CALIFORNIA TOBACCO CONTROL PROGRAM

POLICY MANUAL

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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 prevention 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 prevention 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.

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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 prevention 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 prevention program efforts, established by Prop 99, to prevent and reduce tobacco use 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 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%

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CALIFORNIA TOBACCO CONTROL PROGRAM GOALS

Social Norm Change Strategy

The ultimate goal of tobacco education and prevention work is to reduce and 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 tobacco use and the promotion and sale of tobacco products.

Overall, California's social norm change strategy seeks to end the industry-created tobacco epidemic by creating an environment where tobacco use becomes undesirable, unacceptable and inaccessible. 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 tobacco use 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 adolescents who use tobacco 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 user. 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 people who use tobacco to receive the environmental support they need to quit 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 norms 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 people who use tobacco products than ever are trying to quit. Experience has demonstrated that the statewide media campaign, coupled with Kick It California (formerly the California Smokers' Helpline) and community-level cessation programs, successfully assists people who use tobacco products in quitting. Tobacco use 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 and tobacco use, more people who use tobacco products become aware of health issues related to smoking, vaping and smokeless tobacco use, the level of motivation to quit across the entire population of people using tobacco products increases, and motivation to quit on their own increases. As such, cessation becomes the outcome, rather than the intervention.

While recognizing that in California, most people report quitting tobacco use without direct cessation services, the provision of direct cessation is primarily funded through Kick It California, which offers

telephone cessation counseling in English, Spanish, Vietnamese, Korean, Mandarin, and Cantonese, and has tailored services for chew tobacco users, people who vape, the hearing impaired, youth, and pregnant women. In addition, Kick It California offers web intake, text, chat, Alexa, video and app-based services. Some Occasionally, other CTCP-funded projects also provide local direct cessation services, and many promote and refer people to Kick It California for services. 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 Kings 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 prevention plan. As the lead tobacco prevention 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 prevention and representatives of priority populations
2. Provide, or contract for, tobacco prevention 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 prevention 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 prevention 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 prevention laws, and the provision of local tobacco cessation services.

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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; and to 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 term “tobacco” refers to commercial tobacco products. CTCP does not seek to impinge upon the sacred use of traditional or ceremonial tobacco in American Indian communities.

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 Projects

CTCP funds a variety of statewide projects designed to provide specialized support to local tobacco prevention work. Statewide projects and coordinating centers may be funded through a specific statewide procurement, or through a general competitive grantee process but indicating a statewide focus. These projects provide direct education, technical assistance, and training to build the capacity of local programs, coalitions, and community groups. Statewide Coordinating Centers are a crucial part of CTCP’s continued pursuit of health equity, providing support tailored for working with specific priority populations. Training and technical assistance provided by these partners contributes to the implementation of tobacco prevention activities that are evidence-based.

The following are current **statewide projects**:

Advancing Momentum for a Tobacco-Free California

Action on Smoking and Health (ASH)'s Advancing Momentum for a Tobacco-Free California Project seeks to lay the groundwork in California to end the tobacco epidemic by phasing out the sale of commercial tobacco products. The project focuses on building public support for cutting-edge policies that address the retail sales environment for tobacco products. ASH will conduct educational outreach and engage civic leaders on health equity, environmental action, and human rights issues as they relate to tobacco.

https://endtobaccoca.ash.org/

The Policy Evaluation Tracking System

The Policy Evaluation Tracking System (PETS), a project of the American Nonsmokers' Rights Foundation (ANRF), provides analysis, data, tools, and expertise to help support CTCP-funded projects advance local tobacco prevention policy change, as well as to educate community partners and demonstrate policy trends. The ANR Foundation updates and maintains the PETS tobacco prevention database by tracking, collecting, analyzing, scoring, and reporting on local ordinances adopted throughout California.

https://pets.tcspartners.org/

(510) 841-3032

AMPLIFY! Statewide Coordinating Center for African American/Black Communities

AMPLIFY!, a project of the URSA Institute, is a Statewide Coordinating Center which supports CTCP-funded African American/Black regional projects and the greater African American community. AMPLIFY provides technical assistance, capacity building, mutual support, collaboration and LOVE to address the complex issues of tobacco prevention in the African American/Black community.

https://www.amplify.love/

Kick It California

Kick It California provides free services to people who want to quit smoking, vaping, or using chew, and for people who want to help others quit. Services include telephone counseling in many languages, as well as text messaging, online chat for Android and iOS mobile apps, and Amazon Alexa Skills: Stop Smoking Coach and Stop Vaping Coach.

English (800) 300-8086 | Spanish (800) 600-8191

Text "Quit Vaping" to 66819

www.kickitca.org/

Center for Tobacco Cessation

The Center for Tobacco Cessation provides training and technical assistance to improve tobacco cessation statewide and helps healthcare behavioral health, and other service providers increase their capacity in tobacco cessation through live webinars, online trainings, in-person trainings, and phone/email consultation.

https://kickitca.org/education-training

California Tobacco Endgame Center for Organizing and Engagement

California Tobacco Endgame Center for Organizing and Engagement, a project of the American Heart Association (AHA), provides comprehensive training, technical assistance and resources to California's tobacco prevention movement. The Tobacco Endgame Center partners with local, regional and statewide tobacco prevention stakeholders to enhance their organizing and engagement capacity. They also serve as a hub for resources and an information dissemination channel for diverse groups on community organizing,

community engagement, and stakeholder outreach.

https://organizingtoendtobacco.org/

California Youth Advocacy Network

The California Youth Advocacy Network (CYAN) changes the tobacco use culture in California schools, colleges and universities, and other youth and young adult communities by providing knowledge, skills, and tools to create local change for healthier communities. CYAN provides training and technical assistance on engaging young people to advocate for tobacco-free communities as well as direct support to youth and young adults dedicated to changing tobacco use norms across the state.

https://cyanonline.org/

CA Quits

The CA Quits project is a statewide initiative to increase tobacco cessation access and services through health systems. To address tobacco treatment inequities, the project works with health systems to raise their tobacco quality metric scores and with Medi-Cal Managed Care Plans to implement tobacco quality improvement projects with the goal of increasing access to cessation, including Kick It California and/or other locally tailored services.

https://caquits.com/

Cigarettes and Pharmacies Don't Mix

Cigarettes and Pharmacies Don't Mix is a project of the California LGBT Tobacco Education Partnership (LGBT Partnership) and San Francisco Study Center. The project provides training and technical assistance to CTCP-funded projects working on a tobacco-free pharmacy policy as part of a Tobacco Retailer License (TRL).

https://lgbtpartnership.org/

Latino Statewide Coordinating Center

The Latino Coordinating Center (LCC) is a statewide project of the California Health Collaborative in partnership and University of Southern California, dedicated to reducing tobacco-related disparities among Latinos in California. The LCC primarily supports Hispanic/Latino Regional Projects with the adoption of policy, systems, and environmental changes by providing tailored assistance. The LCC facilitates statewide collaboration and partnerships, provides policy strategy recommendations, support and engage in educational activities with local policy makers, aid with materials development and translation, and offer leadership development and training opportunities.

https://healthcollaborative.org/hlcc

Law and Policy Partnership to End the Commercial Tobacco Epidemic

The Law and Policy Partnership to End the Commercial Tobacco Epidemic (Partnership) is a joint initiative of the American Lung Association and the Public Health Law Center (PHLC). The Partnership engages funded products and local or tribal governments across the state to develop laws and policies designed to

end the tobacco epidemic in California. The project brings together legal and policy expertise, technical assistance and training to help tobacco prevention projects, priority populations, local governments and non-traditional partners to change or permanently eliminate the structural, political, and social dynamics that sustain the tobacco epidemic, in order to end the tobacco epidemic.

https://www.publichealthlawcenter.org/topics/commercial-tobacco-control/california-commercial-tobacco-contro

Rural Initiatives Strengthening Equity

The Rural Initiatives Strengthening Equity (RISE) project accelerates the adoption and implementation of policy, system, and environmental change initiatives that are designed to prevent and reduce tobacco use and increase health equity among California's rural residents. RISE provides support and capacity building efforts to rural tobacco prevention projects through learning institutes, an advisory committee, and their policy platform initiatives, in order to facilitate stakeholder engagement and collaborative partnership opportunities among rural communities.

https://www.ca-rise.org/

Rover Library

The Rover Library provides library and information services, including reference, literature searches, citation services, and the circulation and dissemination of materials. Rover can help find research studies, educational and advocacy materials, existing materials and sample Final Evaluation Reports, information on proposed interventions, and relevant data and statistics. Rover also publishes topical current awareness lists/bibliographies, a podcast series, and translation research fact sheets, flyers, and other materials.

https://rover.catcp.org/

Environmental Justice in Tobacco Control Project

The Sierra Club's Environmental Justice in Tobacco Control Project seeks to end the presence of tobacco product waste in local communities across California, with an emphasis on the intersection of tobacco pollution and environmental justice. The Sierra Club serves as the lead agency for the Environmental Justice in Tobacco Control Young Adult Advisory Board, develops and disseminates tobacco product waste educational materials for statewide use, provides technical assistance to local tobacco prevention coalitions, environmental groups and non-traditional partners, as well as facilitates the adoption of innovative tobacco prevention policies to end the presence of tobacco product waste in local jurisdictions.

https://www.stoptoxictobaccowaste.org/

Smoking Cessation Leadership Center, California Behavioral Health & Wellness Initiative

The Smoking Cessation Leadership Center (SCLC) provides customized training and technical assistance for behavioral health and community residential behavioral health facilities, providers, and the clients they serve. They also work with Local Lead Agencies to create change in county behavioral health systems. Through the lens of wellness, SCLC guides facilities on how to integrate tobacco use screening, offer smoking cessation services/nicotine addiction treatment, establish a tobacco-free grounds policy, and incorporate other programs such as healthier eating, physical activities, and problem gambling counseling.

