4. Request New Account page appears. Complete new user form, filling in new user information.
5. For "Access Type Desired" select "Applicant" or "Subcontractor" and in the "Give Account Access To" field, select your procurement(s) holding down the Ctrl key to select.
6. In "Reason for Request" field, enter OTIS/Rover account, or Rover only account, and any additional information specific to the new user.
7. Click "Save Information" to submit.

Project Directors are also required to notify CTCP immediately about staff changes in order to deactivate an account. Only Project Directors can request removal of user accounts by sending an email with the list of user names to be removed to Partners.webmaster@cdph.ca.gov and specify if it is an OTIS/Rover removal or Partners Removal.

Maintaining and updating OTIS user accounts is essential and required in order to facilitate project functionality and provide optimal customer service. Agency administration and supervisory staff can have access to OTIS without being listed as the Project Director. This gives agency administration access to OTIS functions and project information, but does not hold them accountable for important project messages, inquiries, and updates that often require a timely response. Please use best practices when assigning contact information in OTIS.

1. Project Director: Receives all program and administrative updates from OTIS. This person should be able to distribute this information to project staff and subcontractors in a timely manner (i.e. 48 hours).
2. Primary Contact: Conduct day-to-day operations within the project. The person listed in this role should differ from the Project Director.

**OTIS Usage Requirements**

1. CTCP funded projects, most of which have access to OTIS, are required to submit all application/proposal/plan documents, progress and fiscal reports via OTIS.
2. Project Directors are responsible for ensuring all staff with OTIS accounts participate in OTIS related trainings, and has access to user guides, and online training resources.
3. Project Directors are responsible for reporting OTIS errors or access issues to CTCP in a timely manner.

**System Requirements**

The system requirements for OTIS are the same as the system requirements for Partners; see CTCP Policy Manual Chapter 300 Policy #13 PARTNERS COMPUTER NETWORK SYSTEM.

# 317 - Program Requirements

## NICOTINE MAINTENANCE AND HARM REDUCTION POLICY

Nicotine maintenance and harm reduction are strategies in which tobacco users will substitute, in place of conventional combustible cigarettes, the long-term use of another, perceived less dangerous nicotine-delivery product that satisfies and sustains the user's addiction. The California Tobacco Control Program (CTCP) believes that the nicotine maintenance and harm reduction strategies undermine public health efforts aimed at reducing the burden of tobacco-related disease and death.

Products commonly associated with nicotine maintenance and harm reduction strategies include:

1. modified cigarettes and cigarette-like products
2. smokeless tobacco, snus, and dissolvable tobacco products
3. electronic smoking devices (ESDs)

Medications which are approved by the U.S. Food and Drug Administration (FDA) for tobacco cessation, including the nicotine patch, gum, lozenge, and other such products are not considered nicotine maintenance or harm reduction strategies by CTCP. These products are considered evidence-based interventions for tobacco cessation, and are not restricted by this policy.

The promotion of nicotine maintenance and harm reduction implies that continued addiction to nicotine is acceptable. Legitimizing nicotine maintenance and harm reduction strategies undermines the ability of state and local governments to implement and sustain evidence-based effective tobacco use prevention and cessation strategies. Furthermore, there is insufficient evidence that nicotine maintenance or harm reduction strategies produce a sufficient health benefit at the individual and population levels which would warrant inclusion in tobacco control approaches. As such, CTCP prohibits its contractors from using its funds to promote or sanction the nicotine maintenance or harm reduction strategy.

# 318 - Program Requirements

## COPYRIGHT POLICIES FOR THE ROVER TOBACCO CONTROL LIBRARY

### OVERVIEW

This document clarifies the library policies and procedures related to copyright, user access, reproduction, and library dissemination of library materials, specifically journal articles related to the Rover Tobacco Control Library, a California Tobacco Control Program (CTCP) statewide technical assistance provider. The document is organized into the following topic areas:

1. Definitions
2. Rover Tobacco Control Library Collection
3. Distribution of Journal Articles
4. Sources for Unrestricted Access
5. Licensing Agreements Requirements
6. Appendices

