Reducing the Impact of Tobacco on Rural California Communities

A POLICY PLATFORM

RISE

Rural Initiatives Strengthening Equity

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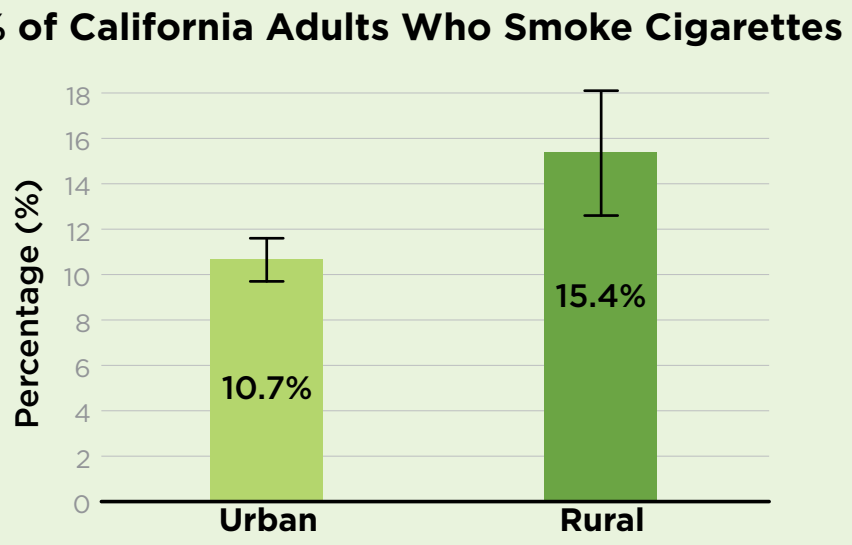
Introduction

California has made great progress in reducing overall tobacco use, yet significant geographic disparities remain.[1] Adults living in rural areas of the state are more likely to smoke cigarettes than those in urban areas (15.4 percent vs. 10.7 percent).[2] Rural high school students use cigarettes and smokeless tobacco at higher rates than their urban counterparts and use e-cigarettes at about the same rate.[3] Rural counties have more stores that sell tobacco per 100,000 residents than counties in general (93.4 vs. 78.0).[4] More stores in rural areas sell menthol cigarettes (92.4 percent vs. 88.3 percent) and flavored non-cigarette tobacco products (86.6 percent vs. 81.8 percent),[4] and many tobacco products cost less in rural areas.[5] Rural Californians have a significantly increased risk of lung and other cancers that can be caused or exacerbated by tobacco use, less access to appropriate cancer care, greater likelihood of receiving a late-stage diagnosis, and lower cancer survival rates.[6]

FIGURE 1



Source: California Health Interview Survey, 2017-2018 Adult Public Use Files.

National studies have found additional disparities that may affect rural Californians.[7] Rural U.S. tobacco users start at a younger age and are more likely to be heavy users.[8] Rural residents are more likely to be exposed to secondhand smoke at work and home than urban residents.[7]

The tobacco industry has historically targeted rural communities using messaging and imagery that exploit rural values. For example, they have targeted young rural men with advertisements featuring rugged figures such as cowboys, hunters, and race car drivers.[9] Meanwhile, rural youth have less exposure to anti-tobacco media messaging.[9] Rural California school districts often have less capacity to apply for Tobacco Use Prevention and Education (TUPE) grants than urban school districts, so rural youth may have fewer in-school tobacco prevention opportunities.

In addition, due to their smaller population sizes, rural counties are less likely than urban counties to have accurate, county-specific estimates of tobacco use prevalence. This makes it more challenging for tobacco policy advocates to educate local policy makers.

Public health advocates working to advance tobacco control policies in California's rural communities must contend with an additional challenge—a predominantly conservative political culture which tends to resist new tobacco control policies. On the other hand, it is often easier to build relationships in rural areas because of more direct access to policy makers and informal networking opportunities. Rural populations also tend to exhibit pride of place and a willingness to invest in their community.[10] In short, tobacco control policy work in rural communities comes with both challenges and advantages.

This Policy Platform describes lessons learned from previous tobacco control policy work and describes the political context of rural policy making. It provides guidance on how to frame policy proposals in this environment and how to overcome internal resistance. It then lays out five priorities for rural policy and systems changes which RISE and its rural partners believe are the most important and achievable measures for reducing tobacco use and exposure in California's rural communities, along with some examples of successful policy adoption.

About RISE

RISE (Rural Initiatives Strengthening Equity) supports rural tobacco projects by leveraging resources, providing leadership training and opportunities, and offering educational materials specially designed to assist rural communities. The project works to: (1) create and disseminate a Policy Platform to community champions and key stakeholders through regional and statewide meetings and policy summits; (2) support and train tobacco control leaders from rural communities with its statewide Rural Advisory Committee and its rural leadership development program; and (3) build capacity within rural communities to engage in tobacco control policy advocacy by organizing learning institutes with non-traditional partners such as law enforcement, tribal stakeholders, and environmental groups.

The Rural Context for Policy and Systems Change

Lessons learned from previous policy work in rural communities

Tobacco control advocates who have done policy work in rural California communities have expressed some general lessons learned about this work:

» ***Rural policy change is a long-term process.*** Getting new policies adopted in a rural community is often a multi-year process requiring persistence and ample amounts of relationship building, education, and volunteer effort.