https://smokingcessationleadership.ucsf.edu/

Statewide Pacific Asian Resource and Coordinating Center

Asian Pacific Partners for Empowerment, Advocacy and Leadership (APPEAL) serves as the lead organization for the Statewide Pacific Asian Resource and Coordinating Center (SPARC) to address tobacco disparities for the diverse Asian/Pacific Islander (API) communities in California. SPARC's enabling system supports API regional networks to promote social change aimed at preventing and reducing tobacco use.

https://appealforhealth.org/spark/

The LOOP

The LOOP is a centralized one-stop resource to help tobacco prevention projects strengthen their capacity to connect, communicate, and collaborate with their local communities, especially those disproportionately burdened by tobacco. The LOOP can assist projects with tailoring approaches and materials to better engage and reach priority populations and identifying activities to improve the capacity to work authentically with local communities, especially those disproportionately burdened by tobacco.

https://theloop.ucsf.edu/

Tobacco Education Clearinghouse of California

The Tobacco Education Clearinghouse of California (TECC) produces and distributes educational materials to support tobacco prevention initiatives. TECC can provide technical assistance pertaining to educational material development and consumer testing. In addition, TECC monitors existing tobacco-related educational materials to assess current needs for tobacco-related educational material development.

https://www.tecc.org/

Tobacco Control Evaluation Center

The Tobacco Control Evaluation Center (TCEC) provides evaluation training and specialized evaluation technical assistance services to local tobacco prevention program evaluators and programs. TCEC can assist with writing evaluation activities, plans, and methods; and data collection, analysis, interpretation, visualization, and reporting, as well as accessing the TCEC data collection instrument database. TCEC maintains an evaluators' community of practice and assists in statewide retail environment campaigns.

https://tobaccoeval.ucdavis.edu/

Tribal Community Coordinating Center

Through the guidance of a Tribal Advisory Council, the statewide Tribal Community Coordinating Center (TCCC) addresses the impact of non-ceremonial tobacco by providing culturally appropriate assistance to California Indian Tribes to assess and implement tobacco related programs.

https://www.ca-tccc.org/

upEND Tobacco

The University of California, San Francisco's upEND Tobacco project is a resource for communities developing local approaches to help California meet its goal of ending the tobacco epidemic for all population groups. upEND Tobacco helps CTCP-funded projects develop endgame-oriented policy approaches. Services include provision of literature and argumentation handouts, assistance developing action plans, workshops for local advocates, and individual consultations.

ruth.malone@ucsf.edu

WE BREATHE

CA LGBTQ Health and Human Services Network's We Breathe is the Statewide Coordinating Center for the Lesbian, Gay, Bi-Sexual, Transgender, and Queer (LGBTQ+) serving tobacco prevention projects. They focus on the facilitation, coordination, and collaborative flow of information between LGBTQ+ regional projects and other CTCP-funded projects. They engage new voices in tobacco prevention efforts to assist in accelerating the adoption of regional LGBTQ+ tobacco control efforts by educating and engaging LGBTQ+ influencers, developing tailored messaging for LGBTQ+ audiences, and educating LGBTQ+ individuals to advocate to reduce tobacco-related health disparities.

https://californialgbtqhealth.org/about-us/we-breathe/

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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.

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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

Purpose of Community Involvement: 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 that 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, it can 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.

Local Lead Agency Coalitions: To shape change in communities to produce social norm change, all funded local lead agencies (LLAs) are required to establish a community-based tobacco prevention coalition or integrate issues of tobacco prevention 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 LLAs is to serve as a backbone agency, providing the community the space, knowledge, and resources to come together and support problem-solving efforts. LLAs are highly encouraged to invite competitive grantees funded in their jurisdiction to participate in the LLA Coalition and create an inviting environment for their participation.

Advisory Boards: In addition to LLA community-based coalitions, competitive grantees may opt to recruit and maintain an advisory board to advise them on their own scope of work. Advisory boards may function in similar ways to community-based coalitions, and their membership should be just as diverse. However, their role is to advise the specific project how to do its work, rather than problem solving for the community. Members of advisory boards are strongly encouraged to participate on one or more LLA coalitions.

Campaign or Issue Committees/Workgroups: Coalitions, advisory boards, and funded projects may establish campaign committees or workgroups to focus on specific, time-limited work. Campaign committees and workgroups operate as extensions of an existing coalition or advisory board, and do not require their own operating rules and procedures, unless desired.

Role of Coalitions and Advisory Boards: Whether a community-based coalition or an advisory board, the following information applies. Projects that are required to form and maintain a community-based coalition/advisory board are to organize these bodies in such a way that they:

1. Obtain the participation and involvement of local community organizations with special expertise and experience related to work to eliminate tobacco use and exposure and/or adds to the representation within the group of priority populations disproportionately impacted by tobacco use;

2. Assist in the development and implementation of community-based tobacco prevention 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 "critical mass";
5. Mobilize the talents and resources of multiple individuals, groups, and agencies to promote tobacco education and control strategies; and
6. Provide a united voice to respond to the tobacco industry.

Organizational Structure: The organizational structure of the community-based coalition is flexible and may include:

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

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

1. **Constituency Representation**: Community-based coalition staff are to recruit a diverse membership that includes representation from those that work or have a stake in tobacco use prevention and cessation and/or represent diverse sectors of the community. Outreach should be made by the backbone agency and coalition members to recruit organizations that can support the goals of the coalition and the funded project's workplan. These organization types include, but are not limited to the following:

Arts, Music, and Culture	Government
Community Planning	Health and Healthcare
Community Safety	Housing
Community Service	Labor/Unions
Early Childhood Development	Nutrition/Food
Economic Development	Schools
Environmental	Social Justice/Human Rights
Faith-based	Youth Development/Leadership

2. **Population Representation**: Community-based coalition 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, advisory board, and other volunteer committee

members serve without compensation.

4. **Reimbursement**: Any volunteer members who are not currently funded by CTCP may be reimbursed for necessary travel expenses incurred in the performance of their duties on behalf of the coalition/advisory board. Travel expenses will be reimbursed at the current rate identified by the California Department of Human Resources (CalHR). Any large reimbursement costs (e.g., a training or conference registration fee where the coalition member is representing the the project), must be pre-approved by CTCP. Please contact your program consultant and procurement manager for additional questions.
5. **Operating Rules and Procedures**: Commmunity-based coalitions should be independent decision-making bodies and are required to have formalized operating rules and procedures (e.g., by-laws) that include:
    a. A description of the organizational structure;
    b. A mission statement;
    c. A definition of the roles and responsibilities of individual and/or organizational members, leadership roles and terms of service, the method of joining, membership expectations, and meeting frequency;
    d. A defined process for new member orientation;
    e. A detailed process for how the coalition makes decisions and elects leadership;
    f. An annual evaluation survey that assesses coalition functioning, member satisfaction, and diversity utilizing assessment instruments created and/or modified by the LLA. (CTCP recommends using the Tobacco Control Evaluation Center's Annual Coalition Member Survey, which can be modified as appropriate based on coalition feedback);
    g. The creation of a standing recruitment sub/committee, charged with recruiting new and retaining current membership, that meets a minimum of two times a year to determine and fulfill the coalition's membership goals; and
    h. A conflict of interest policy that states coalition members may not be representatives, associates, or receiving financial support from tobacco, vaping, and/or cannabis companies.
        1. The coalition should institute a process (e.g. including a statement on coalition membership agreements/sign-up forms) that asks members/organizations to verify in writing they have "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 or the funded project."
6. **Coalition Chair**: A community-based coalition chair is a representative of the community that the coalition serves and may not be an employee or representative of an agency receiving any tobacco-related funding obtained through a California tobacco tax initiative. The Coalition Chair should be able to serve as a spokesperson for the coalition.
    a. If a community-based coalition determines there is a need for *two co-chairs*, at least one co-chair must not be from the administrative agency that functions as the facilitator of the community-based coalition or another agency, including subcontractors, funded by dollars obtained through a California tobacco tax initiative.
7. **Membership Recruitment:** Agencies responsible for facilitating the community-based coalition are to develop a process for recruiting and orienting new members in coordination with the standing recruitment subcommittee (See Chapter 301.5.g).

8. **Training:** Agencies responsible for facilitating the community-based coalition/advisory board are to periodically provide training for and review operational procedures with members.
9. **Communications:** Agencies responsible for facilitating the community-based coalition/advisory board are to develop communication systems to keep members fully informed for both urgent (rapid response) and routine communication needs.
10. **Resources:** The LLA responsible for facilitating the community-based coalition shall provide staff, logistical assistance, training, budget support, and other assistance as needed and deemed in-line with the project's approved CTCP scope of work and budget. Other coalition members may also contribute similar resources to the coalition if they are able and willing to do so.

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 MATERIALS

The following requirements apply to using California Department of Public Health/California Tobacco Control Program (CDPH/CTCP) funds to develop, produce and disseminate educational materials.

“Educational Materials” are items such as brochures, infographics, books, booklets, curricula, tip sheets, fact sheets, posters, videos, and tobacco cessation “quit kits.”

1. Approved Scope of Work Activities
    a. Development, modification and/or dissemination of any educational 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 (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.).
2. 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 the development of any educational 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.
3. Technical Assistance:
    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, guidance on conducting consumer/focus group testing, and production, to ensure that all educational materials are high quality, cost-effective, and appropriate for the intended audience.
4. Process to Request Use and/or Adapt Educational Materials Produced by projects using CTCP funds
    a. The State of California, CDPH owns the copyright on educational materials developed with

funds provided by CDPH/CTCP except for materials developed through a University of California or California State University (UC/CSU) interagency agreement, where the UC/CSU retains the copyright for the materials.

b. Following is the procedure for CTCP-funded projects to request the use of and/or adaptation of a material created by another CTCP-funded project.
    i. Contact TECC for assistance with this procedure and to ensure that there are no copyright restrictions associated with the material.
c. Following is the procedure for non-CTCP-funded Agencies/Organization to request the use of and/or adaptation of material produced by CTCP-funded projects:
    i. The funded project should receive and maintain on record a written request to modify materials, including specifications of what will be modified about the piece (e.g. an agency in another state wishes to swap out Kick It California with their Quitline information).
    ii. Agencies are permitted to grant these requests for original materials they have created at their own discretion and in guidance with their own agency policies, while maintaining written records for review by CTCP if necessary.
    iii. Any agency/organization granted permission to use or modify educational or advertising materials developed by CTCP-funded projects is to bear the cost associated with the permitted use or modification of the material.
    iv. Any request that could be constructed as a gift of public funds for the profit or benefit of an agency will be denied.
    v. Requests for materials for use by a CTCP-funded project's subcontractors of consultants must be submitted to CTCP by the primary funded project.