1. **Definitions**
    a. **Copyright:** U.S. Copyright Law (U.S. Code, Title 17) includes exclusive rights for copyright holders (creators, publishers) to reproduce or to authorize others to reproduce their works. It also includes exemptions for libraries and their users. One of the most important exemptions covers "fair use", making copies, and classroom use. Copyright law also covers the dissemination of materials/information by libraries and their users. See Appendix A for more information on U.S. Copyright. Note: All journal articles added to the Rover Library collection include a copyright statement stamped on the first page. The statement reads, "NOTICE: This material may be protected by Copyright Law (Title 17 U.S. Code)."
    b. **Licensing:** The Rover Library acquires some library materials, specifically journal subscriptions, through licensing agreements with publishers. In the case of these licensed materials, issues related to reproduction and distribution are defined in the publisher "terms and agreements" contract. Libraries are required to limit access to registered users to the extent technologically feasible and reasonably prevent unauthorized copying and further distribution.
    c. **Reproduction:** Reproduction refers photocopying or creating portable document formats (PDF) of library materials
    d. **Distribution/Dissemination:** Distribution/Dissemination refers to library staff sending hardcopy or e-mailing PDFs of library materials to patrons. It can also refer to materials that are faxed to patrons. These are materials that patrons can keep.
    e. **Patrons:** CTCP staff and CTCP-funded projects and their evaluators are considered Patrons for Rover library usage. Patrons can borrow/request copies of materials, ask for information services, and suggest items for purchase.
2. **The Rover Library Collection:** The Rover Tobacco Control Library is a virtual library, with most resources available to download from the password protected library website (https://rover.catcp.org). Patrons with OTIS/Rover or Rover-ONLY accounts must review the library's *Borrowing and Dissemination Policies and Procedures,* as well as submit a *Borrower's Agreement* to download some of the full-text resources available on the website. Full-text downloadable resources include materials produced by CTCP and funded projects, government publications, and other copyright-free publications, including Open Access (OA) titles and the PubMed Central free digital archive ( http://www.pubmedcentral.nih.gov/). In addition, the library provides links to other websites/online sources where full-text can be accessed. Through a journal subscription license, patrons also have access to all *Tobacco Control* content (username/password required).
3. **Distribution of Journal Articles:** Many studies/journal articles are copyrighted and have distribution restrictions.
    a. **Requests for copies of full-text journal articles** Requested titles are confirmed with the requestor, as needed, usually via e-mail. Depending on availability, confirmation is handled in one of two ways:
        i. If a journal article is available *without restriction*, patrons are directed to download the title from a website/other online source; or access the Rover Library Catalog and download full-text e-holding (Rover Catalog record - Availability "Holdings") or full-text through a provided URL (Rover Catalog record - Availability "Other Sources" Holdings"). See also *4. Sources for Unrestricted Access*

below.

ii. If the full-text article is not freely available without restrictions for full-text download/distribution, library staff will confirm the title request with the requestor via an e-mail that also includes the following availability statement. These confirmation e-mails could be auto-generated and sent from the Rover Library website to the requestor, or a personal e-mail sent by library staff to the requestor. **Availability Statement**: U.S. Federal Copyright law and journal license agreements regulate the use and limit use and distribution of copies of journal articles. These conditions include, but are not limited to, restrictions on copying, republishing, altering, redistributing, and reselling the information contained therein. Copies of journal articles are for your personal use (private study, scholarship, or research) only. Please do not reproduce or redistribute this material, or post in on websites or other online sites. You may be liable for copyright infringement for photocopying or reproducing this material for purposes in excess of "fair use." Depending on the context of the request there may be other text added to the e-mail or discussed in person.

b. **Distribution of full-text journal articles to Patrons**

i. After the Availability Statement is e-mailed to the requestor, the requestor is e-mailed a PDF of the article with copyright statement printed on each page [e.g., "NOTICE: This material may be protected by Copyright Law (Title 17 U.S. Code)."].

ii. This e-mail also includes a WARNING OF COPYRIGHT RESTRICTIONS statement (e.g., "WARNING CONCERNING COPYRIGHT RESTRICTIONS: The Copyright Law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Under certain conditions specified in the law, libraries are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship, or research." If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use," that user may be liable for copyright infringement. Details on copyright laws may be viewed at http://www.copyright.gov/title17."

4. **Sources for Unrestricted Access:** See the Rover Library paper, *Sources for Unrestricted Access*, for more information on the availability of free full text resources, including copyright-free government publications and sources, which provide unrestricted web access to peer reviewed scholarly journal articles. This document is available from the Rover Library.

5. **Licensing Agreement Requirements**

a. Conditions of Use and Licensing Restrictions for Electronic Resources

The library subscribes to journals for use by **authorized users**. The terms and conditions for using these resources are set out in electronic resource license agreements with each publisher. It is the responsibility of individual users to ensure their use of electronic resources does not breach the terms and conditions specified in the license agreements. Licenses vary from publisher to publisher; however, the general principles are:

**Generally Permitted**

- viewing, downloading, copying, printing, and saving a copy of search results
- viewing, downloading, copying, printing, and saving individual articles
- using e-resources for scholarly, educational or scientific research, teaching, private study, and clinical purposes
- sending a copy of an article to another authorized user

**Not Permitted**

- systematic downloading or printing of entire journal issues or volumes, or large portions of other e-resources is not permitted
- using e-resources for commercial gain is not permitted (i.e. reselling, redistributing, or republishing licensed content)
- transmitting, disseminating, or otherwise making online content available to unauthorized users (i.e. sending to mailing lists or electronic bulletin boards) is not permitted
- posting the publisher's version or PDF of an article to an open-class website is not permitted (instead, post the URL to the article which will allow only authorized users access)

