CHAPTER 300
PROGRAM REQUIREMENTS

TABLE OF CONTENTS

Policy No.		Page
#01	TOBACCO CONTROL COALITION/ADVISORY COMMITTEE REQUIREMENTS	1
#02	HEALTH EDUCATION PROGRAM REQUIREMENTS	4
#03	EDUCATIONAL AND MEDIA MATERIALS, BEHAVIOR MODIFICATION AND ADVOCACY CAMPAIGN MATERIALS	6
#04	USE OF CTCP FUNDS FOR TOBACCO CESSATION	17
#05	SPONSORSHIP REQUIREMENTS	20
#06	SUBCONTRACT AGREEMENT REQUIREMENTS	26
#07	YOUTH TOBACCO PURCHASE SURVEY REQUIREMENTS	27
#08	USE OF PROPOSITION 99 FUNDS FOR ENFORCEMENT ACTIVITIES	30
#09	COMMUNICATIONS SYSTEM REQUIREMENTS	32
#10	TRAINING AND TECHNICAL ASSISTANCE REQUIREMENTS	34
#11	USE OF CTCP MEDIA MATERIALS	35
#12	LOBBYING AND POLITICAL ACTIVITIES POLICY	45
#13	COORDINATING WITH SCHOOLS	46
#14	USE OF CTCP FUNDS IN SCHOOL SETTINGS	48
#15	USE OF PROPOSITION 99 FUNDS IN THE ENFORCEMENT OF MINORS' POSSESSION OF TOBACCO {PENAL CODE SECTION 308(B)}	49
#16	PARTNERS COMPUTER NETWORK SYSTEM	51
#17	PROCESS TO REQUEST USE AND/OR ADAPTATION OF EDUCATIONAL OR MEDIA MATERIALS PRODUCED WITH CTCP FUNDS	54
#18	PC 308(A) OPERATIONS GUIDELINES	57
#19	NON-ACCEPTANCE OF TOBACCO COMPANY FUNDS	58
#20	ONLINE TOBACCO INFORMATION SYSTEM	60
#21	NICOTINE MAINTENANCE POLICY	62
#22	COPYRIGHT POLICIES FOR CALIFORNIA TOBACCO CONTROL PROGRAM (CTCP) AND TOBACCO EDUCATION CLEARINGHOUSE OF CALIFORNIA (TECC) LIBRARIES	65

#01 TOBACCO CONTROL COALITION/ADVISORY COMMITTEE REQUIREMENTS

Adopted 02/94
Chapter 300 Revised 07/07

1. Local lead agencies (LLAs) shall establish a tobacco control coalition or integrate issues of tobacco control into an existing coalition. Additionally, some competitive grant procurements may require projects to recruit and maintain an advisory committee. Projects that are required to form and maintain a coalition or advisory committee are to organize these bodies in such a way that they:

   - Obtain the participation and involvement of local community organizations with special experience and expertise in community health education against tobacco use and representatives of high-risk populations

   - Assist in the development and implementation of community tobacco control efforts

   - Develop and demonstrate widespread public support for issues, actions, and unmet needs

   - Maximize the power of individuals and single groups and agencies through joint action for the purpose of creating a "critical mass"

   - Mobilize the talents and resources of multiple individuals, groups, and agencies to promote tobacco education and control strategies

   - Provide a united voice to respond to the tobacco industry

2. The organizational structure of the coalition or advisory committee is flexible and may include:

   - Forming a centralized coalition or advisory committee that serves the entire health jurisdiction, region, or state

   - Forming a decentralized coalition or advisory committee based in communities or based on issues

   - Integrating tobacco control issues into an existing coalition or advisory committee

   - Creating a separate campaign committee to focus on passage of policies or enforcement of existing polices

3. Membership: Coalitions and advisory committees are to recruit a diverse membership and strive to include representatives beyond traditional health, education, and social service organizations. LLA coalition membership should be geographically balanced and include ethnic and other priority population representation comparable to the make-up of the area. Outreach should be made to include California Department of Public Health (CDPH), California Tobacco Control Program (CTCP)-funded grantees in the LLA coalition.

4. Coalition and advisory committee members shall serve without compensation, but members may be reimbursed for necessary travel expenses incurred in the performance of their duties as a coalition member.

5. Tobacco control coalitions and advisory committees are to have formalized operating rules and procedures (e.g., by-laws) that include:

   - A description of the coalition's or advisory committee organizational structure
   - A mission statement
   - A definition of the roles and responsibilities of members, appointment to the coalition/advisory committee, length of membership, and meeting frequency
   - A process for new member orientation
   - An assessment of members, no less frequently than every 18 months, to monitor coalition/advisory committee functioning and member satisfaction using assessment instruments identified by CTCP or others acceptable to the coalition/advisory committee
   - The creation of a standing committee charged with recruiting new members

6. The chair of the coalition/advisory committee may not be from the administrative agency that functions as the facilitator of the coalition/advisory committee.

7. Agencies responsible for facilitating the coalition/advisory committee are to develop a process for recruiting and orienting new coalition/advisory committee members.

8. Agencies responsible for facilitating the coalition/advisory committee are to periodically provide training on coalitions/advisory committees to members and review operational procedures with coalition/advisory committee members.

9. Agencies responsible for facilitating the coalition/advisory committee are to develop communication systems to keep coalition/advisory committee members fully informed for both urgent (rapid response) and routine communication needs.

10. Agencies responsible for facilitating the coalition/advisory committee shall provide staff, logistical assistance, training, budget support, and other assistance as needed by the coalition/advisory committee.

#02 HEALTH EDUCATION PROGRAM REQUIREMENTS

Adopted 02/94
Chapter 300 Revised 07/07

The following are health education program requirements which are to be used by the CTCP funded agencies and their subcontractors to design and implement health education strategies. Programs are to:

1. Focus on community norm strategies which are likely to be institutionalized and to apply current research findings regarding the effectiveness of policy, media, and program strategies.

2. Focus greatest effort and resources toward the priorities of: 1) countering pro-tobacco influences; 2) reducing exposure to secondhand smoke (SHS); and, 3) reducing the demand and availability of tobacco products through commercial sources.

3. Be comprehensive in nature and use community education, paid media, media advocacy, policy, training, 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 LLAs, competitive grants, statewide projects, priority population partnerships, pilot projects, and statewide initiatives.

5. Reach out to and include groups having access to, knowledge of, and experience with target groups, but who are not currently involved or receive tobacco tax funding. Such groups include, but are not limited to churches, housing projects, law enforcement agencies, professional organizations, youth groups, schools, chambers of commerce, business groups, and unions.

6. Be designed with the assistance of representatives of target populations and intervention groups. They shall be conducted with the participation or support of organizations or individuals from the target populations or from organizations serving those 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, meetings 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, alcohol and drug professionals, mental health organizations, etc.

8. Build the capacity of communities to address tobacco issues through training, surveying, coalition, leadership, and media opportunities (e.g., spokesperson training, conducting surveys, providing leadership opportunities to youth, 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 youth tobacco purchase surveys, surveys of tobacco advertising, key informant interviews, intercept surveys, telephone surveys, etc.

10. Use paid media, public service announcements and media advocacy opportunities in a coordinated fashion to support national, state, regional, and local policy and educational activities.

11. Pursuant to National Cancer Institute recommendations, tobacco use prevention curricula for youth are to include the following components:

    a. Concentrate primarily on tobacco use and keep separate from other drug, alcohol, or general health issues

    b. Contain information on the social consequences and immediate physiological effects of tobacco use, particularly as related to peers, parents, marketing, and media influences

    c. Provide learning experiences related to decision-making, problem solving, and refusal skills

    d. Include at least two or more sessions

    e. Include an evaluation

12. Tobacco control programs are to be culturally and linguistically appropriate for the target populations and intervention groups.

13. Program evaluation shall be built into tobacco control activities with the minimum percentage, defined in the procurement, to which you responded, of the budget directed toward evaluation activities. Evaluation activities are to be focused on outcomes, but also may include process evaluation and formative research.

#03 EDUCATIONAL AND MEDIA MATERIALS, BEHAVIOR MODIFICATION AND ADVOCACY CAMPAIGN MATERIALS

Adopted 02/94
Chapter 300 Revised 09/09

The following requirements apply to the use and development of: 1) educational materials, 2) media materials (advertising efforts and public relations efforts), 3) promotional items, and 4) incentive items developed with funds from CTCP. When all four types of materials are referenced, they will be referenced as "materials," otherwise the type of materials will be specified as described below.

1. **Examples of Materials**

   a. "Educational Materials" are items such as brochures, books, booklets, curricula, tip sheets, fact sheets, posters, videos and games.

   b. "Advertising (Ad) Materials" are items such as television (TV), radio, print, posters, out-of-home creative (billboards, bus shelters, bus sides) Web-based creative, or in-store advertising.

   c. "Public Relations (PR) Materials" are items such as press releases, newspaper/magazine/online articles, and media events/news conferences.

   d. "Advocacy Campaign and Behavior Modification Materials" are items such as T-shirts, pencils, stickers, etc.

2. **Technical Assistance (TA)**

   a. **Educational, Advocacy Campaign, and Behavior Modification Materials**

      The Tobacco Education and Materials Lab at the University of Southern California (TEAM Lab @ USC) will be responsible for the coordination, intake, and review of educational materials, as well as advocacy campaign and behavior modification materials. TEAM Lab will be working in close coordination with the Tobacco Education Clearinghouse of California (TECC), who is responsible for catalog coordination and production, warehousing and distribution of materials statewide and nationwide.