5. Contract and Administrative Issues Related to Educational Materials Development
    a. When utilizing subcontract or 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 “(7) (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 a subcontract 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 a subcontract 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 agreements for a material development subcontract 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 (g., talent fees, limits on distribution or term, stock photography royalties), the project must get CTCP approval prior to the development of the material.

f. When using the image or likeness of an individual in an educational material agencies must ensure that the individual has signed a consent form or photo or talent release. Projects 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. Projects are not allowed to profit from the sale of materials created with CTCP funds or utilize materials for non-tobacco prevention related purposes.

6. Educational Material Standards

a. Materials are 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 do not duplicate existing materials found on Partners, Rover or TECC.

c. 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).

d. Messages are based on research shown to be effective in discouraging tobacco use among the intended audience(s).

e. Materials comply with the requirements of the ADA and are accessible to individuals with disabilities (e.g., materials utilize san serif fonts, utilize appropriate color contrast for text and backgrounds, colors alone are not used to convey meaning, etc.)

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 include 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 are to be submitted to TECC via MatTrack: https://www.tecc.org/about-mattrack/
q. Educational material and consumer testing documentation are to be submitted to CTCP with the funded project progress report. The funded project agrees to allow CTCP and TECC to review the educational material for adaptation and possible statewide distribution and to adapt material as appropriate for free distribution through the TECC website.
r. The funded project agrees to allow CTCP to review advertising material for possible statewide distribution and to adapt these materials as appropriate for free distribution through the Partners website.
s. The funded project retains the following information on file and makes it available to CTCP and TECC upon request:
    i. Results of consumer testing for literacy level and cultural responsiveness for educational material;
    ii. Results of consumer testing, including an assessment of message comprehension, emotional impact, and overall reactions to concepts for educational material;
    iii. Expert review evaluation findings, as appropriate;
    iv. Signed Copyright Release Forms for all subcontractors including writers, designers, talent, photographers and artists
    v. Signed Model/Talent Release Forms for anyone who is recognizable in material produced.
t. For educational material 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.
u. Provide English translations of material submitted in languages other than English
v. Quit kits are considered educational material, and should be tailored to the audience. Quit kits may include printed materials such as: Take Control Guide booklet, Decide Guide booklet, Take Charge Gold Card, and in-language cessation rack cards (bulk quantities may be obtained from TECC), as well as local cessation class flyers, and information on local cessation resources. Other items that are helpful to a person making a quit attempt may also be included in the quit kit, such as rubber bands, a quitter's journal, or individually-wrapped toothpicks.

7. Acknowledgement of Funding Source
    a. All educational material (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. Utilizing your agency's coalition name in the tag does not violate any CTCP rules.

304 - Program Requirements

USE OF CTCP FUNDS FOR TOBACCO CESSATION

The following requirements pertain to the provision of tobacco cessation interventions by the California Tobacco Control Program (CTCP) funded projects and should be taken into account when designing and implementing tobacco cessation strategies.

1. CTCP-funded projects may:
    a. Engage in secondhand smoke and retail policy campaigns designed to decrease accessibility and availability of tobacco products are to include culturally competent and linguistically appropriate education outreach activities to promote the availability of cessation services through paid and social media, earned media, community outreach, and collaboration with the health care community;
    b. Administer tobacco cessation programs utilizing self-help, group, community, web-based, and media strategies;
    c. Train health care and behavioral health professionals or others to provide tobacco cessation services and/or to adopt and implement tobacco use assessment and cessation counseling policies;
    d. Work with and provide technical assistance to organizations to ensure that priority populations as defined in the Tobacco Education and Research Oversight Committee (TEROC) Master Plan, are served by the cessation efforts of those organizations;
    e. Conduct efforts to motivate people who use tobacco to quit using tobacco products;
    f. Conduct efforts to educate and inform people who use tobacco about the cessation benefit available to them through either publicly-funded (g., Medi-Cal or Medicare) or privately-funded (e.g., employment-based or individual) insurance programs;
    g. Incorporate cessation referrals and/or media activities into policy objectives that limit access to and/or use of tobacco products to support quitting.
2. CTCP-funded projects may expend CTCP funds on the purchase and distribution of incentives for tobacco cessation-classes only if all of the factors listed below apply:
    a. The CTCP-funded project may not subcontract with Kick It California to provide incentives on behalf of the project or to provide nicotine replacement therapy (NRT) to callers; and
    b. The CTCP-funded project has an approved cessation class activity in their SOW; and
    c. The CTCP-funded project has an approved incentive activity in their SOW that is tied to the cessation class activity; and
    d. The incentives are provided to participants enrolled in the cessation classes to encourage completion of the class and/or to acknowledge completion of the class; and
    e. The incentives purchased and distributed by the CTCP-funded project conform to CTCP's policy on incentives as outlined in the Administrative and Policy Manual, Policy Section,

Chapter 316 – Use of CTCP Funds for Incentives; and

f. The cost of the incentive does not exceed $50 per person per year.

3. Local Lead Agency (LLA) tobacco prevention projects may use no more than 10 percent of their cumulative budget for the provision of direct cessation services. Competitive grant funded tobacco prevention 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.
4. 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. Tracking the number of tobacco users served, and the number of sessions over what period of time; and
    e. Evaluation of quit status at seven months, and an annual determination of the cost effectiveness of cessation activities.
5. 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.
6. 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.
7. Funds MAY NOT be used to develop, promote, 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 Kick It California.
8. Tobacco cessation methodologies MAY NOT incorporate:
    a. Hypnosis techniques;
    b. Acupuncture;
    c. Aversion therapy;
    d. E-cigarettes;
    e. Encouraged use of other tobacco, cannabis, or similar products not approved by the FDA as a tobacco cessation product (e.g., e-cigarettes, reduced or low nicotine tobacco products, heated tobacco products, oral nicotine pouches, Modified Risk Tobacco Products (MRTP), etc.).

305 - Program Requirements

SUBCONTRACT AGREEMENT REQUIREMENTS

Subcontracts may be used 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, or when the work may be more appropriately done by another organization. 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. In general, subcontracts are to be awarded via a competitive bid process unless there is a legally authorized basis for bid exemption. The subcontract agreement must contain a detailed SOW that clearly identifies the services/activities to be performed by the subcontractor and a detailed budget/budget justification.
2. **Subcontractor**: A subcontractor is an individual or agency qualified to:
    a. Complete component(s) or task(s) directly related to the SOW;
    b. Perform a service or activity on a limited term basis, such as translation services or website development.
3. **Consultant Agreement**: A consultant agreement is a type of subcontract agreement awarded to an individual or agency (the consultant) 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 a type of subcontract (see definition above), valued at less than $5,000. A CEA does not require a competitive bid process, but the primary awardees must be selected in a fair and unbiased manner to eliminate any real or perceived allegation of preference (e.g., favoritism, bias, or nepotism). Funds for a CEA subcontract agreement must be used to facilitate community engagement to support completion of activities described in the approved SOW of the prime agency. A CEA may not be used to fund activities that do not directly relate to the approved SOW. Community engagement activities may

include providing funds to an agency to participate in data collection, educational outreach, advocacy activities, and trainings. During the entire project term, a prime agency may not award a subcontractor a single or multiple CEA award(s) totaling $5000 or more. Community Engagement Agreement(s) to a single subcontractor totaling $5,000 or more require utilization of a competitive bid process.

5. **Competitive Bid Process**: A competitive bid seeks to obtain at least three competitive bids and 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. If three bids are not able to be obtained, additional justification is required.

Requirements

1. **Duplication of Services**: A prime agency, funded by CTCP (e.g. an 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 utilize a competitive bid process before making an award. When the prime agency is an LLA, Tribal Government, or Tribal Government Agency, the following also applies:
    a. The LLA, Tribal Government, or Tribal Government Agency is to follow its own required competitive bid process, policies, and procedures for awarding a subcontract or community engagement agreement or explains why another process was used;
    b. When a LLA, Tribal Government, or Tribal Government Agency subcontracts 60 percent or more of their total award to another entity, CTCP must approve a detailed line-item budget for the subcontractor in the Online Tobacco Information System (OTIS).
3. **Documentation**: When the subcontract agreement is $5,000 or more and the subcontractor was not pre-identified in the “application review/award process,” the prime agency is responsible for submitting to CTCP the following: (1) “Subcontract Agreement Transmittal Form” through OTIS for each subcontract agreement; (2) subcontractor agreement (including agreement, scope of work, budget, and terms/conditions); and, (3) explanation of the award process. The prime agency must retain a copy of the competitive bid process and subcontract agreement that includes a detailed SOW and Budget/Budget Justification for their files. This requirement does not apply to LLAs, Tribal Governments, or Tribal Government Agencies when their own competitive bid process is applied. Please note: CTCP reserves the right to request documentation for any subcontract, subcontractor, and/or consultant regardless of cost or agreement type. CTCP may invalidate any subcontract if required documentation is not submitted, or if CTCP is unable to verify a legitimate competitive bid process was implemented.

Interagency Agreements with other Governmental Entities and Public Universities

Subcontracts within an Interagency Agreement are subject to restrictions on subcontracting. In general, the total of all subcontracts does not exceed $50,000 or 25 percent of the total contract, whichever is less, and subcontracting must not circumvent competitive bidding requirements. If the total of all subcontracts exceeds $50,000 or 25 percent of the total contract, whichever is less, then higher levels of subcontracting

might be permissible if the subcontract is justified and awarded through a competitive process.