6. **Appendices Appendix A: U.S. Copyright**
    a. **US. Copyright Law**: The full-text of U.S. Copyright Law (Title 17) is available on the U.S. Copyright Office website: http://www.copyright.gov/title17/
    b. **Fair Use**: The following provides background information on fair use issues related to U.S. Copyright Law (Title 17, Chapter 1, Section 107): http://www.copyright.gov/title17/92chap1.html#107
    Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phono records or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include:
        i. the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
        ii. the nature of the copyrighted work;
        iii. the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
        iv. the effect of the use upon the potential market for or value of the copyrighted work. The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.
    c. **Library/Archives Rights for Reproduction**: The following provides information on exclusive rights for reproduction by libraries and archives issues related to U.S. Copyright Law (Title 17, Chapter 1, Section 108): http://www.copyright.gov/title17/92chap1.html#108.
        i. Except as otherwise provided in this title and notwithstanding the provisions of section 106, it is not an infringement of copyright for a library or archives, or any of its employees acting within the scope of their employment, to reproduce no more than one copy or phono record of a work, except as provided in subsections (b) and (c), or to distribute such copy or phono record, under the conditions specified by this section, if—
            1. the reproduction or distribution is made without any purpose of direct or indirect commercial advantage;
            2. the collections of the library or archives are
                a. open to the public, or
                b. available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field; and
            3. the reproduction or distribution of the work includes a notice of copyright that appears on the copy or phono record that is reproduced under the provisions of this section, or includes a legend stating that the work may be protected by copyright if no such notice can be found on the copy or phono record that is reproduced under the provisions of this section.
        ii. The rights of reproduction and distribution under this section apply to three copies or phono records of an unpublished work duplicated solely for purposes of preservation and security or for deposit for research use in another library or archives of the type described by clause (2) of subsection (i), if:
            1. the copy or phono record reproduced is currently in the collections of the library or archives; and
            2. any such copy or phono record that is reproduced in digital format is not otherwise distributed in that format and is not made available to the public in that format outside the premises of the library or archives.
        iii. The right of reproduction under this section applies to three copies or phono records of a published work duplicated solely for the purpose of replacement of a copy or phono record that is damaged, deteriorating, lost, or stolen, or if the existing format in which the work is stored has become obsolete, if:
            1. the library or archives has, after a reasonable effort, determined that an unused replacement cannot be obtained at a fair price; and
            2. any such copy or phono record that is reproduced in digital format is not made available to the public in that format outside the premises of the library or archives in lawful possession of such copy. For purposes of this subsection, a format shall be considered obsolete if the machine or device necessary to render perceptible a work stored in that format is no longer manufactured or is no longer reasonably available in the commercial marketplace.
        iv. The rights of reproduction and distribution under this section apply to a copy, made from the collection of a library or archives where the user makes his or her request or from that of another library or archives, of no more than one article or other contribution to a copyrighted collection or

periodical issue, or to a copy or phono record of a small part of any other copyrighted work, if:

1. the copy or phono record becomes the property of the user, and the library or archives has had no notice that the copy or phono record would be used for any purpose other than private study, scholarship, or research; and
2. the library or archives displays prominently, at the place where orders are accepted, and includes on its order form, a warning of copyright in accordance with requirements that the Register of Copyrights shall prescribe by regulation.

v. The rights of reproduction and distribution under this section apply to the entire work, or to a substantial part of it, made from the collection of a library or archives where the user makes his or her request or from that of another library or archives, if the library or archives has first determined, on the basis of a reasonable investigation, that a copy or phono record of the copyrighted work cannot be obtained at a fair price, if:

1. the copy or phono record becomes the property of the user, and the library or archives has had no notice that the copy or phono record would be used for any purpose other than private study, scholarship, or research; and
2. the library or archives displays prominently, at the place where orders are accepted, and includes on its order form, a warning of copyright in accordance with requirements that the Register of Copyrights shall prescribe by regulation.

vi. Nothing in this section:

1. shall be construed to impose liability for copyright infringement upon a library or archives or its employees for the unsupervised use of reproducing equipment located on its premises: *Provided,* That such equipment displays a notice that the making of a copy may be subject to the copyright law;
2. excuses a person who uses such reproducing equipment or who requests a copy or phono record under subsection (iv) from liability for copyright infringement for any such act, or for any later use of such copy or phono record, if it exceeds fair use as provided by section 107;
3. shall be construed to limit the reproduction and distribution by lending of a limited number of copies and excerpts by a library or archives of an audiovisual news program, subject to clauses (1), (2), and (3) of subsection (i); or
4. in any way affects the right of fair use as provided by section 107, or any contractual obligations assumed at any time by the library or archives when it obtained a copy or phono record of a work in its collections.

vii. The rights of reproduction and distribution under this section extend to the isolated and unrelated reproduction or distribution of a single copy or phono record of the same material on separate occasions, but do not extend to cases where the library or archives, or its employee:

1. is aware or has substantial reason to believe that it is engaging in the related or concerted reproduction or distribution of multiple copies or phono records of the same material, whether made on one occasion or over a period of time, and whether intended for aggregate use by one or more individuals or for separate use by the individual members of a group; or
2. engages in the systematic reproduction or distribution of single or multiple copies or phono records of material described in subsection (vi): *Provided,* That nothing in this clause prevents a library or archives from participating in interlibrary arrangements that do not have, as their purpose or effect, that the library or archives receiving such copies or phono records for distribution does so in such aggregate quantities as to substitute for a subscription to or purchase of such work.

viii.