» ***Policy change requires broad community support.*** Help is needed from a wide range of individuals, groups, and organizations. Allies may include:

Youth. With their enthusiasm and fresh perspectives, young people are often effective policy advocates for progressive causes. Even many conservative, pro-business policy makers want to support youth and prevent harm to young people.

Local health experts. These trusted professionals and members of the community can be influential when sharing their experiences with patients who have been affected by tobacco use or exposure.

Local officials other than those making policy decisions. Many rural communities are characterized by an informal network of relationships among policy makers and other responsible parties. City managers, planners, treasurers, police chiefs and sheriffs, school superintendents, and other local officials all may have relationships with each other and with the policy makers who will decide whether to adopt a proposed policy. Good relations with the people in these other positions can lead to good relations with policy makers. These individuals can also help to create an environment favorable for policy adoption by directly or indirectly wielding their influence.

Groups that conduct tobacco product waste cleanups. Groups that conduct environmental cleanups can provide compelling confirmation of problems related to tobacco use in the community.

Grassroots organizations. Organizations that advocate for community health, social justice, environmental protection, and related causes can help to build public support for a proposed policy, and can provide valuable testimony during deliberations. Some minority communities may face linguistic or other barriers to engagement in the policy making process. Partnering with organizations that serve these communities can help to cultivate trust and engagement in the policy making process by community members.

» ***True stories from the community can make a difference.*** A critical element in getting a policy adopted is often a community member with a compelling story to tell about being negatively impacted by the lack of the proposed policy. Stories like these are often more persuasive to policy makers than abstract statistics. Empathy interviews (similar to key informant interviews) can be a useful tool for gathering and developing these stories.

The political context of rural policy making

Rural county residents tend to skew conservative politically,[11] and rural governments tend to reflect the conservative political leanings of their constituents. Policy makers in these communities are often local business owners who are leery of imposing costly restrictions on other businesses, but they may support efforts to improve the overall business climate. For example, they may support reducing secondhand smoke exposure and tobacco product waste near stores so that shoppers will spend more time in the area. Similarly, they may be philosophically opposed to the idea of regulating or restricting what they consider to be private behavior such as smoking or vaping. But they may support governmental intervention if it will stop a powerful interest such as the tobacco industry from taking unfair advantage of their community members—particularly if the community members in question are young people. This political context has implications for making progress on policy in rural communities:

» ***Greater effort is needed to make a compelling case.*** Rural advocates cannot count on policy makers agreeing philosophically with a progressive legislative agenda. Instead, they must make a compelling case for each "exception" to the conservative principle that governments should stay out of people's business and private affairs. This requires greater efforts in the areas of relationship building, education, volunteer advocacy, and health education messaging.

- ***Advocates may need to focus on "low-hanging fruit."*** The most progressive ordinance that can pass in a rural community may be less restrictive than those adopted in more urban, liberal-leaning communities. But sometimes it is better to lock in a modest policy win in the near term and work to expand it later than to hold out indefinitely for a bigger win. Policy advocates should assess their community carefully, including meeting with decision makers, to understand what types of policies can pass.
- ***An incremental approach may be needed to achieve a more comprehensive policy.*** If adopting a comprehensive policy is not feasible based on community and political assessment, a more incremental approach may be needed. Once adopted, a basic ordinance can be strengthened over time, such as by removing exemptions or adding restrictions. Benchmarking documents such as the American Lung Association's State of Tobacco Control report can be useful for measuring progress in policy adoption relative to other similar jurisdictions.[12]
- ***Be strategic.*** The best antidotes to conservative resistance on tobacco policy tend to be in-person communication, youth participation, comprehensive community support, and personal stories.
- ***Consider embedding tobacco policy goals in the general plan.*** The general plan process may allow for broader conversations about prevention and public health than the legislative process. Planners may already have knowledge of equity and prevention and may be more supportive of tobacco control than many policy makers are. Embedding tobacco policy goals in the general plan can plant "seeds" for future policy development. It may also help to build a feedback loop for tobacco control ordinances into the general plan, so that health department staff will be expected to provide policy makers with annual updates on policy adoption and implementation. This will provide policy makers with regular opportunities to adopt new legislation and tighten the standards until the long-term goals of the general plan are achieved.

SUCCESS STORY

Colusa County and City of Williams Add Multi-Unit Housing Language to Their General Plans

In June 2020, the Colusa County Board of Supervisors added language promoting smokefree multi-unit housing (MUH) to its general plan, and city planners in Williams followed suit in October 2020. While not a substitute for legislation, a general plan can serve as a guide expressing constituents' vision for their community.

Prior to this, Colusa County Tobacco Education Program (TEP) staff had been unable to get a MUH policy passed. With the county due to update the housing element of its general plan, TEP staff saw an opportunity to put MUH on the table, although they had never worked on general plans and did not have a common language to communicate with planners. They persevered through a long updating process to make sure the MUH language made it into the final draft.

A standout moment came when it was time for supervisors to vote on the update. COVID-19 cases were spiking, and the meeting naturally shifted focus, but coalition members called in to support the proposed tobacco control language. Hearing from community members cemented the board's approval of the final language.

Framing policy proposals for rural communities

These considerations should be kept in mind when framing policy proposals to maximize the likelihood of adoption in rural counties and cities:

- ***Show how youth and families will benefit.*** To the extent that youth and families can be highlighted as beneficiaries of the proposed policy, the proposed policy will stand a better chance of adoption. For example, a smokefree parks policy can be framed as a way to ensure safe and attractive recreational opportunities for youth and families.
- ***Make the business case.*** Conservative policy makers tend to be more supportive of a tobacco policy if they understand how the expected health benefits will be good for business. Chambers of commerce and other business associations often have great influence in rural communities and should be expected to push back against any proposed policies that could negatively impact businesses. Therefore it is important to prepare effective counterarguments to their concerns and to recruit allies from the business community.