Subcontracts At a Glance					
CDPH/CTCP Award (Agreement) Type [1]	**Subcontract Must Not Duplicate Services [2]**	**Competitive Bid Process Required [3]**	**Subcontracting Dollar Limits [4]**	**Are CEAs [5] Allowed?**	**OTIS Documentation Required [6]**
Consultant/Personal Services Contracts Grants	Yes	Yes[8]	None	Yes	Yes
Tribal Government/Tribal Governmental Agency	Yes	Yes [7]	None	Yes	No
Interagency Agreements	Yes	Yes [7]	No more than $50,000 or 25% of the total contract, whichever is less [9]	Yes [10]	No
Local Lead Agency (LLA) Allocation	Yes	Yes [7]	None	Yes	No

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[1] Please contact your assigned Procurement Manager if you are not sure which type of agreement you have.

[2] Services provided by the subcontractor do not overlap or supplant the funding for similar services provided by the Prime agency under their original CTCP-funded agreement.

[3] Subcontract agreements totaling $5,000 or more are to be selected via a competitive three bid process that is conducted in a fair and unbiased manner to eliminate any real or perceived allegation of preference.

[4] Please refer to the Solicitation to which your agency applied to see if there are any additional subcontracting limitations. For example, some Solicitations indicate that a media subcontract may not exceed $99,999. When an agency subcontracts 0 percent or more off their award to another entity, CTCP must approve a detailed line-item budget in OTIS.

[5] A Community Engagement Agreement (CEA) is a subcontract, less than $5,000. Awardees should be

selected in a fair and unbiased manner to eliminate any real or perceived allegation of nepotism or inappropriate activity. During the entire project term, a prime agency may not award a subcontractor a single or multiple CEA award(s) totaling $5000 or more.

[6] For subcontract agreements $5,000 and higher.

[7] Must follow their own competitive bid process, policies, and procedures for awarding a subcontract or explain why another process was used.

[8] If the subcontractor was not pre-identified in the executed agreement (e.g., TBD), a request for prior approval of the subcontract package must be submitted to CTCP.

[9] Higher levels of subcontracting is permissible in certain instances, contact your assigned Procurement Manager for details.

[10] Within the subcontracting dollar limits allowed.

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 provides guidance about the evaluation activities to be performed and the minimum qualifications of the Local Program Evaluator who will guide implementation of the evaluation activities and evaluation reporting.

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 them. The evaluation subcontract may be with an individual or an agency. For an evaluation consultant, the Budget 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).

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. Current salary ranges and information about these classification qualifications are located on the CalHR website.

Comparable Evaluator Salaries for the State of California (as of 5/1/2022)		
State Classification Title	**Comparable Title**	**Comparable Monthly Salary (based on 40-hour work weeks)**
Research Data Analyst I	Research Analyst I	$3,800.00 - $4,318.00
Research Data Analyst II	Research Analyst II	$5,652.00 - $7,079.00
Research Data Specialist I	Geographic Information System Specialist I	$5,913.00 - $7,402.00

Research Data Specialist II	Geographic Information System Specialist II	$6,496.00 - $8,131.00
Research Data Specialist III	Geographic Information System Specialist II	$7,137.00 - $8,932.00
Research Scientist I	Epidemiologist/Statistician I	$6,512.00 - $8,093.00
Research Scientist II	Epidemiologist/Statistician II	$7,152.00 - $8,889.00
Research Scientist III	Epidemiologist/Statistician III	$7,811.00 - $9,777.00
Research Scientist IV	Epidemiologist/Statistician IV	$8,980.00 - $11,242.00
Research Scientist Supervisor I	Epidemiologist/Statistician Supervisor I	$8,765.00 - $10,923.00
Research Scientist Supervisor II	Epidemiologist/Statistician Supervisor II	$10,356.00 - $12,902.00
Research Scientist Manager	Epidemiology/Statistician Manager	$12,161.00 - $13,809.00

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:

1. Evaluator experience
2. Need for data collector training and number of collectors to train
3. Need for pre- and/or post-evaluation data
4. Number of jurisdictions worked in per objective
5. Number of waves for data collection needed per activity

6. Required travel for evaluator, if not built into hourly cost
7. Sample size for evaluation activity
8. Whether objective requires process and/or outcome evaluation
9. 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 Transcription: 8-18	10-12
Key Informant Interviews **n=5-10**	2-3	1-2	In-person: 10-20 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 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 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. Projects are required to use California Department of Public Health, California Tobacco Control Program (CDPH/CTCP) approved protocols and procedures for conducting young adult tobacco purchase surveys. Projects may use either consummated or unconsummated buys for conducting young adult tobacco purchase surveys. A list of the approved protocols can be found on Partners in the Tobacco Retail Environment Focus Area. Please be sure to weigh your options before deciding which protocol to use.
2. You may not need to obtain letters of immunity. Due to changes in Penal Code 308, underage individuals are no longer penalized for the purchase, use or possession (PUP) of tobacco products. However, you need to check with the local jurisdictions that you will be working in to ensure that they do not have a local PUP law. If there is a local PUP law, you should obtain letters of immunity and coordinate with local law enforcement to ensure underage individuals participating in the study are not penalized under local law for purchase or possession. If there is no local PUP law, as a courtesy and for safety purposes, you may want to get support from and coordinate with local law enforcement.
3. Projects should notify one another and coordinate underage tobacco purchase surveys conducted in the region with Local Lead Agencies, other competitive grantees, California Department of Justice grantees, and the California State University, Sacramento Institute for Social Research as appropriate to avoid conducting multiple surveys in a jurisdiction and confusing local law enforcement agencies and the media.
4. Underage individuals participating in the purchase survey should preferably be between 18 and 20 years of age and include an approximately equal gender representation. Efforts must be made to ensure appropriate ethnic and racial representation that matches the demographics of the communities being surveyed.
5. YATPS participants 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 must be followed at all times. Please see the YATPS protocol document on Partners that details specific safety tips.
7. Informed consent and a liability waiver must be obtained from all YATPS participants prior to their participation in any survey activities. Documentation of a valid California driver license is required for all drivers.
8. Projects must 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. The Tobacco Control Evaluation Center (TCEC) may be contacted for assistance in generating random lists, and for sample size technical assistance. Stores may be contacted prior to the survey to confirm their correct address and that they sell tobacco; however, precautions must be taken not to alert the store of an upcoming purchase survey. Any deviation from this requirement will need prior approval from CTCP.

9. Results of the purchase survey should be disseminated to policymakers, 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.
10. Stores surveyed may be contacted two weeks following the purchase survey to provide them with the results (letters of congratulations or disappointment). The project should notify other projects working in the jurisdiction of your intent to notify stores after the purchase survey and come up with a plan that does not interfere and/or influence purchase surveys being conducted by other agencies. Educational activities directed to merchants whose store illegally sold tobacco to an underage individual following a purchase survey include the distribution of educational materials for merchants and staff, in-store visits to cover any questions, and online merchant education training.

307 - Program Requirements

USE OF PROPOSITION 99 AND 56 FUNDS FOR ENFORCEMENT ACTIVITIES

The following are requirements and restrictions when utilizing California Department of Public Health, California Tobacco Control Program (CDPH/CTCP) funds:

1. CTCP funds may not be used to conduct law enforcement activities. They can only be used for purposes specified in CDPH/CTCP's enabling legislation, commencing with Health and Safety Code Section 104375.
2. CTCP funds may not be used to support any interventions, tobacco laws or enforcement actions that penalize an individual for purchase, use or possession (PUP) of tobacco products.
3. CTCP funds may be used to conduct educational outreach to the community, policymakers, and law enforcement agencies to support the repeal of Purchase, Use, and Possession (PUP) law provisions and to discourage their adoption, which includes providing information on the known negative consequences of PUP laws and data collection and monitoring of who is cited under PUP laws.
4. Law enforcement activities which MAY NOT be funded include, but are not limited to:
    a. Inspections or stings conducted for the purpose of enforcing local, State, or Federal law and issuing a penalty or fine (this should not be construed to mean that tobacco-tax-funded programs cannot conduct surveys or evaluation activities to determine compliance with tobacco-related laws);
    b. Processing tobacco license or permit applications, renewals, or maintaining data related to these processes;
    c. Legal fees;
    d. Fees associated with due process, court hearings, or administrative hearings; and
    e. Efforts that seek to punish and stigmatize tobacco users.
5. CTCP funds MAY be used to:
    a. Motivate appropriate agencies to conduct enforcement activities;
    b. Train enforcement agency staff;
    c. Educate businesses that violate tobacco-related laws on the negative consequences of tobacco use;
    d. Provide educational warning letters, educational materials, and signs describing tobacco-related laws;
    e. Train business owners and employees; and
    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 prevention 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 prevention 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 Kick It California about the type, availability of the services, and enrollment information on an annual basis. This information will be shared with Kick It California callers who prefer to participate in local cessation services.
9. Agencies are to widely publicize and promote the Kick It California to the public, health care providers, worksites, schools, and others.
10. Agencies are to include the Kick It California telephone number or texting information, as appropriate, on educational and media materials. Contact the Kick It California 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 Undo.org website on their project's website, and include UNDO 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 Kick It California and to UNDO 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 prevention 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, paid advertising, and paid media sponsorships. Projects should align media interventions to support the objectives in their scope of work (SOW).
    b. All projects are expected to coordinate their media interventions with other funded projects and coalition partners in their geographic area or community of interest in order to avoid a duplication of efforts, inundation of similar messaging, and to maintain synergy in the media market(s) they work within.
    c. Unless otherwise allowed in the funding solicitation, paid media interventions may not exceed $99,999 for the agreement term. In order to comply with Government Code section 14615 and Department of General Services Management Memo 12-07, any agreement with a paid media budget exceeding $99,999 must be approved by CTCP and the California Health and Human Services Agency prior to any expenditures.
2. **Formative Research Requirement Prior to Developing Materials**
    a. Prior to to developing any advertising materials, a funded project must check the Media Library, accessible from the Media & Communications section of the Partners website, to identify any existing materials that have previously been developed and tested for target audience effectiveness. This is a mandatory requirement to ensure non duplication of efforts and statewide coordination.
    b. Prior to the development of any media, 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.
3. **Technical Assistance**
    a. Prior to the development of advertising materials, the funded project is required to contact CTCP's Media & Communications staff by filling out a Technical Assistance Request from 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.
    b. Funded Project should refer to the The Media & Communications section of the Partners

website for public relations support, the current statewide media schedule, social media resources, and media planning tools.