1. For purposes of this section, during the last 20 years of any term of copyright of a published work, a library or archives, including a nonprofit educational institution that functions as such, may reproduce, distribute, display, or perform in facsimile or digital form a copy or phono record of such work, or portions thereof, for purposes of preservation, scholarship, or research, if such library or archives has first determined, on the basis of a reasonable investigation, that none of the conditions set forth in subparagraphs (a), (b), and (c) of paragraph (2) apply.
2. No reproduction, distribution, display, or performance is authorized under this subsection if:
    a. the work is subject to normal commercial exploitation;
    b. a copy or phono record of the work can be obtained at a reasonable price; or
    c. the copyright owner or its agent provides notice pursuant to regulations promulgated by the Register of Copyrights that either of the conditions set forth in subparagraphs (a) and (b) applies.

3. The exemption provided in this subsection does not apply to any subsequent uses by users other than such library or archives.
    a. The rights of reproduction and distribution under this section do not apply to a musical work, a pictorial, graphic or sculptural work, or a motion picture or other audiovisual work other than an audiovisual work dealing with news, except that no such limitation shall apply with respect to rights granted by subsections (ii), (iii), and (viii), or with respect to pictorial or graphic works published as illustrations, diagrams, or similar adjuncts to works of which copies are reproduced or distributed in accordance with subsections (iv) and (v).

d. **The Digital Millennium Copyright Act of 1998** (DMCA) spells out some copyright exemptions for non-profit libraries and archives: http://www.copyright.gov/legislation/dmca.pdf Section 404 of DMCA amends the exemption for nonprofit libraries and archives in Section 108 of DMCA to accommodate digital technologies and evolving preservation practices. Prior to enactment of DMCA, Section 108 permitted such libraries and archives to make a single facsimile (i.e., not digital) copy of a work for purposes of preservation or interlibrary loan. As amended, Section 108 permits up to three copies, which may be digital, provided that digital copies are not made available to the public outside the library premises. In addition, the amended section permits such a library or archive to copy a work into a new format if the original format becomes obsolete--that is, the machine or device used to render the work perceptible is no longer manufactured or is no longer reasonably available in the commercial marketplace.

# 401 - Administrative Requirements

## DATA COLLECTION AND REPORTING REQUIREMENTS

1. Funded projects shall conduct surveillance activities, collect and maintain data, submit reports, and conduct evaluations in accordance with California Department of Public Health (CDPH), California Tobacco Control Program (CTCP) requirements.
2. Funded projects shall allocate a minimum percentage of their total CTCP budget towards an evaluation component. This component should support staff designated to oversee evaluation, required data collection, surveillance, evaluation, and reporting requirements. This is a mandatory requirement and must be evident in the budget. For the minimum percentage required, refer to the procurement to which your agency responded.
3. Funded projects shall designate one staff person as the lead on evaluation activities. Agencies shall allocate the minimum percentage of a staff person's time, as required in the procurement to which the agency responded, to be dedicated toward overseeing evaluation activities, coordinating evaluation activities with CTCP, and any evaluation consultant or subcontractor who may be hired. This is a mandatory requirement and must be evident in the budget.
4. Funded projects may sub-contract an external evaluator to design evaluation activities and analyze the collected data. Refer to the procurement to which your agency responded to see if this is a mandatory requirement.
5. The document, Tell Your Story: Guidelines for Preparing Useful Evaluation Reports is to be used as the standard for preparing final evaluation reports. Progress Reports shall be submitted bi-annually to CTCP via the Online Tobacco Information System (OTIS).
6. The content of the Progress Reports shall be in accordance with CTCP instructions and the required forms shall be used. Funded projects should maintain back-up documentation, such as logs, sign-in sheets, press releases, etc. to verify all information provided in the progress reports and will be required to submit documentation with progress reports as identified in the progress report instructions.
7. If timely and accurate progress reports and evaluation reports are not received by CTCP, funded projects may be subject to administrative sanctions. Dependent on the type of contract, these may include payments being withheld until delinquent or deficient reports are up-to-date or evaluation requirements are satisfied, the contract award being reduced, the contract being terminated, or being exempted from participating in future contracts with CTCP. Contractors shall be given a time-certain date by which to re-submit unsatisfactory reports.
8. Each funded project shall cooperate with and participate in evaluation activities conducted by agencies that are under contract with CTCP for the purpose of evaluation or surveillance activities.

# 402 - Administrative Requirements

## EQUIPMENT PURCHASES

**Vehicles:**

California Tobacco Control Program (CTCP) does not allow the lease or purchase of vehicles. This includes the lease of, lease with the option to purchase, or rental plans with purchase options of vehicles. CTCP will reimburse the usage of agency-owned vehicles or personally-owned staff vehicles, at mileage rates approved by CTCP, for travel to/from approved Scope of Work activities. Refer to Section I, Chapter 400 of the Competitive Grantees Administrative and Policy Manual for Travel Information.

**Mobile Phones:**

Purchase must be based on sufficient justification with prior CTCP approval, and must be budgeted in the equipment line item in the budget justification. Mobile phones or cellular (cell) phone service fees are limited to five devices and may not exceed $3,900 annually. Exceptions, with a detailed justification, are considered on a case-by-case basis. **Any unencrypted devices are not allowed to be purchased or utilized.** Refer to Chapter 400, Policy #05 Information Security Requirements for additional information regarding equipment and data security requirements.

**Desktop and Laptop Computers:**

With sufficient justification and prior CTCP approval, funded projects may be authorized to purchase computer equipment, including appropriate hardware and software that meets agency minimum requirements. Refer to Chapter 400, Policy #05 Information Security Requirements for additional information regarding equipment and data security requirements.