      Required: Contact TECC Resource Library staff to search for existing materials. PRIOR to developing educational, advocacy campaign or behavior modification materials, agencies must first contact TECC Resource Library staff at 1-800-258-9090, extension 161 to conduct a materials search to determine if similar, topic-related or audience appropriate materials were

previously developed. This is a **MANDATORY** requirement in order for CTCP to ensure non-duplication and statewide coordination.

Recommended: Contact TEAM Lab for free TA. Projects that receive funding for materials development are to work with TEAM Lab on the development of new material to ensure that facts are correctly cited; pre-testing of the material is completed for accuracy, effectiveness, literacy level, and cultural appropriateness; and overall high professional production quality. TEAM Lab can be contacted at (323) 442-7801.

Note: *For more extensive policy information on the adaptation of materials developed with CTCP funds, see Policy #17, Process to Request Use and/or Adaptation of Educational or Media Materials Produced with CTCP Funds.*

b. **Media Materials (Advertising and Public Relations)**

CTCP's Media Unit (MU) staff is available to assist funded projects in creative concept development, strategy, or to provide creative feedback of TV, radio, print, Web, out-of-home, or other creative concepts. MU staff is also available to provide concept development, strategy and messaging feedback for funded projects' PR-related efforts. Contact the MU at (916) 449-5500.

3. **Development of Materials**

Projects must complete a Materials Development Form if they plan to develop substantive original materials. Currently, projects that are a part of the Online Tobacco Information System (OTIS) can complete and submit the Materials Development Form that is found in OTIS. The materials include educational, advertising, Advocacy Campaign Materials, and Behavior Modification Materials having the potential for use and distribution statewide and that reflect a high quality development process such as a turnkey kit

The Materials Development Form is not completed for materials such as a flyer, press release, or packet of materials containing brochures and policies already available through the TECC catalog. It is not completed for one-of-a-kind materials not meant for mass distribution such as posters created by youth for a poster contest. Each material for which the Materials Development Form is completed must also be described in the body of the Intervention Activity Plan. Projects developing materials are required to ensure that:

- Information included in the material is factually correct, with appropriate citation of source material using a standard method for citing sources such as the *Chicago Manual of Style*

- The material is free of grammatical, punctuation, and spelling errors

- The material is appropriate for the target audience, as confirmed through field/pilot testing

- The reading level of the material is appropriate for the target audience

- Permission to use copyrighted material and artistic, photograph, and model releases are obtained and retained

  Note: *All materials that your agency has created, even those not requiring the completion of a Materials Development Form in OTIS, should be submitted to TEAM Lab. TEAM Lab will send copies of materials to the TECC Resource Library to be cataloged into Rover: California's Tobacco Control Library so that they are available for all projects to access. See 5.b for further details.*

4. **Acknowledgement**

   a. **Educational Materials**

   Educational materials developed with CTCP funds must include the following wording," © [current year]. California Department of Public Health. Funded under contract # XX-XXXXX."

   b. **Media Materials**

   Media materials (e.g., TV, radio, print, billboards, etc.) may have an abbreviated version of this acknowledgement, i.e., "© [current year]. California Department of Public Health. Funded under contract # XX-XXXXX." Media materials must acknowledge the agency that is placing the advertising.

   c. **Behavior Modification Materials/Advocacy Campaign Materials**

   Behavior modification and advocacy campaign materials may omit the acknowledgement if there is a space limitation or the attribution interferes with the image of the piece.

5. **Materials Development Submission Requirements**

   a. **Progress Reports**

   Submit originals of educational and media materials and advocacy campaign/behavior modification materials developed during the report period with both copies of the progress report submitted to CTCP. For behavior modification/advocacy campaign materials, you may include a clear photo or photocopy of the items with the progress report. One copy of the material is retained in the agency's permanent contract file and the second copy is filed in the CTCP Resource Room.

b. **TEAM Lab Materials Intake**

When a new material is created it must be submitted to TEAM Lab for inclusion in the TECC Resource Library collection. If appropriate, the material is reviewed and considered for statewide distribution through the TECC catalog.

Submission Requirements:

- Two originals—one for the Resource Library, the other for catalog review
- Completed Material Development Form accessed through OTIS
- Results of pre-testing for literacy level and cultural appropriateness; and, field test, pilot test, or expert review evaluation findings, as appropriate
- Signed Copyright Release Form for all subcontractors including writers, designers, photographers and artists
- Signed Model/Image Release Form for anyone who is recognizable in photos or illustrations used
- Receipts/invoices for any stock photos or graphics purchased
- Translations of materials submitted in languages other than English.

The forms listed above are currently available on the TECC Web site at www.TECC.org.

Note: *The TEAM Lab Web site is under development and the Web site address will be published upon completion. The forms listed above will be housed at the TEAM Lab Web site when it becomes available.*

Note: *Pre-testing or pilot testing of the messages and images of a material being developed or adapted for effectiveness, literacy level, and cultural appropriateness with the intended audience is required by CTCP. The use of focus groups is recommended; however, one-to-one interviews or intercept surveys with the intended audience can also be used.*

Send materials and all appropriate development documentation to:

USC/Norris Comprehensive Cancer Center
USC TEAM Lab
NRT - Harlyne J. Norris Research Tower
1450 Biggy Street, Rm. G501A - MC9601
Los Angeles, CA 90033

The materials submitted to TEAM Lab are in addition to the materials sent in with your progress report. **Materials should be submitted to TEAM Lab as they are completed.** The materials are assessed first by TEAM Lab staff to determine if the submitted materials are appropriate to move through the review process. For items that pass through the initial review process, a secondary review will be conducted to identify whether they have potential statewide adaptation and dissemination through the TECC sales catalog. Items such as surveys, media materials or reports will not be reviewed by TEAM Lab and will be sent to TECC to keep in their Resource Library. Materials submitted to TEAM Lab without appropriate copyright/distribution agreements and photo releases may not be considered for statewide distribution.

c. **Master Copies**

TEAM Lab or CTCP may request camera-ready artwork and/or master copies for future reproduction purposes. Each agency that employs subcontracts is responsible for submission of any subcontractor's camera-ready artwork and/or master copies if requested by TEAM Lab or CTCP.

Master copies are digital files including fonts, images and other links on zip or compact disks.

The required files include:

- 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 or even Word files) in editable/layered form

- All original illustrations and photos (this includes .jpg, .tif, .eps, .psd/Photoshop, and .ai/Illustrator files)

- All fonts used, even if they are converted to outlines

- For video masters submit BetaCam tape or DVD

Note: *If using a professional graphic designer, please obtain these files, and a completed copyright release form, before final payment. CTCP owns all artwork/digital files purchased and created with Proposition (Prop) 99 funds.*

It is highly recommended that agencies have at least two editable master copies created at the time a material is developed; one that your agency retains and the second for TEAM Lab.

6. **Contract/Administrative Issues**

a. When using the consulting services of an artist, writer, or designer for the development of materials, all agencies must indicate "Work for Hire" on contracts and invoices. Please see the CTCP copyright language provided below that is to be included in all subcontracts and consultant agreements. This will ensure that the copyright belongs to CTCP and that CTCP has the authority to make derivative works and that no residual costs will be incurred by CTCP for additional printing or use.

   The following provision must be included in all subcontract agreements: "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."

b. All agencies must print the following on any invoices for duplication services of materials: "All _____ (e.g.: artwork, type, electronic files, or photographic film or video/audio tape) created or submitted for reproduction is the property of CDPH. Acceptance of this order indicates agreement of these terms."

c. If any material to be developed involves any copyright limitations (e.g., talent fees, limits on distribution, stock photography royalties), agencies must get CTCP approval prior to the development of the material.

d. When using the image or likeness of an individual in an educational or media material and behavior modification/advocacy campaign material, agencies must ensure that the individual has signed a consent form or photo release. Agencies shall obtain an additional consent form from the parent or legal guardian of individuals under 18 years of age.

   Note: *Subcontract and consultant agreements and/or photo releases must be completed and include the required CTCP copyright language even if no monetary payment is part of the transaction.*

   Agencies are to include copies of copyright and/or photo releases when submitting materials to TEAM Lab.

e. Agencies are not allowed to profit from the sale of materials created through the use of CTCP funds. In some cases, agencies are allowed to recoup

material duplication/distribution costs on a cost-recovery basis only. The agency must contact CTCP to obtain PRIOR APPROVAL to generate revenue or if they are considering private distribution of materials.

f. No video or portion of one can be edited and incorporated into another educational video without the express written permission from the CTCP.

7. **Content Issues**

a. Educational materials are to be developed as part of an educational intervention which includes other activities, and are never to be the sole source or method of education except those designed for self-help.

b. Materials must be scientifically and technically accurate and original source information must be cited. When listing references, CTCP recommends that the guidelines of the *Chicago Manual of Style* be followed.

c. Messages must address themes based on research shown to be effective in discouraging tobacco use among the target group(s).

d. Materials may not contain offensive or misleading messages, and may not personally attack, put down, or blame tobacco users (e.g., messages may not focus on smokers as "losers").

e. Educational materials shall not be used to promote religious ideology. Tobacco education materials designed for use in a faith-based setting must have tobacco education as their primary purpose and they can neither advance nor inhibit religion.

f. No materials shall feature the image, voice, or identifiable views of any elected public official or candidate for public office.