Media & Communications staff are available to assist funded projects in communications strategy development and to provide strategy and messaging feedback for PR-related efforts.

1. **Process to Request Use and/or Adapt Advertising Materials Produced by projects using CTCP funds**
    a. The State of California, CDPH owns the copyright on advertising materials developed with funds provided by CDPH/CTCP except for materials developed through a University of California or California State University (UC/CSU) interagency agreement, where the UC/CSU retains the copyright for the materials.
    b. Following is the procedure for CTCP-funded projects to request the use of and/or adaptation of a material created by another CTCP-funded project.
        i. For advertising and media materials developed by a CTCP-funded project (not CDPH/CTCP), contact the agency responsible for developing the material to ensure that there are no copyright or other restrictions.
2. **Following is the procedure for non-CTCP-funded Agencies/Organizations to request the use of and/or adaptation of material produced by CTCP-funded projects:**
    a. The funded project should receive and maintain on record a written request to modify materials, including specifications of what will be modified about the piece (e.g. an agency in another state wishes to swap out Kick It California with their Quitline information).
    b. Agencies are permitted to grant these requests for original materials they have created at their own discretion and in guidance with their own agency policies, while maintaining written records for review by CTCP if necessary.
    c. Any agency/organization granted permission to use or modify advertising materials developed by CTCP-funded projects is to bear the cost associated with the permitted use or modification of the material.
3. **Requests for Use of CTCP Statewde Media Campaign Advertising Materials**
    a. CTCP's Media Library of statewide advertising campaigns is accessible from the Media & Communications section of the Partners website. 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 a request for media from the Media Library. A Communications Plan that outlines the strategy and need for the media is required with each request. Any requests to modify media materials produced by CTCP (beyond customizing the “tag” or minor resizing) must be approved by CTCP by submitting a Technical Assistance Request through the Media Library. If the proposed changes alter the meaning of the ad or message, additional consumer testing will be required.
        ii. Projects must make their own arrangements to “tag” (e.g. add the funded project’s name, logo, web address and/or tagline) the media materials.
        iii. Tagging is the responsibility of the project and can be negotiated directly with the vendor who is contracted to place the advertising. Additionally, for print and digital files, edits

may be requested from TECC through their MatTrack system.

iv. For general advertising assistance a Technical Assistance Request may be made through the Media Library.

c. Request from non-CTCP Funded Agencies/Organizations

i. Requests from local county programs (e.g., County Alcohol and Drug Program, County Environmental Health Program) should be forwarded to the appropriate Local Lead Agency (LLA) to ensure coordination of local efforts. The CTCP Media Unit will forward all local program media-related requests to the appropriate LLA for follow-up and coordination as deemed necessary.

ii. Written 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.

4. **Contract and Administrative Issues Related to Media Materials Development**

a. When utilizing subcontract or 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 “(7) (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 a subcontract 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 a subcontract 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 agreements for a material development subcontract 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 (g., talent fees, limits on

distribution or term, stock photography royalties), the project must get CTCP approval prior to the development of the material.

f. When using the image or likeness of an individual in a media material, agencies must ensure that the individual has signed a consent form or photo or talent release. Projects 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. Projects are not allowed to profit from the sale of materials created with CTCP funds of utilize materials or non-tobacco control related purposes.
i. No CTCP video, ad, or portion of one may be edited and incorporated into another educational video without the express written permission from CTCP.

5. **Media Material Standards**
   a. Materials do not duplicate existing materials found on Partners, Rover or TECC.
   b. Materials are scientifically and factually accurate.
   c. Messages are based on research shown to be effective in discouraging tobacco use among the intended audience(s).
   d. 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”).
   e. Materials do not promote or inhibit any religious ideology.
   f. Materials do not feature the image, voice, or identifiable views of any elected public official or candidate for public office.
   g. Materials are free of grammatical, punctuation, and spelling errors.
   h. The reading level of the material is appropriate for the intended audience as verified through literacy testing.
   i. The material is appropriate for the intended audience, as verified through consumer testing.
   j. Materials convey messages that are consistent with other health or public health messaging (e.g., visuals with people on bicycles include the use of helmets, and visuals of consumption food and beverages depict healthy options).
   k. Materials are visually appealing without the use of excessive production costs.
   l. Permission to use copyrighted material and artistic, photograph, talent, and model releases are obtained in advance and retained on file.
   m. Acknowledgement of the funding source is included on the piece.
   n. Media materials, and consumer testing documentation are to be submitted to CTCP with the funded project progress report.
   o. The funded project agrees to allow CTCP to review advertising material for possible statewide distribution and to adapt these materials as appropriate for free distribution through the Partners website.
   p. The funded project retains the following information on file and makes it available to CTCP upon request:
      i. Results of consumer testing, including an assessment of message comprehension, emotional impact, and overall reactions to concepts for advertising material;

ii. Field test, pilot test, and/or expert review evaluation findings, as appropriate;
iii. Signed Copyright Release Forms for all subcontractors including writers, designers, talent, photographers and artists; and
iv. Signed Model/Talent Release Forms for anyone who is recognizable in material produced.

q. For media material 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 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.

r. For media material 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.

s. For media material 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.

t. Provide English translations of material submitted in languages other than English.

6. **Acknowledgement of Funding Source**

a. Advertising Material: It is a standard best practice for advertising assets (e.g. TV, digital video, radio, out of home, digital banner, print) to acknowledge the agency that is placing (paying for) the advertising with an attribution statement or 'tag.' It is required for some mediums by the Federal Communications Commission (FCC). Certain media outlets make this a requirement. As a general rule and to avoid any delays in launching your ads, CTCP recommends that one of the following statements is used to tag your ads:
   i. "Sponsored by [Your Project/Agency/Coalition's Name]
   ii. "This message paid for by [Your Project/Agency/Coalition's Name]

   Please see below for more specific requirement information per media channel:
   1. Radio: identifying the advertiser is required. In most cases, driving listeners to a website that identifies the advertiser is sufficient and preferred due to the limited time afforded by:30 radio spots. Funded projects can drive listeners to an appropriate site of their own, Undo.org or one of CTCP's campaign webpages. The website selected should contain relevant content that matches the issues being addressed in the ads.
   2. Print/Out-of-Home: when possible, the advertiser should be identified. In some cases, driving consumers to a website that identifies the advertiser is sufficient. This determination is made by the media outlet. To avoid delays, it is safest to tag

your ads with your organization's name upfront. Funded projects can drive consumers to an appropriate site of their own, Undo.org or one of CTCP's campaign webpages. The website selected should contain relevant content that matches the issues being addressed in the ads.

3. Digital: connecting digital ads to a website that identifies the advertiser is sufficient. Funded projects can drive consumers to an appropriate site of their own, Undo.org or one of CTCP's campaign webpages. The website selected should contain relevant content that matches the issues being addressed in the ads.
4. Utilizing your agency's coalition name in the tag does not violate any CTCP rules.
5. For all advertising materials, do not modify, add or remove the copyright information when it is included.

b. Social Media Materials: Social media images, infographics, or gifs provided by CTCP, TECC, or downloaded from CTCP's Facebook profile or those that can be found in TECC's Social Media Image Gallery are not to be modified.

7. **Communications Planning Tool for Media**

a. A Communications Plan is a tool developed by CTCP to help funded partners map out coordinated media efforts for paid advertising, earned media, and/or social media activities. The Communications Plan helps funded partners to outline how media will be used to support their project objectives. It also helps to ensure that media efforts are planned strategically and can assist in coordinating media with other funded projects in the same media market(s) to avoid an oversaturation of advertising messages.

b. The definitions for types of media that can be included in SOWs include:

i. *Paid Advertising* (including paid media 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, and/or digital advertisements. Advertising may be purchased directly from media outlets (e.g., cable company) or through advertising agencies or other communications contractors (e.g., media planners or buyers) who typically plan and negotiate with multiple media outlets to achieve key metrics to reach the target audience(s) (e.g., targeted rating points, impressions, or click-through-rates).

ii. *Earned Media*, also referred to as Public Relations (PR), refers to the practice of working with news media outlets to deliver your messages by packaging them in a way that is useful or newsworthy to the outlet's users. Earned media is also referred to as media relations, word-of-mouth, public relations, or publicity. This media type includes unpaid mentions or recognition (e.g. news article or news segment, published interview, or online review by a third-party). Public Relations (PR) Materials are items such as press releases, key messages, images, video, podcasts, social media graphics, opinion editorials, bylined to media for announcements, media events, or news conferences.

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, Snapchat, Pinterest, and LinkedIn. Social media can have both paid advertising (e.g. boosting or promoted) and earned media components (e.g. word-of-mouth, shared, or viral).

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.
    i. The Communications Plan form template and instructions are available on the Tools page of 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 submitting a request for technical assistance from within the Media & Communications Section of the Partners website.

8. **Using Paid Sponsorships to Support Project Objectives**
    a. Acceptable paid sponsorships may 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) and target audiences. Paid sponsorships may include (but are not limited to):
        i. Paid 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 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. Paid sponsorships must be added as separate line item, titled "Paid Sponsorships", under the Other Costs category in the budget and are reported in the Subcontracts section of the Progress Report in OTIS. Sponsorships deemed to be an inappropriate use of state taxpayer monies will be denied and are not reimbursable.