**Computer Hardware**

1. The funded project shall have equipment for the purposes of producing CTCP-mandated progress reports, completing statewide independent evaluation instruments and reports, and participating in Partners and Online Tobacco Information System (OTIS). Agencies should have access to high-speed broadband internet access, or local area network (LAN) access. Purchasing approvals will follow the appropriate CTCP budget process in OTIS. Computer equipment requests are to be justified by demonstrated programmatic or administrative need. After approval, the contractor shall follow the CTCP procedures for purchase and inventory of the equipment. Refer to Section I, Chapter 800 of the Competitive Grantees Administrative and Policy Manual for procedures and format. Equipment purchases not in the approved budget will be disallowed.
2. Funded projects shall conform to the CTCP Information Security Requirements in Chapter 400, Policy #05, for computer security and storing of confidential data.
3. Equipment purchases not in the approved budget will be disallowed unless a prior written request is submitted to the assigned CTCP Procurement Manager for review and approval, and a written approval is given.

**Computer Software**

1. Contract language prohibits the use of state funds for the acquisition, operation, or maintenance of computer software in violation of licensing and copyright laws. By signing the contract award, the contractor has certified that it has appropriate systems and controls in place to ensure that violations do not occur.
2. For Competitive Grantees, purchasing approval will follow the appropriate CTCP budget process in OTIS. After approval, the contractor shall follow the CTCP procedures for purchasing and inventory of the equipment. Refer to Section I, Chapter 800 of the Competitive Grantees Administrative and Policy Manual for procedures and format. Software purchases not in the approved budget will be disallowed unless a prior written request is submitted to the assigned CTCP PM for review and approval, and a written approval is given.
3. Computer software must meet agency minimum requirements.

# 403 - Administrative Requirements

## STAFFING, ADMINISTRATIVE AND TRAVEL REQUIREMENTS

**Staffing Requirements:**

1. Personnel classifications and/or professional disciplines shall be appropriate for the completion of the scope of work (SOW) requirements.
2. The funded project is responsible for updating their contact information on OTIS in a timely manner to notify the California Tobacco Control Program (CTCP) of any staff changes.
3. The funded project shall designate one staff person as the lead on evaluation activities. Agencies shall allocate the minimum percentage of a staff person's time, as required in the procurement to which the agency responded, to be dedicated toward overseeing evaluation activities, coordinating evaluation activities with CTCP, and working with the required evaluation consultant or subcontractor. This is a mandatory requirement and must be evident in the budget.
4. The funded project shall employ or contract with professional staff with the education, training, experience, and qualifications necessary to:
    a. Coordinate and collaborate with community agencies, organizations, and targeted population
    b. Implement principles and practices of community health education
    c. Coordinate community assessments
    d. Conduct educational, media, policy activities, and evaluation
    e. Collect and tabulate required data
    f. Perform program planning and evaluation activities
    g. Fiscally and administratively manage the tobacco control program
    h. Comply with reporting and record keeping requirements of the State
5. The funded project must have on file and provide to CTCP as requested, job descriptions and duty statements for all positions listed in the budget.
6. The agency is required to have a minimum of one 100 percent full-time equivalent (FTE) staff on the project. This does not have to be the Project Director or Project Coordinator; however, the time-base of the designated Project Director or Project Coordinator (PC) must be sufficient to provide overall programmatic management and administrative oversight to the project. This includes administrative activities associated with hiring or contracting with qualified professional staff to perform the duties described above and supervising their performance; ensuring that the all SOW intervention and evaluation activities are completed satisfactorily, on time, and in accordance with CTCP policies; ensuring that progress reports are accurate, complete, and submitted on time; ensuring that the budget is expended according to the approved budget and that appropriate fiscal documentation is maintained for expenditures; ensuring that all cost reports or invoices are accurate, complete, and submitted on time; and ensuring that appropriate staff, consultants, and subcontractors attend all required trainings and any optional trainings and conferences that are relevant to the SOW.
7. If CTCP determines that the Project Director or Project Coordinator does not have the education, training, experience and qualifications necessary or that the individual's time-base is insufficient to satisfactorily perform the management and oversight functions associated with this project, then CTCP reserves the right to require that a qualified individual be appointed as the Project Director or Project Coordinator at a time-base it deems sufficient to fulfill these functions.

**Administrative Requirements:**

1. Agencies will prepare either cost reports (LLAs) or monthly invoices (Competitive Grantees) in arrears, which detail the actual program expenditures in accordance with the format prescribed by CTCP.
2. Payments to agencies are contingent upon receipt and approval of their SOW and budget and upon receipt and approval of other contractual deliverables such as progress reports and cost reports or invoices.
3. Agencies must maintain a functioning e-mail account.
4. If a LLA subcontracts out 60 percent or more of the tobacco control allocation to one agency to implement the comprehensive tobacco control plan, then the subcontractor will be required to develop a sub-budget, following the same guidelines applicable to the LLA.
5. Agencies shall comply with administrative and contractual requirements as provided to them in the form of the Administrative Manual updates and Program Letters throughout the procurement term.