8. **Testing Requirements**

a. Pretesting: Materials must be pre-tested with the intended target group prior to their use for accuracy, appropriateness, and effectiveness. The use of focus groups for this process is highly recommended. TEAM Lab can provide testing assistance and sample test questions.

b. Literacy Level: Materials must be tested for literacy levels and developed at the levels appropriate for the intended target group(s).

9. **Educational Behavior Modification Materials**

a. <u>How Behavior Modification Materials May Be Used</u>: Tobacco education projects may use Behavior Modification Materials to reinforce or motivate a change in behavior. Behavior Modification Materials are only to be given to

participants attaining a pre-specified goal. Behavior Modification Materials may be awarded to individuals, businesses or groups for making a positive behavior or policy change (e.g., quitting smoking, adopting a voluntary smoke-free outdoor dining policy, or endorsing the Smoke-free Movies campaign). They may also be awarded to adult and youth volunteers in your program to reward and reinforce participation in the Communities of Excellence (CX) Needs Assessment process, participating in beach cigarette litter clean-ups, participating in youth tobacco purchase surveys, being an exemplary spokesperson for policy initiatives, etc. Please note a 2008 Cochrane Database of Systematic Reviews on the use of competitions and incentives for smoking cessation programs concluded that the use of these interventions did not enhance long-term cessation rates. Early success tended to dissipate when the rewards were no longer offered. However, their use improved recruitment rates and it is possible that the use of competitions and incentives may deliver higher absolute numbers of quitters as a result of getting more people to participate in cessation programs. Tobacco cessation programs using behavior modification materials and competitions should incorporate these findings. For more information go to: http://www.cochrane.org/reviews/en/ab004307.html.

b. Types of Behavior Modification Materials: Behavior Modification Materials can be both tangible and intangible in nature. To be most effective, both forms of Behavior Modification Materials should be used, for example, giving a reward along with public recognition for meeting specified goals.

   An example of a tangible behavior medication material in a youth tobacco control advocacy project is to give youth participating in surveying and media activities t-shirts, following the completion of surveying activities. Other examples of a tangible behavior modification material in a prevention intervention are: (a) the awarding of merit badges to youth participating in a series of tobacco education and empowerment activities, or (b) awarding of gift certificates to youth participating in a prevention activity and who sign pledges to be tobacco-free for one year. In both of these examples, Behavior Modification Materials are used to change or reinforce behaviors. An intangible behavior modification material would include writing letters of recommendation for students applying to college or the opportunity to be featured in the media or a video about youth advocacy.

c. Limitations:

   1) **Cash awards are not permitted as a Behavior Modification Material.**

   2) **The value of a Behavior Modification Material is limited to $50 worth of merchandise per person per year. The award amount cannot 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.**

3) The value of the Behavior Modification Material 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 with a value of $40 to $50. A less significant behavior, such as attending each cessation class may be rewarded with Behavior Modification Material of more modest value (e.g., $5).

d. Tips on Using Educational Behavior Modification Materials:

1) It is best to provide a series of small Behavior Modification Materials for the initiation of intermediate changes, which could be for the reduction of smoking and given on the selected quit date. Larger Behavior Modification Materials 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).

2) Behavior Modification Materials can be used to motivate participants to try again after a slip or relapse.

3) Behavior Modification Materials may be used to motivate or reinforce institutional change (e.g., plaques may be given to businesses or worksites that support non-smoking policies or businesses that reduce the amount of tobacco advertising in their stores).

4) It is important to reinforce the behavior change or maintenance of positive behavior by clearly stating how the person earned the Behavior Modification Material when it is given.

5) If possible, Behavior Modification Materials should reinforce other healthy behaviors (e.g., a pass to a recreational or cultural event), or reinforce other tobacco education efforts in the community (e.g., a gift certificate to a store that has removed its tobacco advertising).

6) The value that the target population places on the Behavior Modification Material item should be considered. Youth may value sports equipment, amusement or movie tickets.

10. **Food Behavior Modification Materials**

a. Food/refreshments are an allowable Behavior Modification Materials which may be purchased and made available at coalition/advisory committee meetings or to volunteers who have participated in tobacco control related events and activities such as youth tobacco purchase surveys or beach litter clean-ups. Food is recognized as an appropriate item that acknowledges appreciation of the participation of people in meetings, events, and activities. Moreover, it is recognized that the provision of food or refreshments is a cultural expectation

in many of the communities that tobacco control projects work with and that the provision of refreshments at planning meetings with these communities will facilitate the development of positive relationships.

b. The value of food Behavior Modification Materials should be reasonable and budgeted overall at no more than approximately $50 per person, per year. For example: yogurt, muffins, coffee, and juice for a morning event; sandwiches, fruit, sodas, and bottled water for lunch events; or pizza, soda, and juice/bottled water for evening events. This is in addition to the other tangible Behavior Modification Materials that may be awarded for reinforcing a positive behavior change or for recognizing and reinforcing community participation in tobacco control activities, (e.g., participating in beach cigarette litter clean-ups, serving as an exemplary spokesperson for policy efforts, or making major contributions to the coalition or advisory committee).

c. The food policy does not permit the purchase of meals for staff on CTCP-funded projects (both LLA and competitive grants), nor local health department employees. These individuals are subject to the rules and policies for meal and per diem reimbursement required by the CTCP contract language or their agency's personnel policies.

11. **Advocacy Campaign Materials**

a. Advocacy Campaign Materials are used to generate visibility and interest in the program. Advocacy Campaign Materials may consist of buttons, key chains, hats, t-shirts, etc.

   Example: Giving visors to participants in a tobacco awareness walk-a-thon. The intent of the visor is not to facilitate behavior change, but to generate interest and enthusiasm for the program, and to promote a tobacco-free lifestyle or community message when worn.

b. The value of Advocacy Campaign Materials is to be moderate or nominal in cost.

c. Agencies using Advocacy Campaign Materials should use those items in a planned manner and require some action on the part of the potential recipient (e.g, complete a tobacco industry knowledge quiz, sign a birthday card celebrating the anniversary of the city's clean indoor air ordinance, former smokers sign a tobacco-free honor roll with the number of years they have been tobacco-free).

Materials Development and TECC Intake

Materials Development Report

Print a copy of this report and submit it with the following:

Submission Requirements:

- Two (2) originals, one for the Resource Library; the other for catalog review
- Results of pre-testing for literacy level and cultural appropriateness; and, field test, pilot test, or expert review evaluation findings, as appropriate
- Signed Copyright Release Form for all subcontractors including writers, designers, photographers and artists
- Signed Model/Image Release Form for anyone who is recognizable in photos or illustrations used
- Receipts/invoices for any stock photos or graphics purchased
- Translations of materials submitted in languages other than English

Send these items to:

USC/Norris Comprehensive Cancer Center
USC TEAM Lab
NRT - Harlyne J. Norris Research Tower
1450 Biggy Street, Rm. G501A - MC9601
Los Angeles, CA 90033

Signature of person completing this form: _____

Agency Name: Test Agency Number 1
Project Name: Project 2.1
Contract Number:

Date Report Generated: 01/10/2007 03:56 PM

Material ID: 1-6-1-M1
Working Title of Material: Example Material
Brief Description of the Content: This is a test of the OTISv2 Materials submission form
Target Audience to be Reached by the Material:

AUDIENCE GROUP(S)

- ☐ Adults 18 years and older

GENERAL POPULATION GROUP(S)

- ☐ African
- ☐ African American/Black

SPECIFIC ETHNIC POPULATION GROUP(S)

Material Format: Audio Tape
Language: American Sign Language
Projected Completion Date: 01/05-06/05
Primary Content: Alternative Tobacco Products
Material Purpose: Influence attitudes about issue

PROGRESS

Contact Name:
Contact Phone Number:

Contact Email: mailto:

Date Completed:

DESIGN STEPS

	Step	Completion Date	Date Sent to TECC
1	**Outlined material goals and objectives**	08/01/2004	8/15/2004
2	**Completed search for similar existing material**	09/05/2004	N/A
3	**Sought consultation on design (i.e., graphic artist)**		
4	**Pilot tested concepts with target audience**		
5	**Conducted readability/literacy test**		
6	**Tested material for cultural appropriateness**		
7	**Completed an external back translation of non-English material (submit English translation)**		
8	**Field tested final material with target audience**		
9	**Conducted evaluation of material with target audience for effectiveness**		
10	**Sent a copy of the field test results and/or focus group analyses to TECC**		
11	**Obtained copyright releases from graphic artist/contractors**		
12	**Obtained model releases for any people in photos**		
13	**Obtained any image releases/contracts used for any purchased stock photography**		
14	**Submitted two hardcopies of the original material developed to TECC**		
15	**Sent all digital source files for materials created (e.g., Photshop, Work, Illustrator, PageMaker, Quark, etc.) and video/audio masters to CTCP with the final progress report**		
16	**Sent a completed Materials Development and TECC Intake Form Report to TECC**		

COPYRIGHT AND DISTRIBUTION LOGISTICS

Is the material part of a comprehensive campaign or program?	Yes
Are there any copyright or talent limitations associated with this material?	Yes
Format of Production Quality Master:	
Material Development Cost:	$0.00
Material Duplication Cost:	$0.00
Number of Copies Duplicated:	
Number of Copies Distributed:	

ABSTRACT OF FINAL PRODUCT

#04 USE OF CTCP FUNDS FOR TOBACCO CESSATION

1. Tobacco control programs MAY:

   a. Administer tobacco cessation programs using self-help, group, community, Web-based, and media strategies

   b. Train health care professionals or others to provide tobacco cessation services or to integrate tobacco use assessment and cessation services into the protocols of an agency with the provision that cessation services will be institutionalized by a specified date

   c. Work with and provide TA to voluntary health organizations to ensure that priority populations, such as ethnic/racial populations, lesbian/gay/bisexual/transgender, low socioeconomic status, and labor populations, and smokeless tobacco users are served by the cessation efforts of those voluntary health organizations

   d. Conduct efforts to motivate tobacco users to quit using tobacco products

   e. Conduct efforts to educate and inform tobacco users about the cessation benefit available to them through either publicly-funded (e.g., Medi-Cal or Medicare) or privately-funded (e.g., employment-based or individual insurance programs)

2. LLA tobacco control projects may use no more than ten percent of their cumulative budget for the provision of direct cessation services. Competitive grant funded tobacco control projects may be limited to the portion of their budget that may be applied to the delivery of direct cessation services through the procurement under which the project was funded.