9. **Media Tracking and Evaluation**
    a. Evaluating Earned Media Activities
        i. 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, including media generated by the project and other organic coverage, 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. Evaluating Paid Media Activities
        i. In order to evaluate paid media placement, cost, and key performance indicators (KPIs), the project must use the Paid Media Tracking Form. The completed form is to be submitted with each progress report regardless of whether media was employed during that reporting period. The Paid Media Tracking Form template and instructions are available on the Tools page in the Media & Communications Section of the Partners website. For assistance with this tool, contact the CTCP Media Unit by submitting a

request for technical assistance from within the Media & Communications Section of the Partners website.

c. Evaluating Social Media Activities

i. All social media posting (e.g., Facebook, Instagram; program or coalition-based) 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 analyzed and developed as a report to submit with each progress report social media was an active activity for a funded project. This report is intended to summarize the findings of your paid social media activities, quantify the number of paid social media posts vs. organic posts, and indicate the frequency, timing and type of post, target audience(s), how many users saw the posts, engaged with the posts, and summarize reactions, comments, or link clicks. For assistance with developing a summary report for social media analytics and insights, contact the Tobacco Control Evaluation Center (TCEC) for examples.

ii. All paid boosting/promoting on social media should be reported on the Paid Media Tracking Form. The Paid Media Tracking Form template and instructions are available on the Tools page in the Media & Communications Section of the Partners website. For assistance with this tool, contact the CTCP Media Unit by submitting a request for technical assistance from within the Media & Communications Section of the Partners website.

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 funding (which may fund staff time, equipmet, communications/media, or other related resources) **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 for a specific piece of legislation (e.g., a local ordinance, state legislative bill), ballot measure, or to promote any candidate for an elective public office through any oral, written, or other form of communication.

Direct communication with legislators, their staff, or government employees that participate in the formulation of legislation to request support or opposition for potential or pending legislation is direct lobbying. Directly encouraging the public to contact these individuals to influence support or opposition for potential or pending legislation is indirect lobbying. Both forms of lobbying **MAY NOT** be performed by CTCP-funded staff or done utilizing CTCP-funded equipment, communications/media, or other related resources.

Other examples of lobbying or political activities that may not be performed by CTCP-funded staff or projects include but are not limited to:

- Making a donation of CTCP funds (e.g., funded staff time, equipment, communications/media, or related resources) to a political campaign or candidate committee;
- Developing/placing media that references ballot measures or proposed legislation prior to or during an election or formal vote
- Stating a position or urging the public to take a position on ballot measures of proposed legislation;
- Writing/publishing a statement (e.g., letter-to-the-editor, opinion-editorial, campaign endorsement, etc.) calling for anyone to support or oppose ballot measures or proposed legislation;
- Sharing messages or disseminating action alerts regarding ballot measures or proposed legislation;
- Posting information about ballot measures of pending legislation on a funded project's social media page(s).

Educating legislators, their staff, government employees, or the general public about a tobacco control program's work 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 a project funded by CTCP. An individual may participate in lobbying or political activities during their personal time, outside or work hours, while utilizing their personal equipment and resources. Organizations that may be allowed to work on legislation or political

campaigns under their own organizational authority, but also receive CTCP funds (e.g. American Lung Association, American Cancer Society Cancer Action Network) are allowed to follow their own organization's rules for engaging with elected officials if that engagement and corresponding work is not part of their funding agreement with CTCP.

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

The TUPE Program provides funding for in-school programs for grades six (6th) through twelve (12th) through a competitive application process, tobacco-specific student instruction, reinforcement activities, special events, and intervention and cessation programs for students. All County Offices of Education (COE) receive Technical Assistance and Leadership Funding (CTALF) from TUPE. 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

It is mandated by enabling legislation that CTCP Local Lead Agencies (LLAs), COEs, and TUPE programs coordinate efforts to deliver comprehensive tobacco prevention programs that target youth ages 13-18 years of age in the school setting, as well as youth and young adults in community, non-school settings.

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 or Charter 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 prevention education.
3. CTCP funds may not be used to support any interventions, tobacco laws or enforcement actions, including mandatory recidivism education, that penalize an individual for purchase, use or possession (PUP) of tobacco products (see Policy 307, Enforcement Activities), on or outside school grounds.
4. CTCP funded projects may work with school-aged youth during non-school hours (i.e. before or after school).
5. CTCP funded projects may subcontract with existing TUPE funded school districts and/or schools to support community level policy-related Scope of Work (SOW) objectives and activities or to provide extra-curricular activities related to tobacco prevention for which CDE funding is not available (see specific examples of acceptable efforts below).

Examples of opportunities to enhance partnerships with CDE include:

1. Develop a communication system and partnership with the local COE and/or 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 prevention 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 prevention 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 process 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 the COE 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 (i.e. Young Adult Tobacco Purchase Surveys (YATPS), youth access to tobacco, and tobacco advertising and promotional cues in the community targeting youth.
        iii. Offer training, consultation, support, and continuing education to local school policymakers to help create a tobacco-free school environments.
        iv. Promote the use of the Kick It California 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 prevention 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 prevention 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 contest in line with CTCP's "experiential media" policies (see Policy 310 – Use of Paid, Earned, and Social Media) 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 related to 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 Kick It California) to students (13-18) and faculty.

v. Link school community service or service-learning requirements and activities with community youth tobacco prevention 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 editors/opposite the editorial page [LTE/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 prevention 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

1. A non-profit or for-profit Agency, Corporation, Organization, or Tribal Nation requesting funding from the California Department of Public Health, California Tobacco Control Program (CDPH/CTCP) must certify at the time an application or agreement is submitted that it:
    a. Will not accept funding from nor have an affiliation, contractual relationship, or engage in a corporate responsibility program with the Commercial Tobacco, Electronic Cigarette, Alcohol, or Cannabis Industries, any of their subsidiaries or any company involved in the production, distribution or marketing of commercial tobacco and electronic cigarette products, cannabis products, and related industries during the term of the contract with CTCP; and,
    b. Acknowledges that if funded, acceptance of any paid, voluntary, gifts, donations, or in-kind relationship with the Commercial Tobacco, Electronic Cigarette, Alcohol or Cannabis Industries, including engagement in a corporate responsibility program during the term of the contract, is grounds for CTCP to terminate the funding agreement.
    c. A private foundation is a nonprofit charitable entity, which is generally created by a single benefactor, usually an individual or business, and the funds are typically derived from that single source at the time an application or agreement is submitted that it: will not accept funding from nor have an affiliation, contractual relationship, or engage in a corporate responsibility program with the Commercial Tobacco, Eleectronic Cigarette, Alcohol, and/or Cannabis Industries.
    d. Research Hubs which provide valuable expertise and experience conducting research that matters at the local, state, and national policy levels will not accept funding from nor have an affiliation, contractual relationship, or engage in a corporate responsibility program with the Commercial Tobacco, Electronic Cigarette, Alcohol, and/or Cannabis Industries.

2. For a Tribal Nation, having a tobacco retail outlet on tribal land is not considered a conflict of interest. However, cultivating and/or manufacturing commercial tobacco and/or products does constitute a conflict of interest.

3. For an application or agreement with a university or college, The Principal Investigator named in the application must certify that in the past five years neither the Principal Investigator, nor any investigator associated with the application or agreement has:
    a. Had a paid, voluntary, or in-kind relationship with the Commercial Tobacco, Electronic Cigarette, Alcohol, or Cannabis Industries;

b. Accepted funding from nor had an affiliation, contractual relationship, or engaged in corporate responsibility program activities with the Commercial Tobacco, Electronic Cigarette, Alcohol, or Cannabis Industries; and,
c. Acknowledges that if funded, acceptance of any paid, voluntary, or in-kind relationship with the Commercial Tobacco, Electronic Cigarette, Alcohol, or Cannabis Industries including engagement in corporate responsibility by the Principal Investigator or any investigator associated with the CTCP-funded project, is grounds for CTCP to terminate its funding agreement.

4. The above types of agencies are required to sign and submit to CTCP the “Certification of No Conflict of Interest with Commercial Tobacco, Electronic Cigarette, Alcohol, or Cannabis Industries” form as part of their funding application/proposal and the resulting agreement, if awarded funding.

5. No entity funded by CTCP may use CTCP funding or provide in-kind support to the development and maintenance of an Extended Producer Responsibility (EPR) policy that engages the Commercial Tobacco, Electronic Cigarette, Alcohol, or Cannabis Industries.
   a. EPR is a strategy in waste management that makes manufacturers responsible for disposal of products they make, forcing them to incorporate the cost of disposal into products that are environmentally harmful. EPR treats product manufacturers as a stakeholder and creates public-private partnerships to collect and manage waste. EPR also seeks to use policy and economics to force manufacturers to change their manufacturing practices to make their products more sustainably. Commercial tobacco prevention practitioners should be leery of any system that empowers the Tobacco Industry to clean up its own mess, and local jurisdictions generally do not have legal authority to change how commercial tobacco products are made. Local jurisdictions are likely to not have sufficient resources to manage and oversee a trade organization made up of multiple tobacco companies that have extensive resources, a history of conspiring with other companies, and that advocate for the interests of Commercial Tobacco, Electronic Cigarette, Alcohol, or Cannabis Industries over public health.
   b. CTCP's policy is aligned with Article 5.3 of the World Health Organization Framework Convention on Tobacco Control (WHO FCTC), which states that “*In setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the Tobacco Industry in accordance with national law* .” Article 5.3 of the WHO FCTC includes guiding principles that ensure efforts to protect tobacco prevention from commercial and other interests of the Tobacco Industry are comprehensive and effective. These include:
      i. Principle 1: There is a fundamental and irreconcilable conflict between the Tobacco Industry’s interests and public health policy interests.
      ii. Principle 2: Parties, when dealing with the Tobacco Industry or those working to further its interests, should be accountable and transparent.
      iii. Principle 3: Parties should require the Tobacco Industry and those working to further its interests to operate and act in a manner that is accountable and transparent.

iv. Principle 4: Because their products are lethal, the Tobacco Industry should not be granted incentives to establish or run their businesses.