**Travel Requirements:**

1. Required CTCP Travel and Training:

Project Directors or their designees are required to budget for and attend the Tobacco-Free California Projects' Meeting (previously knowing as the Project Directors' Meeting), which is typically held every 18 months. Funded projects are also required to attend Capitol Information & Education Days (I&E Days) on an alternate year schedule (refer to the project's Guidelines or Request for Applications' for the appropriate schedule). In addition, there may be other trainings, meetings, or conferences required by the Guidelines, Request for Applications, or funding renewal instructions under which the agency was funded. The funds budgeted for CTCP-required trainings, meetings, or conferences cannot be used for any other purpose. If a required training, meeting, or conference is not attended by a project representative, the funds budgeted for it will remain in the line item unspent and will be disencumbered at the close of the contract.

2. Out-of-State Travel:

Travel Agencies may budget for Out-of-State Travel (OST) if sufficient funds are available and the State and Agency will benefit. Additionally, OST for LLAs must be consistent with county guidelines. The OST approval process consists of the following two stages:

a. Stage 1: During the negotiation process, identify possible out-of-state trips OST and available details such as:
    i. purpose of the OST
    ii. who will attend
    iii. expenses associated with the OST for each applicable fiscal year
    iv. applicable SOW activity number
    v. role of the attendee, as applicable (e.g. presenter, panel member, speaker, trainee, etc.)
    vi. benefit to the state and/or agency
b. Stage 2: After the budget has been approved, final approval is contingent on:
    i. Agency being up-to-date on progress in the SOW and current with submission of progress/cost reports
    ii. Submission of the OST request (via OTIS) with the following details:
    iii. purpose of the OST
    iv. who will attend
    v. expenses associated with the OST for each applicable fiscal year
    vi. applicable SOW activity number
    vii. role of the attendee, as applicable (e.g. presenter, panel member, speaker, trainee, etc.)
    viii. benefit to the state and/or agency
    ix. applicable documentation (e.g., copy of agenda, conference brochure, invitation to speak, etc.)
c. The Stage 2 requirements in this section also apply to a "salary-only" OST request in which another agency is paying for travel and per diem and CTCP is only paying for the attendee's salary.

# 404 - Administrative Requirements

## INTEREST EARNED AND GENERATED REVENUE REQUIREMENTS

**Interest Earned**:
Local Lead Agencies (LLAs), and Non-Profit Agencies serving as an LLA, are required, per their allocation agreement, to deposit their Proposition (Prop) 99 and Prop 56 prospective payment(s) into separate interest bearing, insured trust accounts for the purposes of accounting and audit reporting requirements. The allocation agreement requires that the interest accruing from these prospective payment(s) must be used for state-approved tobacco control program-related activities and shall be used to defray costs incurred by the program, measurably expand the program, or improve the quality of services above the level of services already funded under the allocation agreement.

Some older contracts and grants may have earned interest by obtaining an advance payment on the first fiscal year amount of their contract award. Specific provisions of the contract did not allow for the use of interest earned to defray program costs, measurably expand the program, or improve the quality of services above the level of services already funded under their contract. If you obtained an advance payment, any interest accruing from this advance payment is to be returned to the state prior to the contract expiration or termination date. Refer to the advance payment provisions of your contract (if applicable) for more information.

1. Local Lead Agencies (LLAs)

LLAs may use funds from interest earned to purchase items in the approved comprehensive tobacco control plan Scope of Work (SOW) (i.e., incentives, media, educational materials, operating expenses, etc.) or temporary help (and the fringe benefit expenses associated with the temporary help position) without obtaining additional prior written approval (the plan approval by the California Tobacco Control Program (CTCP) constitutes prior written approval). These funds cannot be used to supplement Personnel Salaries and Fringe Benefit expenses for regular staff or for Indirect Cost expenses.
Prior written approval will be required to use these funds for equipment purchases or for purchases of any items not in the approved SOW (i.e., consultants, media, etc.).

The LLA must comply with the following:

a. Obtain prior written approval from CTCP to use interest earned money from the trust accounts to purchase items/services not in the approved SOW. Refer to Section I, Administrative Section of this manual, for the procedures and format to follow in obtaining approval.
b. Funds from the interest earned must first be spent in full from the Prop 56 trust account prior to spending funds from the interest earned in the Prop 99 trust account.
c. Maintain adequate documentation of the receipt and use of such interest. Once approval is obtained to use interest earned money, the LLA must report the use of these monies during the cost report period in which they were spent. Refer to Section I, Administrative Section of this manual, for the procedures and format to follow in submitting cost reports.
d. Return to the State any unexpended interest remaining in the trust accounts, if funding authority for this allocation agreement expires or the agreement is canceled. Refer to your signed allocation agreement for more information. CTCP will provide detailed instructions for returning unexpended interest when the agreement is closed out.

2. Contracts and Grants

CTCP does not currently provide advance payments to competitively awarded contracts and grants; therefore, no interest earned can be accrued.

**Generated Revenue**:

CTCP is no longer supportive of any funded agreements using generated revenue to pay for program activities.

# 405 - Administrative Requirements

## INFORMATION SECURITY REQUIREMENTS

**Information Security Policy**:

Funded projects must adhere to their own agency's information security policies. In addition, the contractor must follow the California Department of Public Health (CDPH) Health Administrative Manual (HAM), Information Security Policy, Section 6-1000 through 6-1060 where applicable (available upon request). This policy outlines CDPH requirements established to address information security and extends to all CDPH personnel, contractors, employees, vendors, clients, and customers.