- ***Show how the policy is good for tourism.*** With their proximity to national parks, a common concern in many rural communities is the area's attractiveness to tourists. There may be receptivity to reducing tobacco consumption, secondhand smoke, and tobacco product waste to help attract tourists, especially those from urban areas who expect a tobacco-free environment.
- ***Show how the policy reduces wildfire risk.*** In the aftermath of devastating wildfires affecting large swaths of the state, many rural communities are acutely aware of needs relating to fire prevention. There may be openness to efforts to limit smoking in outdoor areas and cigarette butt litter to help prevent wildfires.

- ***Show how the proposed policy addresses local conditions.*** Conditions in a rural county may be very different from those in an urban county. For example, by landmass some mountain counties are as much as 90 percent national forest—land that is controlled by the federal government, not by local policy makers. Counties like these may achieve a greater reduction in tobacco use by adopting a policy of working with their national forest on wildfire reduction and environmental protection than on a local smokefree parks policy.

Overcoming internal inertia

Tobacco control staff who work in rural health departments sometimes encounter internal blockages that can impede progress on tobacco control policy. For example, department heads may instruct staff not to push for tobacco control measures that restrict businesses. Or they may determine that the department has only so much political capital and decide to tackle another urgent issue instead of tobacco, such as COVID-19, the opioid epidemic, or homelessness. Tobacco control priorities can easily get pushed aside, and without active support from health departments, local policy makers may never take action to address tobacco-related needs. In some counties, overcoming internal inertia in the bureaucratic system of the local health department is critical to making progress on tobacco control policy.

There are several possible approaches that can reduce or mitigate internal resistance:

- ***Cultivate a relationship with the county health officer.*** In each county, the health officer is a credible authority with influence over departmental priorities. Tobacco control staff and partners should make sure the health officer understands why tobacco policy is critically

important and provide data to support this position (such as the number of tobacco-related deaths that could be avoided if the county's tobacco use prevalence rate were as low as the state's).

- ***Coordinate with competitive grantees.*** Organizations funded by the state for local tobacco control work are not accountable to the county health department, and may therefore have a freer hand to address issues the department is hesitant to bring forward for policy makers' consideration.
- ***Identify a champion in the community.*** A coalition member or other interested party from outside the department, such as an educator or health care provider in the community, may also be willing and able to bring an issue forward that the department is unwilling to push.
- ***Bring in an outside expert.*** In consultation with RISE or with one of the four rural regional projects, it may be possible to identify a subject matter expert from outside the county who can help educate policy makers and/or department staff. More information about these resources can be found on the RISE website.[13]
- ***Align with the competition.*** When faced with "competition" from other public health programs for the attention of policy makers, it can be helpful to connect with the staff of those programs to develop a shared understanding of the need to make progress both on their priorities and on tobacco control, and to find ways to provide mutual support.

Rural Priorities for Policy and Systems Change

In consultation with its rural partners, RISE has identified five main priorities for policy and systems change in rural communities:

1. Enact strong tobacco retailer licensing policies.
2. Reduce the sale of flavored tobacco products.
3. Reduce exposure to secondhand smoke and aerosols.
4. Reduce tobacco product waste.
5. Increase tobacco cessation messaging and options for treatment.

For a high-level summary of these priorities, please see the appendix.

PRIORITY 1

Enact strong tobacco retailer licensing policies.

California requires retailers selling tobacco in the state to be licensed,[14] but this is to "help stem the tide of untaxed distributions and illegal sales,"[15] not to fund local enforcement activities. Local jurisdictions that want stronger protections for their residents can establish their own licensing programs, and many have done so. However, only a third of rural Californians are protected by strong local tobacco retail licensing (TRL) laws, a significantly lower proportion than for the general population.[4]

Why rural communities need TRL policies

ChangeLab Solutions, an organization that helps develop public health policy, has described some of the reasons for local jurisdictions to adopt TRL policies:[16]

» ***TRL laws help address rural disparities.*** The prevalence of tobacco use is higher in rural areas than in urban areas.[2] Adopting strong TRL laws in rural communities helps to address this disparity by reducing access to tobacco and exposure to tobacco marketing, thereby discouraging initiation of tobacco use and encouraging cessation.

- ***TRL laws protect youth.*** Rural high school students use cigarettes and smokeless tobacco at higher rates than their urban counterparts and use e-cigarettes at about the same rate.[3] While reducing access to tobacco overall, local TRL laws also specifically reduce illegal sales to youth[17] and may lower the rates of cigarette and e-cigarette use among youth and young adults.[18]
- ***TRL laws build capacity for enforcement.*** The state licensing program does not generate funding for local enforcement in the retail environment. In contrast, a strong local TRL law generates a locally controlled source of funding for enforcement. It can provide for comprehensive enforcement of all tobacco laws, including local, state, and federal.