CERTIFICATION OF NO CONFLICT OF INTEREST WITH COMMERCIAL TOBACCO, ELECTRONIC CIGARETTE, OR CANNABIS INDUSTRIES

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Name of Applicant/Proposer (Agency/Corporation/Organization/Tribal Nation/Other/University-College)

Please check one of the following:

___ **Agency/Corporation/Organization/Tribal Nation/Other**

The applicant/proposer named above hereby certifies that it will not accept funding from nor have an affiliation, contractual relationship, or engage in a corporate responsibility program with a commercial tobacco, electronic cigarette, or cannabis company, any of its subsidiaries, or any company involved in the production, distribution or marketing of commercial tobacco and electronic cigarette products, cannabis products, and related industries during the term of the agreement with the California Department of Public Health, California Tobacco Control Program. Acceptance of such funds during the term of the agreement is grounds for immediate termination.

___ **University or College**

The Principal Investigator of the university or college named above hereby certifies that the Principal Investigator, and any investigator associated with this agreement (either paid, voluntary, or in-kind), have not received funding from, have an affiliation or contractual relationship with, or have engaged in corporate responsibility activities with a commercial tobacco company, electronic cigarette, or cannabis company, any of its subsidiaries, or any company involved in the production, distribution or marketing of commercial tobacco and electronic cigarette products, cannabis products, and related industries within the last five (5) years prior to the start date of the contract period. In addition, the Principal Investigator of the university or college named above hereby certifies that the Principal Investigator, and any investigator associated with this agreement, will not accept funding from nor have an affiliation or contractual relationship with a commercial tobacco, electronic cigarette, or cannabis company, any of its subsidiaries, or any company involved in the production, distribution or marketing of commercial tobacco and electronic cigarette products, cannabis products, and related industries during the term of the agreement with the California Department of Public Health, California Tobacco Control Program. Acceptance of such funds during the term of the agreement is grounds for immediate tern

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CERTIFICATION

I, the official named below, hereby swear that I am duly authorized to legally bind the applicant/proposer to the certification selected above. 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.

_____

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.

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NICOTINE MAINTENANCE AND HARM REDUCTION POLICY

Nicotine maintenance and harm reduction are strategies in which people who use tobacco 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.

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 prevention approaches. As such, CTCP prohibits its funded projects from using funds to promote or sanction any nicotine maintenance or harm reduction strategy.

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)
4. emerging tobacco products such as heated tobacco products

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.

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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.

319 - Use of CTCP Funds for Incentives

USE OF CTCP FUNDS FOR INCENTIVES

Incentives

The following requirements apply to using California Department of Public Health/California Tobacco Control Program (CDPH/CTCP) funds to disseminate incentive materials.

"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 Instructions appendix included in the funding procurement.

1. Use of Incentive Materials
    a. Incentive Materials (incentives) must be consistent with Program Letter 18-01: Incentive Materials.
    b. Development and/or dissemination of incentive materials cannot be conducted by the project unless there is an approved activity in the SOW describing the purpose, intended audience, format and dissemination of the product. Materials must be consistent with the approved budget and must be utilized 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, etc.).
    c. Any request that could be construed as a gift of public funds for the profit or benefit of an agency will be denied.
    d. Incentives are used to reinforce or motivate a change in behavior. Only CTCP-funded project staff and subcontractors are permitted to give incentives to recipients and/or participants attending a pre-determined effort or activity as outlined in the approved scope of work.
    e. Incentives should not be offered to individuals who are also from CTCP-funded projects. Projects must include an option to decline the incentive.
    f. Incentives may be warded to individuals, businesses, or groups who motivate and/or reinforce positive behavior, participation, and/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 approved 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).
        i. *Please note: A 2015 Cochrane Database of Systemic 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 group 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.

2. Non-Consumable (Non-Food/Refreshments) incentives
    a. Non-consumable 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. Intangible Incentives: Writing a letter of recommendation for a student applying to college detailing their participation in program activities.
        ii. Tangible Incentives: Giving a participant in data collection activities a merchandise card and/or transportation voucher, following the completion of activities.
    b. 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, alcohol, and/or cannabis products. 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, or utilizing funds which are not associated with CTCP. Cash awards are not permitted as incentives.
        ii. The funded project is responsible for the possession, inventory, 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 merchandise card was transferred, the recipient of the merchandise card and scope of work activity the recipient was involved with. The funded project will be required to submit the incentive log sheet with the December and June invoice for each fiscal year.
        iii. The purchase of merchandise cards must be limited to an amount sufficient to cover no more than a two-to-three-month period to avoid potential over-expenditure, security issues, or a surplus at the end of the agreement term. At the conclusion of the agreement, surplus incentives may be required to be returned to CTCP or claim cut from the final invoice.
        iv. 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-$50). 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.
            a. Materials (i.e., flyer, email, social media, etc.) offering an incentive for participation in an activity or event must specify that the incentive is being provided by CTCP funds or by funds not associated with CTCP. As appropriate, incentive materials

should contain the following statement:

3. "This incentive material is made possible by funds received from the California Department of Public Health, under contract # XX-XXXXX." 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. Consumable (Food/Refreshment) incentives

    a. Consumable incentives are allowable. These items may be purchased and made available at coalition or advisory committee meetings, or to volunteers who participated in tobacco prevention-related events and activities, such as Young Adult Tobacco Purchase Survey or beach litter clean-ups, specific to the funded project's SOW.

    b. 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 prevention projects work with and that the provision of refreshments at planning meetings with these communities will facilitate the development of positive relationships.

    c. Limitations to consumable incentives, include, but are not limited to:

        i. The value of the consumable incentive should be reasonable and budgeted overall at no more than $50 per person, per year. For example: yogurt, fruit, muffins, coffee, and juice for a morning event; sandwiches, fruit, and bottled water for lunch events; or pizza, sandwiches, fruit, and bottled water for evening events.

        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. 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 prevention 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 agreement language or their agency's personnel policies.

4. Recommendations on Utilizing Incentives:

    a. It is best to provide a series of small incentives for the initiation of incremental changes, which could be for cessation of tobacco use 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).

    b. 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).

c. 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.

d. 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 merchandise 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).

e. The value that the target population places on the incentive shoud be considered.

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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 toward evaluation components. This component should support staff designated to oversee evaluation, data collection, surveillance, evaluation, and reporting requirements. 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. For the minimum percentage required, refer to the procurement to which your agency responded.
4. Funded projects may subcontract with an external evaluator to design evaluation activities and analyze the collected data. Refer to the procurement to ensure 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.
6. Progress Reports shall be submitted bi-annually to CTCP via the Online Tobacco Information System (OTIS). 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 activity logs, sign-in sheets, press releases, etc. to verify all information provided in the progress reports. Documentation is to be submitted as identified in the progress report instructions and kept on file with the project.
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, and/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. Refer to the procurement to which your agency responded for specific obligations that may only apply to your project.

9. Funded projects conducting tobacco product waste monitoring and assessment evaluation activities must follow the standardized protocols outlined in the California Trash Monitoring Methods and Assessments Playbook.

402 - Administrative Requirements

EQUIPMENT PURCHASES

See Procurement for allowable equipment expenses/purchases. Typically, allowable equipment expenses/purchases include computer software, computer hardware, desks, and chairs.

Detailed descriptions(s) are required for each equipment expense/purchase. Details are to include but are not limited to an itemized list of all equipment, quantification of each item of equipment and/or software, the estimated purchase price, the estimated budget amount needed for each fiscal year, justification of the need for the equipment, and identification of which budgeted personnel/staff will utilize on the project.

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 personal staff vehicles, at mileage rates approved by CTCP, for travel to/from approved Scope of Work activities.

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.

All devices purchased or utilized must be encrypted. Refer to Chapter 405, for more information.

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 405 for more information.

Computer Hardware

1. The funded project is required to have at least one computer system 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 should 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 405 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 (PM) 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. 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.

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STAFFING, ADMINISTRATIVE AND TRAVEL REQUIREMENTS

Staffing Requirements:

1. The funded project shall designate one staff person as the lead on evaluation activities. Agencies must 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 and coordinating evaluation activities with CTCP, and working with the required evaluation consultant or subcontractor. See your procurement for specific staff time requirements.
2. The agency is required to have a minimum of one 100 percent full-time equivalent (FTE) staff on the project unless specifically stated otherwise in your procurement. 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.
3. An individual employee or subcontract employee may not exceed more than 100 percent FTE on an individual contract/grant or across multiple contracts/grants without prior written approval from the Program Consultant and Program Manager. A position that is 100 percent FTE is defined as 2080 hours annually, including paid leave.

Project Director and Fiscal Officer Roles and Responsibilities

1. **Project Director is responsible for:**
    a. The technical, administrative, and fiscal management of the project, including primary responsibility for financial management and control of project funds in accordance with the agency and sponsor policies and procedures;
    b. Being knowledgeable, at the proposal stage, about appropriate agency guidelines and restrictions relative to the conduct of research, training, and public service programs and adhere to such guidelines and restrictions;

c. Conducting the work supported by the grant or contract in a timely manner;
d. Complying with the specific terms and conditions of each award as stated in the contract or grant documents and with all administrative requirements described in sponsoring agency and agency policies;
e. Assuring that expenditures made prior to the receipt of the fully executed contract or grant award are incurred only after obtaining specific authorized approval, that expenditures do not exceed the total amount of funds awarded, and that specific budget category expenditure limits are adhered to;
f. Maintaining appropriate budgetary control;
g. Proper monitoring and control of budgetary funds is necessary for accurate and timely invoicing of the sponsoring agency;
h. Assuring that all required certifications of effort are performed in accordance with agency policy;
i. Complying with the reporting requirements of each contract and grant, which may include progress reports, cost reports, reports of major items of equipment acquired, and financial reports;
j. Monitoring sub-award performance;
k. Reviewing invoices for consistency with sub-recipient performance and authorizing payment; and
l. Conducting closeout review 90 days prior to the award end date and ensuring expenditures are fully recorded appropriately after the award end date.