**Classification of Data**:

Automated files and databases should be given appropriate protection from loss, inappropriate disclosure, and unauthorized modification. Files, databases, and any other means of storing data can contain the following types of information listed below. A complete description can be found in HAM, Section 6-1050 (available upon request). Refer to HAM, Section 6-1060 for guidance on reporting any actual or suspected violations of security or privacy policy. Employees must notify their manager or supervisor and their California Tobacco Control Program (CTCP) Procurement Manager immediately.

1. **Confidential**: Under the Information Practices Act (Civil Code, Sections 1798-1798.70), personal information may not be disclosed in a manner that identifies that individual unless authorized by law. Confidential data needs to be protected from unauthorized access or disclosure.
    a. **Confidential-Critical**: Privileged data that has the most limited access and requires the highest degree of integrity. This is data that will do the most damage to the organization should it be disclosed.
    b. **Confidential-Private**: Data essential to the ongoing operation of the organization and its subsidiaries. It allows the organization to conduct its internal business and maintain support of its applications and business processes.
    c. **Confidential-Restricted**: Data that is intended for internal use within an organization. This data must be protected from unauthorized access, modification, or deletion. Restricted data should only be provided to individuals with a need to know and they must be authorized to access the information.
2. **Sensitive Information**: May be either public or confidential and requires special precautions to protect it from unauthorized modifications or deletions.

**Information Security Practices:**

Listed below are examples of security practices contractors should be following. A complete list can be found in HAM, Section 6-1010 (available upon request).

1. Good security practices are expected of each contractor, including using due care to preserve data integrity and confidentiality.
2. Contractors are responsible for the security of their computer and their data. Steps should be taken to protect computer equipment from theft and unauthorized use.
3. Computer and equipment resources shall only be used for business purposes.
4. Desktop systems should be kept in a secure area. Confidential data should not be stored on a personal computer unless adequate precautions have been taken.
5. Network passwords and password protected screen savers should be used. Passwords should not be shared. Use an unusual combination of eight (8) characters or more for a secure password. Passwords should not be written down, posted where they may be accessed or included in a data file, log-on script, or macro. Passwords should be changed immediately if revealed or compromised.
6. Computer software should be acquired from reputable sources that will ensure the integrity of the software.
7. Software license agreements, terms and condition, and copyright laws shall be strictly followed.
8. All computers should have anti-virus and security patches up to date.
9. Back-up and recovery procedures should be in place with each agency.

**Mobile Computing Policy**:

For the purposes of this Policy, mobile devices are defined as tablets, laptops, and notebook computers, or removable

storage, such as compact disk (CD), USB storage device or flash drive, diskette, flash memory (thumb drives, memory sticks and cards), smartphones, or other devices that have the ability to store information. As a reminder, all mobile devices remain the property of CTCP. CTCP will require proper State identification labels and will provide procedures for tagging, reporting, and retrieving equipment.

1. Competitive Grantees must follow the CDPH mobile computing policy as listed in HAM, Section 6-1010.3 (available upon request).
2. Local Lead Agencies (LLA) must adhere to their own local agency mobile computing policy. However, if the LLA does not have a mobile computing policy, those agencies must adhere to the CDPH mobile computing policy as listed in HAM, Section 6-1010.3 (available upon request).

Below are some of the agency's responsibilities for the security of their mobile devices and the information they contain. A complete description of this policy can be found in HAM, Section 6-1010.3 (available upon request).

1. Confidential information containing names, social security numbers, Driver's license number or California Identification card number, physical description, credit or debit card number, in combination with any required security code, access code or password that would permit access to financial account, medical or financial information should not be downloaded or stored on mobile devices unless absolutely necessary for program operations. Employees must use an encryption product when storing confidential information.
2. In cases where use of mobile devices for downloading or storage of confidential information has been determined to be absolutely necessary, contractors are required to delete information from their mobile device if it is clearly no longer needed or potentially useful. Use of an "erase" feature (e.g., putting a document in a virtual recycle bin) is not sufficient for confidential information because the information may still be recoverable. Confidential data must be deleted via an overwriting (zeroization) program or other such approved procedure.
3. Mobile devices must be protected by a power-on password and contractors must use an approved encryption product when storing confidential information.
4. Mobile devices must not be left unattended at any time and precautions should be taken to ensure other persons cannot view on-screen data in public places.
5. Contractors should make available laptops to their LAN Administrator monthly for regular maintenance (e.g. update anti-virus, updated application and system patches).
6. When an employee is allocated a mobile device, the mobile device remains the property of the agency and CTCP, and upon termination of employment, the individual must return the mobile device to their LAN administrator or supervisor.
7. If a mobile device is lost or stolen, employees must notify their manager or supervisor and their CTCP PM immediately. Refer to HAM, Section 6-1060 for guidance on actual or suspected violations of security or privacy policy.