What constitutes a "strong" TRL policy

The Center for Tobacco Policy & Organizing, a project of the American Lung Association in California which helped many local communities advance effective policy, identified four basic components of a "strong" TRL policy:[17]

- ***A license requirement.*** All retailers who want to sell tobacco products should be required to obtain a local license for this purpose and to renew it annually.
- ***An annual fee.*** The fee should be high enough to cover the cost of administration and robust enforcement, including regular compliance checks.
- ***Coordination of all tobacco laws.*** The TRL should specify that a violation of any existing tobacco law, whether local, state, or federal, is a violation of the license.
- ***Financial deterrents.*** The policy should clearly define a series of escalating consequences for repeated violations, including suspension and revocation of the license.

ChangeLab Solutions has published a model TRL ordinance with related guidance that is a useful starting point for rural jurisdictions considering developing such a policy.[19] The Public Health Law Center also has a model TRL ordinance.[20]

How a strong TRL policy can be further strengthened

Meeting the minimum requirements for a strong TRL policy is only the beginning. A strong TRL policy sets the expectation that the local government will protect youth and others in the community by regulating tobacco marketing and sales. It provides a regulatory framework that can be expanded over time to provide better protections for the community. There are several ways a TRL law can be expanded:[19]

- ***Expand the definition of a "tobacco retailer."*** For example, shops that sell paraphernalia such as rolling papers can be added to the list of tobacco retailers.
- ***Restrict who is eligible to obtain a license.*** Mobile vendors can be excluded, in order to better regulate where and when tobacco products are sold. Businesses that contain a pharmacy can also be excluded, on the grounds that selling tobacco is incompatible with their role of delivering health care services to the community.
- ***Restrict where licensed retailers may operate.*** To limit youth access and exposure, a TRL law can prohibit the issuance of licenses to businesses operating within a certain distance from schools and other areas where youth congregate. The law can require new licensees to be located a certain minimum distance from existing licensees. Another good way to limit the density of tobacco retailers is to cap the number of available licenses, based on population size.

- ***Increase the requirements to maintain a license.*** Additional requirements that retailers must comply with to keep their licenses can be added over time. A TRL law can require retailers to check ID if customers appear younger than 27. It can prohibit coupon redemption, discounts, and promotions. It can establish minimum prices for cigarettes, and minimum prices and package sizes for other products such as cigars and little cigars. It can prohibit the sale of all flavored tobacco products, including menthol cigarettes. (For more on this see Priority 2, below.) TRL requirements such as these help to counter the tobacco industry's predatory marketing tactics.
- ***Increase the penalties for violations.*** License violations typically involve a suspension of the privilege of selling tobacco products for a pre-determined number of days, with escalating penalties for repeated violations followed by revocation of the privilege after a fourth violation. The suspension periods can be increased and other

penalties can be added—such as not being allowed to display tobacco products, paraphernalia, or advertising during suspension and having the products seized and destroyed.

Passing a TRL policy that has all of these "policy add-ons" from day one may be very difficult, particularly in rural areas where governments are strongly pro-business. Therefore it may be prudent to work on passing a basic TRL law first (i.e., one that has the four components of a strong TRL law outlined above) and then work on strengthening it over time with these additional provisions. The main reason that TRL laws are the top policy priority is that they provide a foundation for making further policy progress in tobacco retail environments.

SUCCESS STORY

Mendocino County Bans the Sale of Flavored Tobacco

In November 2020, the Mendocino County Board of Supervisors voted to ban the sale of menthol and other flavored tobacco products by revising their TRL law. The TRL covers all tobacco retailers in the unincorporated areas of the county and may influence cities in the county to adopt a similar ban.

The Mendocino County Tobacco Control Program faced two big challenges when it started working on the policy in 2017. It had a small, inactive coalition and a high staff turnover rate. It focused first on building out its own team, who then recruited coalition members with connections to schools and health organizations and trained them on how to get on the agenda for council and board meetings and how to use their connections to raise awareness about the flavored tobacco ban.

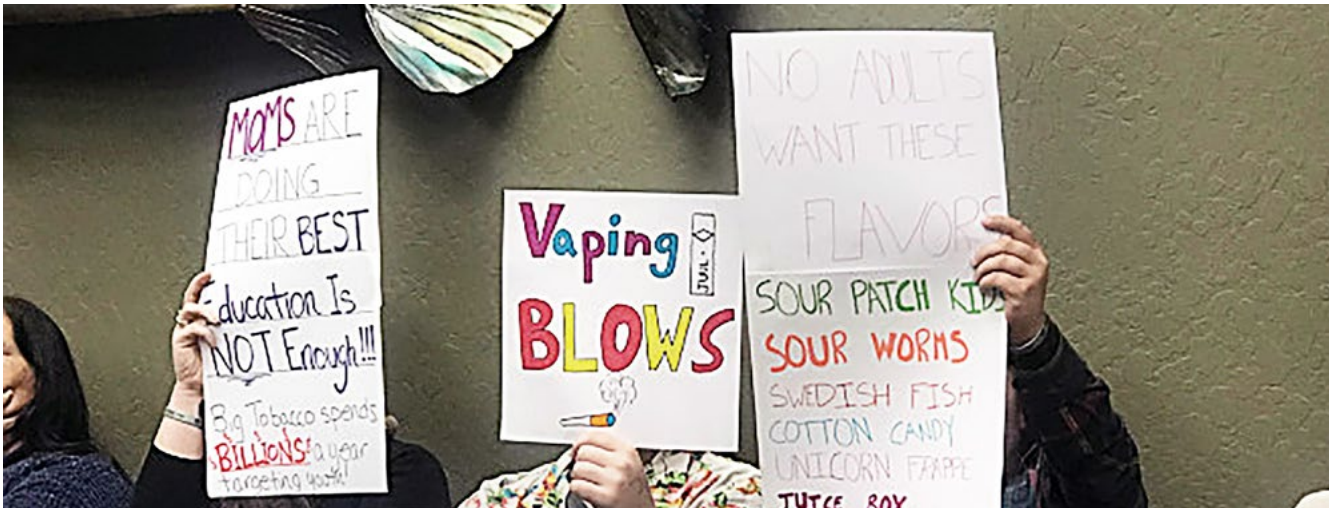
Staff also worked to build relationships with board members and their legal team, and provided a solid model policy and evidence of community support, including letters from school leaders and public opinion data. They addressed the concern that enforcing the new policy would detract from COVID-19 response by noting that the existing TRL already covered oversight. With strong support from the coalition, the Board of Supervisors felt confident that the flavor ban would benefit the community.