2. **Fiscal Officer is responsible for:**
   a. Fiscal officers must follow separation of duties policy. No one person shall have complete control of a financial transaction;
   b. Maintaining records of expenditures for contract and grant funded projects;
   c. Reviewing non-payroll expenditures for conformance to sponsor and agency policies;
   d. Approving and submitting invoices and reports of expenditures;
   e. Expenses must be allowable, allocable, reasonable, and specifically benefit the project;
   f. Closing out contract and grant accounts and, when necessary, transferring expenditures as described;
   g. Providing the Project Director with a listing of all final financial reports filed with sponsors during the month, if applicable;
   h. Coordinating responses to audit reports or recommendation of disallowances of expenditures under contract and grant awards;
   a. Providing assistance to departments experiencing difficulties in the management of contract and grant funds; and
   j. Monitoring sub-award payment requests for proper authorization by the Project Director before approving payments.

Conflict of Interest:

1. CTCP intends to avoid any real or apparent conflict of interest on the part of the funded agency, subcontractors, or employees, officers and directors of the funded agency or subcontractors. Thus, CTCP reserves the right to determine, at its sole discretion, whether any information, assertion or claim received from any source indicates the existence of a real or apparent conflict of interest; and, if

a conflict is found to exist, to require the agency to submit additional inforrmation or a plan for resolving the conflict, subject to CTCP review and prior approval.

2. Conflicts of interest include, but are not limited to:
    a. Nepotism - The practice of an employee using their influence to aid another in the employment setting because of a personal relationship.
        i. While California law does not specifically prohibit nepotism, the California Constitution requires employment practices to be based on the principle of merit, not familial relationships.
    b. The employee has an interest, financial or otherwise, whereby the use of disclosure of information obtained while performing services under the agreement would allow for private or personal benefit or for any purpose that is contrary to the goals and objectives of the agreement.
3. If CTCP is or become aware of a known or potential conflict of interest, the agency will be given an opportunity to submit additional information to resolve the conflict. An agency with an identified potential conflict of interest will have five (5) working days from the date of notification of the conflict by CTCP to provide complete information regarding the known potential conflict. If a conflict of interest is determined to exist by CTCP and cannot be resolved to the satisfaction of CTCP, the conflict will be grounds for terminating the grant or agreement. CTCP may, at its discretion upon receipt of a written request from the agency, authorize an extension of the timeline indicated herein.

Administrative Requirements:

1. Agencies will prepare either cost reports (LLAs) or monthly invoices (Competitive Grantees) in arrears, which detail the actual program expenditures incurred within the period of service specified on the invoice in accordance with the format prescribed by CTCP.
2. Agencies are required to have separation of duties policy in place to ensure a minimum of two employees have access to OTIS and can approve/review information submitted to CTCP.
3. 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.
4. If a LLA subcontracts out 60 percent or more of the tobacco prevention allocation to one agency to implement the comprehensive tobacco prevention 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.
6. 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 prevention program; and

h. Comply with reporting and record keeping requirements of the State.

7. The funded project must have on file and provide to CTCP upon request descriptions and duty statements for positions listed in the budget, including subcontract personnel. Timesheets are to include either the employee's actual time worked in the project or time studies that calculate the amount of the employee's time required to complete the SOW and are consistent with the needs of the SOW. Timesheets must be completed, signed, and dated by the employee, and approved, signed and dated by an authorized agency official.
8. Personnel classifications and/or professional disciplines shall be appropriate for the completion of the scope of work (SOW) and fiscal requirements.
9. The funded project is responsible for updating their contact information on OTIS in a timely manner to notify the CTCP of any staff changes.
10. 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.

Travel and Training Requirements:

1. Travel and training expenses are to support the needs of the project and directly support SOW activities. Travel expenses will be reimbursed at the current rate identified by the California Department of Human Resources (CalHR/DPA) or county rates (for LLAs only).
2. Includes airfare, meals, lodging, mileage, and incidental expenses which are essential to complete the SOW activity. It may include registration fees for staff development or any other additional training events for professional, clerical, administrative personnel, etc., necessary for the completion of activities in the SOW.
3. Required CTCP Travel and Training:
    a. 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), typically held every 18 months. Most funded projects are also required to attend Capitol Information & Education Days (I&E Days). Please refer to the funding procurement to which the agency responded for specific details.
    b. 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.
4. Out-of-State Travel:
    a. 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:
        i. During the negotiation process: Projects may identify possible out-of-state trips OST and available details, including:

1. Purpose of the OST
2. Who will attend
3. Expenses associated with the OST for each applicable fiscal year
4. Related/Applicable SOW activity number
5. Role of the attendee, if applicable (e.g. presenter, panel member, speaker, trainee, etc.)
6. Benefit to the state and/or agency

ii. After the contract has been approved, final approval is contingent on:

1. Agency being up-to-date on progress in the SOW and current with submission of progress/cost reports
2. Submission of the OST request (via OTIS) with the following details:
    a. Purpose of the OST
    b. Who will attend
    c. Expenses associated with the OST for each applicable fiscal year
    d. Related/Applicable SOW activity number
    e. Role of the attendee, if applicable (e.g. presenter, panel member, speaker, trainee, etc.)
    f. Benefit to the state and/or agency
    g. Applicable documentation (e.g., copy of agenda, conference brochure, invitation to speak, etc.)

iii. The 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.

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INTEREST EARNED AND GENERATED REVENUE REQUIREMENTS

Interest Earned:

Local Lead Agencies (LLAs), and Non-Profit Agencies serving as an LLA, are required to deposit their Proposition (Prop) 99 and Prop 56 prospective payment(s) into separate interest bearing, insured trust accounts. The allocation agreement requires that the interest accruing from these prospective payment(s) must be used for state-approved tobacco prevention 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 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 funds to purchase items in the approved comprehensive tobacco prevention 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 except for equipment purchases. It is recommended LLAs request prior written approval from CTCP to ensure the purchase(s) is/are allowable to avoid subsequent disallowance.

Interest earned 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 (e.g., 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 99 trust account prior to spending funds from the interest earned in the Prop 56 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, interest cannot be earned.

Generated Revenue:

CTCP does not allow funded agreements to generate revenue to pay for program activities.

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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) Public Health Administrative Manual (PHAM). 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.

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.

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.

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, 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.
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..

Below are some of the agency's responsibilities for the security of their mobile devices.

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.

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... 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.

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AUDIT OVERVIEW

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

1. All CTCP funded agencies should have policies and procedures to adequately:
    a. Record, compile, and report CTCP-funded activities, payroll records, expenditures, and the allocation of funds received.
    b. Assign General Ledger Account codes for Prop 99 and Prop 56 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 invoices or cost reports.
    d. Ensure the work reported in the Agency's SOW, progress reports, budget, budget justification, and invoices or 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 expand upon the SOW to describe the source and use and identify the Personnel, Subcontracts, Other Costs, etc. that are externally funded. Additionally, the *Additional Tobacco Control Funding* form (located in the Online Tobacco Information System) must be completed and expand upon the source of the funds and their use. 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 tracking 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 retain its fiscal records in accordance with generally accepted accounting principles (GAAP).
    f. Ensure other control activity policies and procedures are used which help ensure that management directives are carried out. Control activities, whether within IT or manual systems, have various objectives and are applied at various organizational and functional levels. Examples of specific control activities include those relating to the following:
        i. Authorization: Authorization and approval are control activities that mitigate the risk of inappropriate transactions. They serve as fraud deterrents and enforce segregation of duties. Thus, the authorizer and the approver should generally be two separate people.
        ii. Performance reviews: These control activities include reviewing and analyzing actual performance versus budgets, forecasts, and prior period performance; relating different sets of data – operating or financial – to one another, together with analyses of the

relationships and investigative and corrective actions; comparing internal data with external sources of information; and reviewing functional or activity performance, such as a bank's consumer loan manager's review of reports by branch, region, and loan type approvals and collections.

iii. Information processing: A variety of controls are performed to check accuracy, completeness, and authorization of transactions.

iv. Physical controls: Physical controls relate primarily to the safeguarding of assets.

v. Segregation of Duties: Certain duties should be performed by separate individuals to reduce the risk or concealment of errors, and no one individual should have responsibility for all aspects of a transaction. The functions of authorization, recording or reconciling, and maintaining custody of assets should be segregated. When designing policies and procedures to address control activities, the agency should keep in mind that the cost of implementing certain control activities should not exceed the benefit derived from the control activities. Agency financial administrative duties must be separated so that one person's work routinely serves as a complementary check on another's work, and no one person has complete control of a financial transaction. Clear role delineations must be established by each agency; the Project Director and the Fiscal Agent cannot be the same person.

2. Prop 56, subsection 30130.5 (a) states that the California State Auditor shall at least biennially conduct an independent financial audit of the state and local agencies who are recipients of Prop 56 funds. As such, agencies are to maintain fiscal and program records documenting expenditures and program implementation for a minimum of three years beyond the date of the final payment unless a longer period of records retention is stipulated.

3. Standard Grant Conditions
   a. Exhibit C, Section 4:
      i. AUDIT: Grantee agrees that the Department, 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 this Grant. Grantee agrees to maintain such records for a possible audit for a minimum of three (3) years after final payment or completion of the project funded with this Grant, unless a longer period of records retention is stipulated. Grantee agrees to allow the auditor(s) access to such records during nromal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, Grantee agrees to include a similar right of the State to audit records and interview staff in any subcontract related to the project.

4. Audit Requirement for non-IT Services Contracts except IAAs, General Terms and Conditions (GTC 04/2017):
   a. Exhibit C, Section 4:
      i. Audit: *Contractor 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. Contractor 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. Contractor 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, Contractor 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).

5. Audit Requirements for IAA's General Terms and Conditions (SCM Section 3.03; GIA-610):
    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.*

6. Audit Requirements for University Terms & Conditions for Universities of California and California State Universities Interagency Agreement:
    a. Exhibit C, UTC-220, Section 16:
        i. Audit*: The University agrees that the awarding State agency, the Department of General Services, the California State Auditor, 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. University agrees to refund to the State any amounts claimed for reimbursement and paid to University which are later disallowed by the State after audit or inspection of records.*

7. 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.