**Internet/Electronic Mail (E-mail):**

Contractors who access the Internet and/or e-mail are to follow these guidelines to conduct official CTCP-related business. A complete description of the CDPH policy can be found in HAM, Section 6-1010.4 (available upon request). Any confidential information sent through the Internet and/or E-mail could be intercepted, modified, misdirected, or destroyed by unauthorized persons if adequate access controls are not in place. Encryption, authentication, and/or any other security schemes should be used to ensure that data is secure and made available only to the appropriate and intended recipients.

The intentional use of CTCP resources for personal advantage, gain, or profit is inconsistent, incompatible, and in conflict with the duties of officers, contractors, and employees. Examples of inappropriate use include, but are not limited to, viewing, sending, creating, and/or downloading any information that:

1. Violates or infringes on the rights of any other person, including the right to privacy
2. Contains defamatory, false, abusive, obscene, pornographic, profane, sexually oriented, threatening, racially offensive, or otherwise biased, discriminatory, or illegal material
3. Violates agency or departmental regulations prohibiting sexual harassment, and/or discrimination.
4. Conduct, engage, or solicit the performance of any activities in violation of any federal, state. or local laws, regulations, rules, executive orders or agency or departmental regulations, policies, or directives
5. Conduct any political activity
6. Engage in any activity for personal gain or personal business transactions
7. Make any unauthorized purchases
8. Use data for private gain, or divulge confidential departmental information or records unless officially authorized to do so.
9. Restricts or inhibits other users from using the system or the efficiency of the computer systems.

Refer to HAM, Section 6-1060 for guidance on actual or suspected violations of security or privacy policy.

# 406 - Administrative Requirements

## AUDIT OVERVIEW

The following provides an overview of the audit requirements for California Department of Public Health (CDPH), California Tobacco Control Program (CTCP) funded projects.

1. All CTCP funded agencies should have policies and procedures to adequately:
    a. Record, compile, and report CTCP-funded activities, expenditures, and the allocation of funds received.
    b. Assign General Ledger Account codes for transactions to ensure CTCP-funded activities are recorded accurately.
    c. Retain documentation and internal financial records that support the expenditures reported in the CTCP Scope of Work (SOW), progress reports, budget, budget justifications, and cost reports.
    d. Ensure the work reported in the Agency's SOW, progress reports, budget, budget justification, and cost reports are completed using only CTCP funds, and not with other fund sources. If non-CTCP funds are used to complete the SOW activities, the Agency must to expand the SOW to describe the source and use of non-CTCP funds and identify the Personnel, Subcontracts, Other Costs, etc. that are externally funded. Additionally, the *Additional Tobacco Control Funding Declaration f*orm must contain clear notes on the source of the funds and their use and the budget justification must list all non-CTCP funds as an in-kind contribution. Progress reports are to describe accomplishments made with CTCP-funds.
    e. Agency agrees that, at a minimum, its fiscal control and accounting procedures will be sufficient to permit tracing of all funds to a level of expenditure adequate to establish that such funds have not been used in violation of any applicable state or federal law, or the provisions of the contract, grant and/or Inter-Agency Agreement (IAA). Agency further agrees that it will maintain separate Project accounts in accordance with generally accepted accounting principles.
    f. Agency agrees that, at a minimum, its fiscal control and accounting procedures will be sufficient to permit tracing of CTCP funds to a level of expenditures adequate to establish that such funds have not been used in violation of any applicable state or federal law, or the provisions of this contract, grant and/or IAA. Agency further agrees that it will maintain separate Project accounts in accordance with generally accepted accounting principles.
2. Independent Audit and Disclosure Requirements for Prop 56 funded agencies:
    a. An independent financial audit of the state and local agencies receiving funds pursuant to the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 shall be conducted at least biennially.
    b. The independent audit report shall detail the California State Auditor's review and include any recommendations for improvements. The Report shall be made available to the public.
3. Audit Requirement for All Contracts, General Terms and Conditions except IAAs:
    a. Exhibit C Standard Grant Conditions:
        i. Audit: *Agency agrees that the awarding department, the Department of General Services, the Bureau of State Audits, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. Agency agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated. Agency agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, Agency agrees to include a similar right of the State to audit records and interview staff in any subcontract related to performance of this Agreement. (Gov. Code §8546.7, Pub. Contract Code §10115 et seq., CCR Title 2, Section 1896).*
4. Audit Requirements for IAA's General Terms and Conditions (SCM Section 3.03)
    a. GIA-610, Section 2:
        i. Audit: *The agency performing work under this Agreement agrees that the awarding department, the Department of General Services, the Bureau of State Audits, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement if it exceeds $10,000. The agency performing work agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of record retention is stipulated.*
5. Audit Requirements for University Terms & Conditions for Universities of California and California State

Universities

a. Exhibit C, UTC116, Section 15:

i. Audit*: The University agrees that the awarding State agency, the Department of General Services, the Bureau of State Audits, or their designated representative shall have the right to audit and/or review, and copy any records and supporting documentation pertaining to the performance of this Agreement if it exceeds $10,000. The University agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of record retention is stipulated in Exhibit D. If any litigation, claim, or audit begins prior to the expiration of the retention period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved and final action taken.*

6. Audit Requirements using Federal funds for IAA's, Grants, Subvention/Local Assistance Agreements, and Consultant/Personal Services Standard Agreements:

a. Refer to each specific Exhibit F. Federal Terms and Conditions for the referenced contractual types.