3. Funds MAY NOT be used to fund health care professionals or lay professionals to provide **individual** tobacco cessation counseling, tobacco use prevention counseling or counseling to decrease exposure to SHS in health care clinic settings, the home or at the worksite.

4. Funds MAY NOT be used to develop or administer intensive telephone tobacco cessation counseling without explicit written authorization from CTCP in order to avoid duplication of services with the California Smokers' Helpline (Helpline).

5. Tobacco cessation methodologies are to incorporate the following:

   a. Elements focusing on the health and social consequences of tobacco use

   b. Strategies and exercises aimed at quitting

   c. Relapse prevention

   d. Evaluation of quit status at three months, six months, and one year, and annually determine the cost effectiveness of cessation activities

6. Tobacco cessation methodologies MAY also incorporate the following (when used as an adjunct to an educational intervention meeting the tobacco cessation criteria described above):

   a. Pharmacological interventions; however, CTCP funds may not be used to purchase nor reimburse the cost of medications

   b. Hypnosis techniques

   c. Acupuncture; however, CTCP funds may not be used to reimburse staff for performing acupuncture nor for materials associated with performing acupuncture

7. Tobacco cessation methodologies may not incorporate aversion therapy

#05 SPONSORSHIP REQUIREMENTS

Adopted 01/96
Chapter 300 Revised 07/07

Definition of Sponsorship

- Sponsorship is a cash and/or in-kind fee paid to a property, event, or organization (typically in sports, arts, entertainment or causes) in return for access to the exploitable commercial potential associated with that property, event, or organization. It is undertaken for the purpose of achieving commercial objectives, and is not philanthropy. It promotes a company (your project) in association with the sponsor (property, event, or organization). Sponsorship is one of the four arms of marketing (advertising, sales promotion, public relations, and sponsorship). A sponsorship can also provide you with access to a live audience, on-site sampling (e.g. of anti-tobacco use materials), and opportunities to survey audiences about tobacco control issues.

- Sponsorship with respect to tobacco control is the promotion of an anti-tobacco use message to an audience attending specific events or venues in the community. The purpose of a sponsorship is to counter the tobacco industry's pro-tobacco use messages or presence in the community and to develop community goodwill for anti-tobacco use educational, media and policy activities. The tobacco control program's sponsorship dollars are to be used as an incentive for community events and/or venues to pass policies rejecting tobacco industry sponsorship and to create smoke-free events or areas. It is likely that a lot of groundwork and relationship building between tobacco control advocates in the community and an event or venue will need to be accomplished in the process of working toward such an objective.

The following are criteria for CTCP supported sponsorships. Documentation that these criteria were met must be included with progress reports. Documentation may include copies of advertising, photos of signage, copies of tobacco-free policies, and anything that shows what was received in exchange for the sponsorship. Sponsorships are subject to the review and approval of CTCP and may be denied if deemed to be an inappropriate use of state taxpayer monies. *Please use the checklist attached to this policy as a guideline for approving sponsorships at the local level.*

1. The tobacco industry has a history of sponsoring events and/or venues, such as racing events or racetracks, rodeos, cultural events, community festivals, special exhibits, county fairs, stadiums, or professional or minor league ballparks. Your

project should sponsor these types of events in your community to prevent and/or end the sponsorships provided by the tobacco industry.

2. Youth events and activities generally are inappropriate Prop 99 sponsorships because the Master Settlement Agreement has already disallowed the tobacco industry from providing youth-focused sponsorships. Some exceptions may be made for rural counties where other sponsorship opportunities may not exist, or where it is evident that the sponsorship is building a relationship with the community to pursue stronger policy work in the future. These types of exceptions must be approved on a case by case basis by the Program Consultant (PC) and Procurement Manager (PM) assigned to your project.

3. Health fairs are NOT sponsorships and will be denied by CTCP.

4. The project is to receive something tangible in exchange for being the sponsor. The larger the financial commitment, the larger the value the sponsor should receive, which may include large signage at the event, advertising in the event program or materials, booth space, radio or television publicity, public announcements at the event and/or cross promotions with other sponsors.

5. As the sponsor, the project should negotiate that the events sponsored with tobacco control funds be tobacco-free, or at a minimum, have designated smoking or non-smoking areas (e.g., no smoking in the carnival areas of fairs, designated non-smoking areas in the stadium at a rodeo or racetrack). Another aspect of negotiation of a sponsorship agreement might include a written non-acceptance of tobacco industry funds policy to be adopted by the event organizing body/board or by the venue where events are held (such as a rodeo arena, racetrack grounds, or fairgrounds). Information and model policies for fairgrounds, rodeos, and other event venues are available from the CTCP-funded legal and policy projects or on the Project SMART$ (Sponsorship Mission: Avoid Reliance on Tobacco Money) Partners Web page.

6. Tobacco control funds are not to be viewed as a long-term replacement of tobacco company sponsorships or financial support to any one individual, team, group, event, or organization. Therefore, a sponsorship is limited to two years unless it is otherwise justified and receives prior approval by your PC and PM.

7. Sponsorships are typically for $1,000-2,000. An exemption may be sought from CTCP if there are special circumstances–these will be decided on a case by case basis.

8. Any individual performer, team, group, event, organization, or venue sponsored with tobacco control funds must prominently display a large sign or banner that promotes an anti-tobacco message AND the name of the sponsor (i.e., the project or organization's name). The project may not sponsor an event or venue that is currently receiving tobacco company sponsorship. It is possible to obtain a venue

policy prohibiting tobacco sponsorship even for events that are sponsored at the national level by a tobacco company. For example, Pro Rodeo Cowboys Association (PRCA) rodeos are sponsored nationally by Copenhagen, but if the rodeo arena in a particular city has a venue policy prohibiting such sponsorship, the Copenhagen scoreboard, flag, and banners would not be allowed into that particular arena.

9. Publicity promoting the individual performer, team, group, event, organization, or venue is to include an anti-tobacco use message AND the name of the sponsor (i.e., the project or organization's name).

10. Sponsorships must be outlined in the Scope of Work (SOW) and budgeted in a separate line item labeled "Sponsorships."

Checklist for Evaluating the Likelihood of a Sponsorship Match

(Adapted from International Events Group, IEG Inc.)

Use this checklist as a guide to evaluate events or venues that you should approach in your community with sponsorship monies, or when being approached by events or organizations seeking sponsorships. This is merely a guide to help you think about what should be included in your sponsorship agreement–not every box needs to be checked, but you should think about each of the issues listed. The more boxes checked, the more likely it is that the sponsorship match will be approved by CTCP.

☐ Image Compatibility

- ❒ Does the event offer the imagery and/or lifestyle that my program is trying to establish and with which we want to be associated? *(Is it a smoke-free event? Does it have smoke-free areas? Does it have a high profile in the community?)*
- ❒ Are the other co-sponsoring companies those with whom my program wants to be associated? *(Does the event have any continuing tobacco sponsorship? If so, the sponsorship is NOT appropriate.)*

☐ Audience Composition/Reach

- ❒ Does the event or venue attract the audience that my program wants to reach?
- ❒ Is this sponsorship opportunity in the geographic market that my program wants to impact?
- ❒ Does the audience feel a strong sense of ownership or identification with the venue or event?
- ❒ What is the extended reach of the event or venue? Are there on-site spectators? TV viewers?

☐ Ability to Leverage/Additional Promotional Opportunities

- ❒ Can my program conduct cross-promotions with appropriate cosponsors?
- ❒ Does the opportunity occur during a time that we would like extra visibility in the community? *(What other tobacco control activities are going on in the community?)*
- ❒ Is the promotional time frame of the sponsorship defined clearly, and will it meet program needs? *(Year-round? One season? One event?)*
- ❒ Are there opportunities for display? *(May we have an educational booth at the event?)*

☐ Media Coverage and Recognition

- ❒ Is the event appealing–in a positive way–to the media?
- ❒ Can the event draw broadcast and print coverage?
- ❒ Will my program be recognized in that coverage?
- ❒ Can the event attract a TV or radio broadcast?
- ❒ Will my program's signage show up on the TV broadcast or be mentioned on-air?

☐ Communicate Product Attributes

- ❒ Can my program's message be worn while participants compete or perform?
- ❒ Can my program's message be showcased as a key element of the event?

☐ Efficiency

- ❒ Does the event or venue deliver to a wide audience?
- ❒ Is the relationship between the cost of sponsorship and the value received appropriate?
- ❒ Does the sponsorship's cost compare with that of similar properties?
- ❒ Is this the most cost effective means to get the results I am looking for?