PRIORITY 2

Reduce the sale of flavored tobacco products.

The tobacco industry has long used menthol and other flavored tobacco products to addict young people and to make it harder for adults to quit.[21] In 2009, the federal government banned flavored cigarettes, but created an exception for menthol.[22] The law also did not prohibit other tobacco products that are flavored. In April 2021, the Food and Drug Administration announced its intention to ban the sale of menthol cigarettes and flavored cigars,[23] the first step in a process that could take years to complete. California passed its own law in 2020 which prohibits the sale of menthol cigarettes and most other flavored tobacco products.[24] It was supposed to take effect January 2021, but groups affiliated with the tobacco industry worked to qualify a referendum to overturn it.[25] As a result, the statewide law is on hold until the referendum is decided.

In the meantime, the Tobacco Education and Research Oversight Committee (TEROC) has recommended that local agencies keep working to prohibit the sale of flavored tobacco, without exemptions for specific products or types of retailers.[26] This can be accomplished either through a provision added to a TRL law, or through a standalone policy.



Why rural communities need flavored tobacco bans

Local flavored tobacco bans would serve as a backstop to the statewide and federal bans. They can be stronger than the statewide ban, with fewer or no exemptions. Local flavor bans also produce the following direct benefits for communities:

- ***Flavor bans address disparities.*** Large proportions of retailers in most rural counties sell menthol and other flavored tobacco products, even in locations close to schools.[27] Black, Latino, and Asian American smokers use menthol cigarettes at higher rates compared to white smokers.[28] The tobacco industry has spent heavily to promote menthol products to these groups as well as to youth, women, LGBTQ+ individuals, and people with mental health conditions,[29] so people belonging to any of these groups and living in rural areas experience double jeopardy. Banning the sale of flavored tobacco products promotes health equity by protecting rural communities in general and marginalized communities in particular from these predatory marketing tactics.
- ***Flavor bans protect youth.*** Most tobacco users start when they are teens, and flavors make it easier for them to start using.[21] Many flavors are clearly designed to attract kids,[30] which may also make it easier for policy makers to support banning them.
- ***Flavor bans encourage cessation.*** There is evidence that flavorings such as menthol make it more difficult for tobacco users to quit.[31] Reducing the availability of flavored products can encourage tobacco users to quit or cut down on their use.[32]

Other ways communities can regulate flavored tobacco products

Although a complete ban on flavored tobacco products would provide the strongest protection for youth and others in the community, advocates in jurisdictions with a conservative political culture may need to weigh what is desirable against what is achievable. Policy makers who are unwilling to support a complete ban on flavored tobacco products may be willing to consider more limited measures. The Public Health Law Center has identified several restrictions short of a complete ban that could limit the harmful effects of flavored tobacco products:[21]

- ***Restrict the sale of certain products.*** A local jurisdiction can prohibit the sale of certain categories of flavored tobacco products that disproportionately impact the community, such as flavored e-cigarettes, little cigars, or smokeless tobacco.
- ***Restrict advertising and promotion.*** Communities can restrict the quantity, size, and placement of signs in and around stores. For example, California's Lee Law sets a 33 percent cap on the amount of window space that can be covered with ads in stores selling alcohol,[33] but local jurisdictions can lower this cap and extend the rule to retailers selling tobacco.
- ***Require graphic warnings at the point of sale.*** Communities can require tobacco retailers to display graphic warnings at or near the point of sale. These should clearly indicate that the warning was issued by the government, not by the tobacco industry or the retailer.
- ***Restrict access.*** Local jurisdictions can require that all flavored tobacco products be sold face-to-face and restrict online or direct-to-consumer delivery sales. They can also prohibit the sale of flavored tobacco products at locations within a certain distance from schools and other areas where youth congregate (sometime called a "buffer zone" policy).
- ***Regulate the pricing of flavored tobacco products.*** Local governments can prohibit industry efforts to promote flavored tobacco use through discounting tactics such as multi-pack offers, product giveaways, sampling, coupon redemption, and point redemption schemes.

As with TRL laws, a basic ordinance restricting flavored tobacco products can be strengthened over time by adding more of the provisions above or by replacing restrictions with outright prohibitions. For more information about fighting flavored tobacco products, the California Tobacco Control Program (CTCP) has published a helpful toolkit of best practices.[34]

SUCCESS STORY

Oroville Adopts a Flavored Tobacco Ban

In January 2020, the city of Oroville took a stand to protect its youth. The city council voted unanimously to ban the sale of all flavored tobacco products, becoming the first rural town north of Sacramento to adopt such a ban with no exemptions.