☐ Measurability

- ❒ Does the event or venue conduct regular surveys or tracking studies that could be shared with my program and/or that might include questions developed around tobacco sponsorship? *(Can I include public opinion questions around the issue of tobacco sponsorship and smoke-free areas within the event?)*
- ❒ Does the event or venue lend itself to measuring the reach and impact of the sponsorship you are offering? *(Do they track audience demographics? Do they collect attendance data?)*

☐ Ability to Extend

- ❒ Does the sponsorship contain spin-off opportunities? *(If I sponsor a racing team, will I have the opportunity to approach racetrack owners/operators regarding implementing smoke-free areas?)*
- ❒ Is the sponsorship something my program can build upon? *(If I sponsor a PRCA rodeo that agrees to eliminate the Copenhagen scoreboard and not announce livestock names that contain tobacco brands, can I do the same for a Professional Bull Riders event at the same venue and build toward getting a venue policy passed?)*

☐ Ease of Administration

- ❒ Is the event well organized?
- ❒ Are event staff specific about what the sponsorship includes?
- ❒ Can the event/venue deliver what they have promised in exchange for the sponsorship? *(Do I have a signed board policy or venue policy in hand?)*
- ❒ Do I have staff to properly administer the sponsorship? *(Will someone attend the event to make sure we get what was agreed to and document this for the progress report? Will there be staff to conduct surveys at the event if needed? Do we need staff for an information booth?)*
- ❒ Does the event have a credible track record? *(Is it a well-established community event with a consistently large audience?)*
- ❒ Will the event/venue work with us to capitalize on the sponsorship by initiating cross-promotions via sponsorship workshops or producing post-event reports?

- ❒ Is the lead time sufficient for staff to develop materials/deliverables collateral to the sponsorship in order to maximize the effect?

☐ Risk Factors

- ❒ If the sponsorship fails to meet our objectives, can we withdraw without suffering adverse consequences, such as public dissatisfaction?
- ❒ Is the event/venue financially stable?
- ❒ Will the event/venue audience feel that our message is making a positive difference in the event?
- ❒ Have we made sure that there are no venue restrictions that might cause conflict with our program or message?

#06 SUBCONTRACT AGREEMENT REQUIREMENTS

Adopted 12/06
Chapter 300 Revised 07/07

The subcontract agreement requirements stated here apply to competitive grantees only. CTCP does not review LLA subcontract agreements.

The term "subcontractor" includes any individual or entity, which enters into a subcontract agreement with the grantee for performance of any part of the grant with CTCP.

1. CTCP will review and approve subcontract agreements that are greater than $50,000 (except as noted in item 2). Please refer to Section I, Administrative Section of the Competitive Grantees Administrative and Policy Manual, Chapter 600, Subcontract Requirements for instructions.

   Subcontract agreements that are $50,000 or less will not be reviewed by CTCP (except as noted in item 2.); however, the grantee will certify that the subcontract agreement adheres to the CTCP subcontract requirements (refer to Section I, Administrative Section of the Competitive Grantees Administrative and Policy Manual, Chapter 600, Subcontract Requirements). A subcontract agreement certification must be submitted to CTCP. The complete subcontract agreement and a copy of the certification form will be retained by the agency.

2. Evaluator subcontract agreements regardless of the amount will not be reviewed by CTCP **if** the Evaluator is identified in the grantee's initial SOW and in the budget, and their qualifications, activities, and costs are approved in the final SOW and budget justification process. A subcontract agreement certification must be submitted to CTCP.

   If the grantee has not identified the Evaluator and the grant is fully executed, the grantee will need to submit the Evaluator subcontract agreement for CTCP review and approval. Please refer to Section I, Administrative Section of the Competitive Grantees Administrative and Policy Manual, Chapter 600, Subcontract Requirements for instructions.

#07 YOUTH TOBACCO PURCHASE SURVEY REQUIREMENTS

Adopted 01/96
Chapter 300 Revised 06/09

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

1. Agencies may use either consummated buys or attempted buys for conducting youth tobacco purchase surveys. A list of the pros and cons of each of these formats can be found immediately following this policy.

2. Agencies who conduct consummated purchase surveys must first obtain immunity from prosecution under Penal Code 308 for youth volunteers to conduct the survey from your county's District Attorney, Chief of Police, or County Sheriff. For those who conduct attempted purchases, you **do not** need to obtain immunity from prosecution for youth volunteers. As a courtesy and for safety purposes you still need to get support from and coordinate with local law enforcement.

3. Agencies should notify one another and coordinate youth tobacco purchase surveys conducted in the region with LLAs and other competitive grantees as appropriate to avoid confusing the local law enforcement agencies and the media.

4. Youth participating in the purchase surveys should preferably be between 15 and 17 years of age and include an approximate equal gender representation. Efforts must be made to ensure appropriate ethnic representation to match the communities being surveyed.

5. Teens must receive a minimum of one hour of training on the survey protocol.

6. Safety of the youth participants must always be placed first and appropriate safety measures followed at all times.

7. Informed consent and a liability waiver must be obtained from all adult and youth survey participants prior to their participation in any survey activities. Documentation of valid California driver license is required of all adult drivers.

8. Agencies are required to use CTCP protocols and procedures for conducting youth tobacco purchase surveys including the youth purchase survey instrument, forms, and data collection procedures (for consummated or attempted purchase surveys).

9. The agency shall develop a random sample of retailers (to include grocery stores, gas/convenience stores, liquor stores, convenience stores, drug

stores/pharmacies, gas stations only, restaurants, and others) for the self-selected geographic area to be surveyed. CTCP may be contacted for assistance in generating random lists, and for sample size. Stores may be contacted prior to the survey to confirm their correct address, and that the store sells tobacco; however, precautions must be taken not to alert the store of an upcoming purchase survey.

10. Results of the purchase survey should be disseminated to policy-makers, including local elected officials and community leaders, through media channels (press conferences, news releases, press kits), and other appropriate mechanisms to generate support for action to decrease youth access to tobacco. Results should be posted on Partners.

11. A report of the results is to be sent to CTCP and is to include, at a minimum, purchase protocol, survey instrument, survey methodology, buy rate for each area surveyed, and barriers/facilitating factors in conducting the survey.

12. Stores surveyed may be contacted following the purchase survey to provide feedback (letters of congratulations or disappointment). Educational activities directed to merchants who illegally sold tobacco to youth following a purchase survey include: distribution of merchant education materials, in-store visits, and merchant education training.

SIDE BY SIDE COMPARISON
OF
CONSUMMATED -VS- ATTEMPTED YOUTH TOBACCO PURCHASE SURVEY

	Consummated		Attempted
Pros	Have evidence of a sale and more accuracy. Cigarette packages can be used in press conferences. More closely duplicates the real situation. Youth do not have to be embarrassed by coming up short on money. Helps build commitment among youth volunteers when they see the actual purchases. Disposal of tobacco products can be turned into an advocacy activity by mailing them back to the tobacco companies as gifts of death. Can collect Marlboro Adventure miles and Camel bucks to obtain Advocacy Campaign Materials for other educational activities.	**Pros**	Easier to obtain law enforcement permission. Well received by media because youth stopped the buy. Don't have to spend money on tobacco products. Don't have to track money during the “buys.” Philosophically more acceptable to some adults because you are not encouraging youth to “break the law.”
Cons	Have greater difficulty obtaining local law enforcement permission for surveys. Some people perceive it as encouraging young people to break the law. Have to budget for buying tobacco although the cost goes down as sell rates are reduced. Have to handle money during “buys” and track it. Budget has to include cost of purchasing tobacco	**Cons**	May tip retailers off that this is a survey. Youth may be embarrassed. Do not have hard evidence of the buy. The picture for the media is less dramatic without the cigarette packages.

#08 USE OF PROPOSITION 99 FUNDS FOR ENFORCEMENT ACTIVITIES

Adopted 01/96
Chapter 300 Revised 07/07

1. Prop 99 funds may not be used to conduct law enforcement activities. They can only be used for purposes specified in the statute. Law enforcement is not within the scope of any of the specified purposes as detailed below.

2. California Revenue and Taxation Code Section 30122 authorizes use of Prop 99 funds as follows:

   "(a) The Cigarette and Tobacco Products Surtax Fund is hereby created in the State Treasury. The fund shall consist of all revenues deposited therein pursuant to this article. Moneys in the fund may only be appropriated for the following purposes:

   (1) Tobacco-related school and community health education programs

   (2) Tobacco-related disease research

   (3) Medical and hospital care and treatment of patients who cannot afford to pay for those services, and for whom payment will not be made through any private coverage or by any program funded in whole or in part by the Federal government

   (4) Programs for fire prevention, environmental conservation; protection, restoration, enhancement, and maintenance of fish, waterfowl, and wildlife habitat areas; and enhancement of state and local park and recreational purposes

   (b) The funds consist of six separate accounts as follows:

   (6) The Unallocated Account, which shall be available for appropriation for any purpose specified in subdivision (a)"

3. Law enforcement activities which MAY NOT be funded include, but are not limited to:

   - Inspections or stings conducted for the purpose of determining compliance with local, State, or Federal law <u>and</u> issuing a penalty or fine (this should not be construed to mean that Prop 99-funded programs cannot conduct surveys or evaluation activities to determine compliance with tobacco-related laws)

- Legal fees
- Fees associated with due process, court hearings, or administrative hearings

4. Prop 99 funds MAY be used to:

- Motivate appropriate agencies to conduct enforcement activities
- Train enforcement agency staff
- Educate violators of tobacco-related laws
- Provide educational warning letters, educational materials, and signs describing tobacco-related laws
- Train business owners and employees
- Generate or demonstrate public support for enforcement of tobacco-related laws

#09 COMMUNICATIONS SYSTEM REQUIREMENTS

Adopted 01/96
Chapter 300 Revised 07/07

CTCP-funded agencies are responsible for coordinating information, referral, and outreach efforts.

1. Agencies are required to subscribe to CTCP's computer network system known as Partners (see Policy #16) and log on to the Web site at least once per week. Agencies are also encouraged to use Partners as a means to disseminate information about their activities and solicit assistance from other Partners users via the Info Hub. To this end, agencies must have access to the Internet and e-mail.

2. Agencies are to use the CTCP calendar available through both Partners and OTIS to post major trainings, conferences or events that are of interest to California's tobacco control community or that may facilitate efforts to coordinate events statewide.

3. Agencies are to use the electronic project directory available through OTIS (see Policy #20) for purposes of coordination, collaboration, and to avoid duplication of effort when planning, implementing, and evaluating tobacco control projects.

4. Agencies are to widely publicize and promote the Helpline to the public, health care providers, worksites, schools, and others.

5. Agencies are to tag educational and media materials with the Helpline telephone numbers, as appropriate. Contact the Helpline prior to any mass media promotion of the Helpline telephone numbers so that the Helpline can plan ahead and handle the increase in calls resulting from your promotion.

English (adults and teens)	1-800-NOBUTTS
Spanish	1-800-45-NOFUME
Korean	1-800-556-5564
Cantonese/Mandarin	1-800-838-8917
Vietnamese	1-800-778-8440
Smokeless Tobacco	1-800-844-CHEW
Hearing Impaired	1-800-933-4TDD

6. LLAs should develop a resource directory of tobacco education and control services within the local health jurisdiction and provide this information to the Helpline annually.

7. Agencies are encouraged to incorporate reference to TobaccoFreeCA.com into their programs by doing the following:

   - Add a hyperlink to www.TobaccoFreeCA.com on your program or agency's Web site

   - Add www.TobaccoFreeCA.com to your local ads, flyers, banners. and other printed materials

#10 TRAINING AND TECHNICAL ASSISTANCE REQUIREMENTS

Adopted 02/94
Chapter 300 Revised 07/07

1. CTCP-funded agencies may provide training and TA on a variety of issues including: policies to control exposure to SHS, youth access to tobacco, exposure of youth to tobacco advertising and promotions; spokesperson and leadership development; grant writing; program planning, evaluation; development of the capacity to manage programs; data collection; legal and policy issues; and other areas of concern.

2. A key goal of training and TA 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. LLAs are responsible for providing training and TA to agencies, organizations, businesses, worksites, cities, law enforcement agencies, retail groups and others involved in tobacco use prevention and reduction activities. LLAs may also be called upon to assist CTCP-funded grantees with both programmatic and administrative issues.

#11 USE OF CTCP MEDIA MATERIALS

Adopted 02/94
Chapter 300 Revised 09/09

PRIOR to developing media materials, contact the TECC at 1 (800) 258-9090, MU at (916) 449-5500, and the national Centers for Disease Control and Prevention, Office on Smoking and Health (CDC/OSH) Media Campaign Resource Center (MCRC) at (770) 488-5705 to determine if there are existing materials available which are appropriate for the targeted audience and advertising strategy. This is a **MANDATORY** requirement and must be documented in progress reports submitted to CTCP.

Statewide Media Material

Advertisements (ads) from the current California Statewide Media Campaign, as well as selected ads from prior campaigns, may be available directly from the State. Current CTCP ads can be viewed at: www.TobaccoFreeCA.com/ads.

MU makes materials available to all CTCP-funded projects, with some restrictions. These media materials include:

Print Ads
Print ads are designed for newspapers and magazine placement and can be used in print publications, flyers, posters, and Web site content. Talent contracts for these ads are normally bought-out enabling the State, in most cases, to share without restrictions.

The following requirements govern the use of the State's print ads:

- Payment for advertising space purchased by the agency or its designee shall be the responsibility of the agency.

Out-of-Home Ads
Poster artwork and large out-of-home creative such as bus shelters, bus sides, lunch truck posters, and billboards are available. Talent contracts for these ads are normally bought out enabling the State, in most cases, to share without restrictions.

The following requirements govern the use of the State's out-of-home ads:

- Payment for advertising space purchased by the agency or its designee shall be the responsibility of the agency.
- Costs associated with sniping (adding the Helpline number/sponsor information to a billboard or print advertisement), shipping, and additional print runs may be the responsibility of the agency.

Radio Ads
There are two types of radio ads available:

1. *Paid Radio Ads*
   Radio ads, in ethnic and language-specific materials, are available for paid placement.

   The State has entered into agreements with the American Federation of Television and Radio Artists and CDC/OSH. These agreements govern the availability and use of broadcast media. Most of the State's radio ads cannot be used for broadcast, internet, or educational videos unless payments and contracts with the actors and musicians (talent) are current. Use of CTCP radio ads must be authorized by the State within strict timeframes to avoid penalty payments, for which the agency could be held liable. Therefore, the State must monitor the distribution and usage of its radio ads.

   As funding levels and advertising plans are subject to change, LLAs must check with CTCP to confirm current availability of broadcast media. CTCP radio ads are routinely transferred to CDC/OSH. Through their advertising contractor, CDC/OSH now maintains the talent payments and contract renewals for these ads in order to make them available to states and health agencies worldwide. Agencies should allow extra time in their media schedules when ads maintained by CDC/OSH are requested.

   The following requirements govern the use of the State's radio ads:

   - The ad must be aired on a paid basis only—that is, on purchased media time
   - Ads shall be aired in their entirety and shall not be altered or edited in any way, other than the tag (printed titles and/or voiceover) as mentioned below
   - A tag can be added to the paid ad within the space and time allowed. The tag should include information stating who is paying for the broadcast time. The State recommends, "Paid for by [organization's name], funded by the California Department of Public Health"
   - Payment for any media time purchased by the agency or its designee shall be the responsibility of the LLA
   - It is essential that agencies coordinate with the State media campaign for the local use of ads to minimize talent payments due. Agencies planning broadcast ads may be responsible for paying talent fees; however, in some cases, talent payment may not be needed if, for example, the State's media campaign is currently airing (or "holding") the ad and paying talent
   - Agencies should not make copies of ads provided. Usually the broadcast quality ads will be made available directly to the media vendor. Agencies shall not distribute paid ads to other agencies or organizations. Requests from other agencies and organizations must be referred to CTCP.

2. *Public Service Announcements (PSAs) Radio Ads*
   PSAs, run on donated station time, are subject to different, more flexible rules than ads requiring paid placement and are occasionally available for use. PSA availability is limited. Please contact the MU for information and availability.

   Specific requirements for using the State's radio PSAs are as follows:

   - PSAs may only be used for broadcast on a public service basis—that is, on donated media time
   - PSAs shall not be altered or edited in any way
   - A tag can be added to the PSA, within the time allowed
   - Agencies may copy the PSAs only for broadcast use on a public service basis. Agencies shall not distribute the PSAs to other agencies or organizations; requests from other agencies and organizations must be referred to CTCP

TV Ads

There are three types of TV ads available:

1. *Paid TV Ads*
   TV ads in ethnic and language-specific materials are available for paid placement.

   The State has entered into agreements with the Screen Actors Guild (SAG), American Federation of Television and Radio Artists, and CDC/OSH. These agreements govern the availability and use of broadcast media. Many of the State's TV ads cannot be used for broadcast, posted on the Internet, or used as educational videos unless payments and contracts with the actors and musicians (talent) are current. Use of CTCP TV ads must be authorized by the State within strict timeframes to avoid penalty payments, for which the agency could be held liable. Therefore, the State must monitor the distribution and usage of its TV ads.

   As funding levels and advertising plans are subject to change, LLAs must check with CTCP to confirm current availability of broadcast media. CTCP TV ads are routinely transferred to CDC/OSH. Through their advertising contractor, CDC/OSH now maintains the talent payments and contract renewals for these ads in order to make them available to states and health agencies worldwide. Agencies should allow extra time in their media schedules when ads maintained by CDC/OSH are requested.

   The following requirements govern the use of the State's TV ads:

   - The ad must be aired on a paid basis only—that is, on purchased media time
   - Ads shall be aired in their entirety and shall not be altered or edited in any way, other than the tag as mentioned below
   - A tag can be added to the paid ad within the space and time allowed; the tag should include information stating who is paying for the broadcast time

- The State recommends, “Paid for by [organization’s name], funded by the California Department of Public Health”
- Payment for any media time purchased by the agency or its designee shall be the responsibility of the funded agency
- It is essential that agencies coordinate with the State media campaign for the local use of ads to minimize talent payments due. Agencies planning broadcast ads are responsible for paying all talent fees. However, in some cases, talent payment may not be needed if, for example, the State’s media campaign is currently airing (or “holding”) the ad and paying talent.
- Agencies should not make copies of ads provided. Usually the broadcast quality ads will be made available directly to the media vendor. Agencies shall not distribute paid ads to other agencies or organizations. Requests from other agencies and organizations must be referred to CTCP.

2. *Talent-free TV Ads*
   MU has acquired talent-free TV ads though the *Be A Reel Hero* video contest. These ads do not require talent payments and can be utilized by the LLAs with no other cost incurred than that of placing the ad. Uses can include Web site posting, theater ad placement, curriculum aids, and TV ad placement. These ads can be viewed at: www.BeAReelHero.com.