Prior to policy adoption, tobacco control had taken a back seat in Oroville. Faced with huge financial challenges, the city was considering allowing commercial cannabis sales to boost the local economy, an idea that was deeply controversial in the community. Staff of the California Health Collaborative focused on building strong relations with elected officials and city staff, while recruiting and training community supporters to make sure they would be ready to argue for the ban when the time came. At the second reading, there was a strong showing of support for the flavored tobacco ban, with many Oroville residents speaking in favor of it.

A standout moment occurred in November 2019 when a newly elected councilmember offered his teenaged son's help to present the issue to the council. The teen's presentation not only cemented his father's support but won strong support from the other members as well.

PRIORITY 3

Reduce exposure to secondhand smoke and aerosols.

Great progress has been made in protecting California residents from exposure to secondhand smoke. Yet people are still unprotected in certain places, resulting in hazardous living and working conditions for many. In 2019, 66.6 percent of California adults reported being exposed to secondhand tobacco smoke, 50.4 percent to e-cigarette aerosols, and 54.7 percent to cannabis smoke.[35]

Fortunately, there is strong community support for smokefree air laws in rural California. According to a poll conducted in 2018 by the Center for Tobacco Policy & Organizing, 88 percent of rural voters believe that outdoor secondhand smoke is dangerous and 68 percent support a comprehensive ban on outdoor smoking in all areas accessible to the public, except for designated smoking areas.[36]

Why rural communities need stronger secondhand smoke protections

Since the inception of the California Tobacco Control Program, protecting nonsmokers' right to clean air has been a key component of its norm change strategy. There is no safe level of exposure to secondhand smoke,[8] and therefore no end to the potential for policies to prevent it until everyone is fully protected. There are additional reasons to support strong secondhand smoke laws in rural communities:

- ***Reducing secondhand smoke is good for business.*** Many rural policy makers, especially in communities that rely on tourism, recognize that amenities such as smokefree outdoor dining and recreation are good for business.
- ***Reducing secondhand smoke reduces wildfire risk.*** With no one smoking in parks and other outdoor public places, there is less risk of a discarded cigarette butt sparking a catastrophic wildfire.
- ***Closing loopholes reduces smoking prevalence.*** Laws that protect nonsmokers from secondhand smoke exposure also reduce tobacco use by prompting quit attempts, increasing the number

of successful attempts, reducing consumption among continuing smokers, and discouraging kids from starting to smoke.[37] There is evidence that tightening existing secondhand smoke laws can also reduce smoking prevalence.[38]

What types of exposure should be covered

Ordinances aimed at reducing secondhand smoke exposure should be worded to address a range of different types of exposure, including:

- ***Combustible tobacco smoke.*** This includes smoke from cigarettes, cigars, pipes, and any other combustible tobacco products.
- ***Aerosols from vaping devices.*** This includes aerosols from e-cigarettes and any other vaping devices. Under California law, vaping devices are considered tobacco products, whether used to consume nicotine, cannabis, or other substances.[39]
- ***Emissions from any other commercial tobacco or cannabis products.*** Under California law, all such emissions are subject to the same restrictions on secondhand exposure as tobacco smoke.[40]

How secondhand smoke protections can be strengthened

There are several ways local jurisdictions can improve upon the protections from secondhand smoke exposure that state law provides:

» ***Close loopholes in clean indoor air laws.*** Most exemptions to California's clean indoor air laws were closed in 2016. However, a few remain that should be closed. Jurisdictions can prohibit hotel and motel guests from smoking in the 20 percent of rooms where state law still allows it. They can prohibit smoking in tobacco and cigar shops, private smokers' lounges, and hookah lounges. They can ban smoking in the patient smoking areas of long-term health care facilities, in the cabs of trucks and tractors (at all times, not just when nonsmokers are present), and on theatrical or movie stages.

» ***Protect outdoor workers.*** Local jurisdictions can ban smoking at outdoor work sites. There are currently few protections for those who work outside, including many who work in construction. Smoking prevalence is particularly high in this industry, which further increases the likelihood of secondhand exposure.[41] The same applies to those who work in the timber, firefighting, and fishing industries.

» ***Make outdoor public places smokefree.*** In 2019, California banned smoking in state parks and beaches,[42] but there are still many other outdoor public places where people are exposed to secondhand smoke. Local governments can ban smoking and vaping in outdoor areas within their purview, including local parks and beaches, at public events, in outdoor dining areas, recreational areas, and service areas, on public sidewalks, and in entryways.

» ***Make multi-unit housing smokefree.*** Jurisdictions that have apartment complexes can prohibit smoking in all rental units.[43] Secondhand smoke exposure in multi-unit housing (MUH) is a health equity issue, because racial/ethnic minority families are more likely to live in apartments, and children who live in apartments are 45 percent more likely to be exposed to secondhand smoke than those who live in single-family homes.[44] If prohibiting smoking in all MUH units is too challenging, a beginning step may be to prohibit it in any new units that come on the market.

As with TRL laws and flavored tobacco bans, ordinances designed to protect people from secondhand smoke exposure can be strengthened over time, by closing loopholes and adding new restrictions.

SUCCESS STORY

Crescent City Passes a MUH Ordinance

After years of hard work by the Del Norte County Tobacco Use Prevention Program staff and coalition members, the City Council of Crescent City voted 4-1 to pass a smokefree MUH ordinance in November 2020. The ordinance prohibits smoking inside apartment units, on balconies and patios, in common areas, and within 25 feet of residences.

One of the biggest challenges was helping elected officials understand that smokefree MUH is not about denying personal liberty, but about protecting tenants, especially children and seniors. It took years of sharing community members' stories and survey results showing strong support from tenants, landlords, and local law enforcement to get the policy adopted.

A standout moment was when a community member shared her story about how her baby was born prematurely and her doctor said it was unsafe for the baby to be in their apartment because of a neighbor's drifting smoke. Her landlord would not let her out of the lease agreement, so she had to keep paying rent even after she moved. Her story was deeply moving and an eye opener for city councilmembers.

PRIORITY 4

Reduce tobacco product waste.

Despite success in reducing smoking prevalence, tobacco product waste (TPW) continues to be the most abundant form of litter and a scourge on the environment.[45] Cigarette filters contain toxic chemicals from when the cigarettes were smoked, which can leach out into the soil or water.[46] The filters are made of cellulose acetate, a form of plastic, which does not biodegrade but rather breaks down into harmful microplastics that can pollute water supplies and enter the food chain.[46] E-cigarette use generates additional forms of waste, including discarded pods, cartridges, and batteries, each with its own dangers to the environment and to public health. For example, metals such as lead and cobalt can leach out of these products into the environment. One of the main goals of a policy on TPW is to increase public awareness of the negative effects of these types of waste on people and the environment.[47]

Why rural communities need TPW policies

Rural jurisdictions need policies to prevent or reduce TPW for several reasons:

» ***TPW includes many toxic components and cleanup is costly.*** From discarded cigarette filters to leftover e-cigarette cartridges and batteries, TPW is toxic. Since California passed the "Trash Amendments" in 2015 and the federal Environmental Protection Agency approved them in 2016, local jurisdictions in the state are required to capture discarded trash, including butts and other TPW, before it flows to surface waters and the ocean.[47] Jurisdictions that do not prevent this pollution are subject to penalties and additional requirements to mitigate the problem. Whether they use direct-capture technology or rely on human effort to intercept litter, cleaning up after tobacco users can be costly.

» ***Cigarette butts can cause wildfires.*** Wildfires caused by discarded butts can exact a heavy toll in rural communities, especially in mountainous or forested areas and wherever firefighting resources are stretched thin. In many rural communities, concerns about wildfire can serve as a unifying force in generating support for policies and practices to reduce TPW.

- ***Reducing TPW is good for business.*** Many rural community leaders, especially those in areas that rely on tourism, understand that litter-free streets, parks, and other public amenities are good for business.

- ***Reducing TPW provides a safer environment for children.*** Discarded cigarette butts can be found on beaches, in parks, and in many other places where children play. Children who put them in their mouths are exposed to the toxic chemicals that remain in the filters after cigarettes are smoked.[48] The liquid nicotine in discarded e-cigarette pods is extremely dangerous and can poison young children.[47] One of the main reasons for adopting a TPW policy is to provide a safer environment for children.

What TPW policies can do

A TPW policy can help to increase public understanding of the negative effects of TPW on people and the environment. A policy may also have other aims:

- ***Prevent littering.*** Anti-littering laws are TPW policies in their most basic form. They generally subject tobacco users to the same laws that govern non-tobacco forms of litter. Unfortunately, they are difficult to enforce and can exacerbate disparities, especially when enforcement is punitive and directed at people of color. Enforcement should focus on achieving voluntary compliance through education and social norm change rather than issuing citations.
- ***Hold businesses accountable for TPW.*** Local jurisdictions can define excessive TPW as a public nuisance and abate it through fines or other enforcement activities to protect the public health. For example, a store or bar that consistently generates a large amount of TPW in the surrounding area can be defined as a public nuisance and fined.[47]
- ***Define a broader strategy for reducing TPW.*** This could include expanding the number of smokefree outdoor public places, discouraging tobacco initiation, and encouraging cessation. These policies and activities would indirectly support the goal of reducing TPW.
- ***Stop TPW at the source.*** Over time and where feasible, communities can adopt upstream solutions to the problem of TPW, such as banning the sale of tobacco products or components that generate the most egregious waste in the community or are most harmful to the environment. These approaches are likely to be much more effective at preventing TPW.[26]

Extended Producer Responsibility (EPR) policies are sometimes adopted to make the producers of a product responsible for disposal of that product. While this may seem an attractive option, the Tobacco Education and Research Oversight Committee (TEROC) does not recommend adopting EPR policies as a way of reducing TPW, as they would give the tobacco industry undue influence in determining how to address a problem they created.[26]

As with the other priorities in this Policy Platform, a TPW policy can start modestly with basic anti-littering provisions and become more comprehensive over time.

PRIORITY 5

Increase tobacco cessation messaging and options for treatment.

In addition to public policies adopted by governments, policies adopted by systems of care in the community, including health plans, health care systems, substance use treatment facilities, and mental health treatment facilities, can also help to reduce tobacco use. Care providers are well positioned to screen their clientele for tobacco use and to offer evidence-based cessation treatment. The internal policies that govern how providers in these systems interact with tobacco users can make a big difference in tobacco users' likelihood of quitting. The California Tobacco Control Program has identified several promising approaches for promoting tobacco cessation through systems change:[49]

- ***Motivate Medi-Cal managed care plans to prioritize tobacco cessation.*** Local tobacco control programs can do this by working with the Medi-Cal managed care plans in their area to assess what treatments they cover and what strategies they use to promote quitting among their members. The findings can then be publicized, both to motivate systems to do all they can in this area and to increase public awareness and use of these resources. This is especially important in rural areas, where there may be few cessation resources available.
- ***Make tobacco screening and treatment a standard of care in health care systems.*** Every clinical encounter can increase the odds that a tobacco user will quit. Health care providers and systems should follow a chronic disease management model for treating tobacco

dependence.[50] That is, they should systematically screen every patient for tobacco use and treat every tobacco user. Rural tobacco control programs can help with this by assessing and publicizing the extent to which the health care systems in their area are meeting this standard.