3. *PSA TV Ads*
   PSAs, run on donated station time, are subject to different, more flexible rules than ads requiring paid placement and are occasionally available for use. PSA availability is limited. Please contact MU for information and availability.

   Specific requirements for using the State’s PSAs are as follows:

   - PSAs may only be used for broadcast on a public service basis, that is, on donated media time
   - PSAs shall not be altered or edited in any way
   - A tag can be added to the PSA, within the space and time allowed
   - Agencies may copy the PSAs only for broadcast use on a public service basis. Agencies shall not distribute the PSAs to other agencies or organizations. Requests from other agencies and organizations must be referred to CTCP.

Following are the general requirements for using *all* advertising materials:

Note: MU is able to provide TA on your media plan prior to completion. Advanced planning allows better cost savings. Please contact MU at (916) 449-5724.

1. Before requesting any materials from CTCP, agencies shall develop a media plan and submit it to the MU with a copy furnished to your PC. The media plan shall include:

- Media to be utilized (e.g., television, magazines, direct mail)
- Placement schedules (time periods during which each advertisement will run and where it will run)

2. Use of materials is encouraged to be coordinated with the other tobacco education agencies (e.g., LLAs, competitive grantees, and statewide projects operating within the same media market, as well as MU for planned State-funded media activity in local areas). Changes in the level and targeting of advertising often have a strong impact on the number of requests from the public for information and materials, complaints, as well as utilization of the State's toll-free numbers for tobacco use cessation and other programs. The State must be allowed sufficient notice in order to ensure staff and resources are available in response to shifting demands. In addition, coordination will avoid ineffective duplication of efforts and ensure that advertising in all geographic regions will be mutually supportive of program goals, cost-effective, and as widely distributed as possible.

3. The tag identifying the agency and/or sponsor and the Helpline number, if applicable, should be used consistently throughout each media market. See Policy #03 Educational and Media Materials, Behavior Modification and Advocacy Campaign Materials, Item 4, for information regarding tagging of media materials.

4. Media materials should be chosen to reach the targeted audience cost-effectively. Review the CTCP TV, radio, and print ads found at http://www.TobaccoFreeCA.com/ads, MCRC, and local media research data in order to determine the best placement and type of media.

5. LLAs are encouraged to promote media materials for use within news or feature stories.

6. The media materials shall not be used for the promotion of any for-profit product, service, or business. No admission fee may be charged for admittance to a presentation of any advertisement. Ads subject to SAG talent payments shall not be incorporated into a curriculum, PowerPoint presentation or media production, such as an educational video. Requests for these types of use must be referred to the MU as some limited options are available, but these uses do not apply to most CTCP ads.

7. Agencies shall maintain detailed records of distribution of commercials.

Internet Usage

Currently, Internet rights for ads produced by CTCP are extremely limited. Agencies should not upload or forward any ads provided to them (talent-free ads are an exception) since significant costs could be incurred. For any type of media use beyond traditional broadcast and print, contact MU.

For Media Assistance or to Request CTCP Media Materials:

To coordinate media efforts and request media materials contact MU at (916) 449-5724.

Forward your media plan and as much of the following information as possible:

- Title and/or description of the advertisement requested
- Where the ad will air or appear along with vendor contact information
  - Number and locations of billboards or newspapers, or
  - Number, locations, and call letters of stations
- If outdoor or print, the size(s) needed
- Period of time when the ad will run
- Local tag copy, if applicable

For more information on how to integrate media advocacy into your tobacco control program, refer to the guidelines on the following pages.

GUIDELINES FOR INTEGRATING MEDIA ADVOCACY INTO TOBACCO EDUCATION PROJECTS

The following are guidelines for using media advocacy strategies and should be incorporated into the development of tobacco control projects. These guidelines were developed with support from the Stanford Center for Research in Disease Prevention.

Many media stories result from creative opportunism—seizing opportunities created by unplanned events and the evolving news environment. These opportunities can be prepared for by developing and following a strategic plan that integrates media into the broader scope of the project.

A strategic approach means weaving media throughout all interventions. It does not simply mean publicity for your agency or media exposure for tobacco-related stories measured by column inches or broadcast minutes. This can result in a costly and common error of compartmentalizing media activities or segregating them from the foundation of the overall program.

The key steps to integrating media advocacy into your project are:

A. Determine Your Policy Objectives

- Are you working on reduction of youth access to tobacco?
- Are you trying to increase enforcement of youth access to tobacco laws?
- Are you trying to limit tobacco advertising/signs in your community?
- Are you trying to eliminate tobacco sponsorship of local events?
- Are you attempting to build support for enforcement of smoke-free bars?
- Are you trying to reshape public opinion focusing on protecting the public?
- Are you trying to build support for smoke-free multi-unit housing (MUH)?

B. Determine Your Audience, Channel, Communication Objective, and Resources

1. Audience

    - Are you attempting to educate community decision-makers or the public?
    - If the public, what are their demographics?
    - From where do they get their information?
    - Whom do they think is credible to deliver the message?

2. Channel

   - Have you developed an inventory of media outlets in your community such as newspapers, radio stations, community publications, etc?
   - Which ones have a history of covering local issues of health and policy?
   - What is their circulation/reach?
   - What are the available formats?
   - What are the names of key people?

3. Communication Objective

   - Are you trying to make people aware of a specific tobacco policy or issue?
   - Are you trying to impart information on environmental issues that support policy?
   - Or do you actually want people to take a specific action?

4. Resources

   - What is your budget?
   - Who on your staff has media experience, contacts or mailing lists?
   - What equipment do you have available to you (desktop publishing system, video player, camera, etc.)?

After the audience, channel, communication objective, resources, and policy objectives have been decided, consider the tactics to implement these strategies.

C. Designate a Media Specialist

The designated media specialist does not necessarily need to be someone with extensive media experience—but it should be one person, with the help of a subcommittee who is committed to getting acquainted with, tracking, and working with local media. The media specialist does not necessarily need to be the spokesperson for your organization or a particular event, but a reliable source who can facilitate interviews, gather requested information, and develop rapport with the media contacts. Having assigned people to handle contacts and details lends professionalism and continuity. It is important, however, that the media specialist does not become isolated, but works as part of the main planning team.

D. Develop and Maintain Key Media Contacts

Media organizations are primarily businesses, and doing business depends a great deal on relationships with key people. Treat these relationships with the utmost level of professionalism and kindness. If a reporter contacts you, **always** inquire about their deadline and be diligent on meeting it. If you are contacting a

reporter, become familiar with their outlet, internal deadlines, and topics of interest. Positioning your organization as a resource in your field is integral in maintaining key media contacts. Send thank you letters, when appropriate, to both the reporter and their immediate supervisor.

E. Formulate a Rough Media Plan Based on Your Policy Objectives

Think through how the available outlets and resources can help to meet the identified needs. Most importantly, leave time and energy to take advantage of breaking news, to be opportunistic in making sure your message gets heard in the way you want it to get heard.

F. Divide the Media Activities into Thematic Time Frames

The thematic time frames should be long enough to plan ahead, and short enough to manage. For example, a certain number of months emphasizing tobacco-free casinos, a certain number focusing on smoke-free MUH, a certain number on youth access issues, etc.

G. Coordinate Media Activities with Interventions

Coordinate media activities with interventions in your own plan as well as those of neighboring counties, the State or the nation. By integrating your media plans with other community events, whether they are your own or others, you will be re-enforcing the tobacco control message on different levels simultaneously.

H. Integrate News Stories and Messages

Plan media events to generate news that relates to your policy objectives.

For example:

- If your issue is youth, have youth collect tobacco industry promotional giveaways and then hold a press conference to announce their intention to return them to the tobacco industry. Or, sponsor a high school graduating class in exchange for class involvement in a public service billboard campaign on tobacco control. Hold a kick-off event when a new billboard goes up.

- Do something unusually newsworthy on the anniversary of a policy. Invite the press.

- If your goal is increasing awareness of tobacco as an environmental issue, sponsor a tobacco-free event in your community; this is a good news story for the press.

I. Develop Opportunistic Media Readiness Skills

This means having everything in place so that you can quickly and intelligently respond to an unplanned media opportunity. For example:

- Identify appropriate spokespeople
- Train key coalition members to speak to the media on your policy objectives. Be sure they have "media bites" ready (short, easily repeatable key points) to keep them on topic and succinct
- Consider the ethnic media available in your community and have spokespersons ready to address them in-language
- Place opinion-editorial pieces and letters to the editor supporting your message at key times
- Develop Media Products: work with the policy and media subcommittees of your coalition to develop radio, billboard, bus board materials or even brochures that support your policy objectives (e.g., single family MUH, youth access to tobacco, or tobacco advertising targeting youth)

  These products should relate to your policy objectives and the messages and approach should be acceptable to the group you are trying to reach. There should be a dissemination plan and an appropriate production company experienced in your type of media efforts may need to be hired.

J. Develop an Evaluation Plan

Maintain a file of your distribution efforts and subsequent media coverage. Consider adding a telephone number and incentive for calling in to track response to the media placement. Analyze the quantity and type of media support and letters to the editor.

#12 LOBBYING AND POLITICAL ACTIVITIES POLICY

Adopted 02/94
Chapter 300 Revised 09/09

CTCP engages in and funds policy and advocacy activities which are legitimate tools of health education, health promotion, and public health. CTCP funds **may not** be used to support lobbying and political activities.