- ***Increase referrals to Kick It California.*** Local tobacco control programs should encourage providers of all types to refer their tobacco-using patients to Kick It California (formerly known as the California Smokers' Helpline). Providers who make e-referrals receive automated status updates on their patients' progress so they can better support them in quitting.
- ***Expand the use of training on tobacco cessation.*** Rural programs can increase the capacity of health care and other systems to help tobacco users quit by increasing the use of certified Tobacco Treatment Specialist (TTS) training. The training can be made available to health educators, social workers, and others employed in health care and behavioral health systems.
- ***Create a norm of tobacco recovery in behavioral health systems.*** Rural programs can work with the substance use and mental health treatment facilities in their area to normalize tobacco recovery in their systems. They can do this by encouraging the facilities to prohibit staff from using tobacco when they are with clients or during work hours, to adopt a tobacco-free grounds policy, to integrate tobacco cessation treatment into their clients' care plans, and to provide assistance upon discharge to prevent relapse. Another possibility is for local tobacco control staff to work with the county (as funder of behavioral health treatment services) to adopt contracting policies requiring them to make these changes.

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APPENDIX

Reducing the Impact of Tobacco on Rural California Communities

POLICY PLATFORM EXECUTIVE SUMMARY

RURAL INITIATIVES STRENGTHENING EQUITY (RISE)

California has made great progress in reducing overall tobacco use, yet geographic disparities remain. Rural adults are more likely to smoke than adults in general.[1] Rural high school students use cigarettes and smokeless tobacco at higher rates than urban students.[2] Rural Californians have an increased risk of lung cancer and lower survival rates.[3] The tobacco industry targets rural communities in ways that exploit rural values, and rural youth are less exposed to anti-tobacco media messaging.[4]

In response to these trends, Rural Initiatives Strengthening Equity (RISE), a Statewide Coordinating Center funded by the California Department of Public Health, California Tobacco Control Program, has prepared a policy platform laying out five priorities for reducing tobacco use and exposure in California's rural communities.

PRIORITY 1

Enact strong tobacco retailer licensing (TRL) policies.

Why rural communities need strong TRL policies:

- TRL addresses rural disparities by reducing tobacco use.
- TRL protects youth by reducing illegal sales to youth.
- TRL generates a locally controlled source of funding for enforcement.

What a "strong" TRL policy includes:

- A local license that all retailers must obtain and annually renew.
- An annual fee covering all administration and enforcement costs.
- Coordination of all tobacco laws including local, state, and federal.
- Financial deterrents, including suspension and revocation of the license.

How a strong TRL policy can be further strengthened:

- Expand the definition of a "tobacco retailer."
- Restrict who is eligible to obtain a license.
- Restrict where licensed retailers may operate.
- Increase the requirements to maintain a license.
- Increase the penalties for violations.

PRIORITY 2

Reduce the sale of menthol and other flavored tobacco products.

Why rural communities need flavored tobacco bans:

- Flavor bans address disparities by protecting against predatory marketing.
- Flavor bans protect youth by making tobacco use less attractive.
- Flavor bans encourage cessation.

Other ways communities can regulate flavored tobacco products:

- Restrict the sale of certain products, like flavored smokeless tobacco.
- Restrict advertising and promotion.
- Require graphic warnings at the point of sale.
- Restrict access, for example by requiring a "buffer zone" around schools.
- Regulate the pricing of flavored tobacco products to prevent discounting.

PRIORITY 3

Reduce exposure to secondhand smoke and aerosols.

Why rural communities need stronger secondhand smoke protections:

- They are good for business, especially in communities that rely on tourism.
- Reducing secondhand smoke reduces wildfire risk.
- Closing loopholes in secondhand smoke laws reduces smoking prevalence.

How secondhand smoke protections can be strengthened:

- Close loopholes in clean indoor air laws.
- Protect outdoor workers.
- Make outdoor public places smokefree.
- Make multi-unit housing smokefree.

PRIORITY 4

Reduce tobacco product waste (TPW).

Why rural communities need TPW policies:

- TPW includes many toxic components and cleanup is costly.
- Cigarette butts can cause wildfires.
- Reducing TPW is good for business.
- Reducing TPW provides a safer environment for children.

What TPW policies can do:

- Prevent littering.
- Hold businesses accountable for TPW.
- Define a broader strategy for reducing TPW.
- Stop TPW at the source.

PRIORITY 5

Increase tobacco cessation messaging and options for treatment.

There are several promising systems approaches for promoting tobacco cessation:

- Motivate Medi-Cal managed care plans to prioritize tobacco cessation.
- Make tobacco screening and treatment a health system standard of care.
- Increase referrals to Kick It California (AKA the Smokers' Helpline).
- Expand the use of training on tobacco cessation.
- Create a norm of tobacco recovery in behavioral health systems.

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