Lobbying and political activities are defined as any attempt to promote a yes or no vote on a specific piece of legislation, local ordinance, ballot measure, or to promote any candidate for an elective public office through any oral, written, or other form of communication.

Educating legislators, their staff, government employees, or the general public about your program or about tobacco-related issues is **NOT** considered lobbying.

#13 COORDINATING WITH SCHOOLS

Adopted 02/94
Chapter 300 Revised 07/07

Although schools and health departments receive separate funds for tobacco education, there should be a coordinated effort in the delivery of programs targeting youth in schools and the community in order to create a comprehensive approach. It is suggested that as appropriate to your agency's SOW that your agency:

1. Develop a communication system and partnership with the county offices of education, and to the degree possible, with local school districts.

2. Designate a staff member as a liaison with the schools.

3. Help facilitate the enforcement of tobacco-free school policies.

4. Collaborate with schools on the following types of activities:

   - Tobacco-related community service opportunities for students
   - Train facilitators to provide tobacco cessation services for students, faculty and non-credentialed staff; promote use of the Helpline with schools
   - Promote adoption of science-based tobacco use prevention curricula
   - Conduct out-of-classroom educational programs and after-school programs
   - Advocacy campaigns to improve teacher training and support for tobacco use prevention curricula
   - Conduct parent participation programs
   - Co-sponsor special events (e.g., Great American Smokeout)
   - Co-sponsor speech contests, youth press conferences
   - Coordinate a special edition of school newspapers covering tobacco issues and provide recognition (a.k.a., "Pulitzer prize") for the best story and photojournalism story
   - Purchase advertising space in high school yearbooks or newspapers
   - Coordinate surveillance activities on youth tobacco use, youth access to tobacco and tobacco advertising and promotional cues in the community which target youth
   - Provide joint training for youth, teachers, parents, and youth serving community based organizations
   - Develop a speakers' bureau
   - Collaborate on youth empowerment activities (e.g., a letter-writing campaign or interviews conducted by youth and linked with community activities and leaders)

- Jointly conduct a county youth conference
- Coordinate community service events (e.g., reforestation activities in areas resulting from cigarette-caused fires, collecting and tabulating tobacco product-related litter, etc.)
- Recruit students for participation in tobacco-related survey and compliance check activities
- Co-sponsor trainings when community and school programs are using the same evidence-based curricula
- Participate in each others' advisory coalitions
- Work together to assess an LLA's CX indicators relative to schools and a local educational agency's (LEA) Needs Assessment indicators relative to the community
- Focus on LEA parent education session on SHS in the home
- Link school community service or service-learning requirements and activities with community youth tobacco control interventions
- Encourage youth development and empowerment by allowing students to attend state and local advocacy networking opportunities (e.g., California Youth Advocacy Network)
- Work with local health providers to facilitate evidence-based curricula lessons at schools
- Work together to bring youth cessation services to school campuses and the communities

#14 USE OF CTCP FUNDS IN SCHOOL SETTINGS

Adopted 02/94
Chapter 300 Revised 07/07

The following requirements apply to the use of CTCP funds in schools.

1. CTCP funds cannot be used for the development or implementation of **in-classroom** curriculum in public schools.

2. CTCP funded projects may supplement on-going California Department of Education (CDE) funded curriculum programs in the classroom in order to support policy-related objectives (e.g., objectives to achieve "R" rating of movies with tobacco use), or provide extra-curricular activities for which CDE funding is not available. Examples of supplementing curriculum may include adding advocacy activities or providing supporting materials.

3. CTCP-funded programs proposing curricular activities in public classrooms must obtain a letter from the individual school, school district, or county office of education in which the program will be presented. This letter must:

   a. Describe the current CDE tobacco education curricula

   b. State how the CTCP-funded project will supplement the CDE funded activities and curricula

4. In private schools, funds cannot be used to directly benefit the school or assume the school's responsibility to provide tobacco control education.

#15 USE OF PROPOSITION 99 FUNDS IN THE ENFORCEMENT OF MINORS' POSSESSION OF TOBACCO {Penal Code Section 308(b)}

Adopted 06/97
Chapter 300 Revised 07/07

Effective January 1, 1997, an amendment to Penal Code Section 308(b) added "possession" of tobacco as an illegal act for minors, along with purchasing or receiving tobacco products. Upon conviction, youth under 18 years of age can be fined $75 or given 30 hours of community service work. This legislative change seems to have stimulated interest by local law enforcement and schools to enforce youth tobacco possession. However, many leading tobacco control experts agree that penalizing youth for possessing tobacco is not a desirable policy option (Wasserman and Jacobson, 1997). It is important that efforts to reduce the access and use of tobacco by youth are part of a **comprehensive approach** that targets tobacco retailers, tobacco marketing tactics, social source venues, and include policy options.

The following guidelines clarify the appropriate use of Prop 99 funds regarding enforcement of the youth tobacco possession law.

CTCP does not fund school-based or community-based diversion programs (e.g., alternative education programs to suspension for tobacco use on campus). This includes community service activities for youth cited for smoking or possessing tobacco products. The reasons for this are:

A. Diversion and required community service programs are not consistent with CTCP's overall program strategy of focusing on community norm change rather than individual behavior change.

B. Community-based diversion and required community service programs are punishment resulting from a law enforcement action. As stated in Policy #08 of this section, Prop 99 funds may not be used for law enforcement activities.

C. There is no evidence that diversion or mandatory community service programs are an effective strategy to reducing youth smoking rates or decreasing illegal tobacco sales to minors. Leading scientific health organizations do not endorse these strategies. (See attached bibliography.)

D. CTCP found that peer-reviewed literature to date does not demonstrate that mandated participation in tobacco diversion programs or required community service either significantly impacts youth cessation rates among those participating, or reduces youth uptake of tobacco.

E. The Department of Education specifically funds school-based youth cessation programs.

BIBLIOGRAPHY

Carol, Julia. "It's a Good Idea to Criminalize Purchase and Possession to Tobacco By Minors—Not!" Tobacco Control. 1992, No. 1, pp. 267-297.

Cismoski, Joseph. "Blinded by the Light: The Folly of Tobacco Possession Laws Against Minors," Wisconsin Medical Journal. November 1994.

Davis, Ronald, M.D. "Reducing Youth Access to Tobacco," Journal of the American Medical Association (JAMA). Vol. 266, No. 22, December 11, 1991, pp. 3186-3188.

Forster, Jean L., et al. "Survey of City Ordinances and Local Enforcement Regarding Commercial Availability of Tobacco to Minors in Minnesota, United States," Tobacco Control. 1996, No. 5, pp. 46-51.

Glantz, Stanton A., Ph.D. "Editorial: Preventing Tobacco Use–The Youth Access Trap," American Journal of Public Health. Vol. 86, No. 2, February 1996, pp. 156-157.

Godshall, Bill. "Blaming Victimized Children," Smokefree Pennsylvania Report. Summer 1991.

Jacobson, Peter D., and Jeffrey Wasserman. Tobacco Control Laws: Implementation and Enforcement. RAND, 1997.

Jason, Leonard A., Ph.D., et al. "Active Enforcement of Cigarette Control Laws in the Prevention of Cigarette Sales to Minors," JAMA. Vol. 266, No. 22, December 11, 1991, pp. 3159-3161.

Lynch, Barbara S., and Richard J. Bonnie. Growing Up Tobacco Free: Preventing Nicotine Addiction in Children and Youths, National Academy Press. Washington, D.C., 1994, pp. 199-231.

Mosher, James F. "The Merchants, Not the Customers: Resisting the Alcohol and Tobacco Industries' Strategy to Blame Young People for Illegal Alcohol and Tobacco Sales," Wisconsin Medical Journal. November 1994, pp. 412-432.

Porfiri, Raymond C. "The Perils, Promises and Pitfalls of Criminalizing Youth Possession of Tobacco," Tobacco Control Update. Vol. 1, No. 1-2, Winter 1997.

#16 PARTNERS COMPUTER NETWORK SYSTEM

Adopted 09/98
Chapter 300 Revised 09/09

The **Partners Web site network** is a statewide electronic communication system, developed to link CTCP with its contractors.

The **goal of Partners** is to provide an efficient and timely communication system for CTCP to communicate with its contractors and for projects to share resources and expertise in program and policy development 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 in California are required to participate in the network and log onto the Web site at least once per week.** TA is provided to assist users with accessing and using Partners and can be obtained via e-mail at webmaster@CTCPPartners.org.

The two main components of the Partners Web site are **CTCP Update** and the **InfoHub**. Projects are expected to access these two specific features on a weekly basis. There are many other features on the Web site including news, online forms, lists, links to other sites and various resources.

CTCP Update contains announcements concerning statewide trainings, conferences, forms, current events, trends in tobacco control, etc. CTCP Update is posted every Monday. Users can access the current CTCP Update from the Main Menu. Previous weeks' issues are available by clicking on Back Issues of CTCP Updates.

The **InfoHub** is the user-driven portion of Partners. Users can read and post messages on this electronic bulletin board system. Projects are strongly encouraged by CTCP to post messages on this system, in order to share their knowledge and experience with other projects. Common types of messages include: requests for information, upcoming events, job postings, executive summaries of reports, recent successes and failures, helpful resources, etc. Messages can be posted in the current month or under special topic areas.

Subscription (Membership) Requirements:

Partners is a password-protected Web site for CTCP-funded projects. Users must submit an online application and agree to abide by the Membership Agreement. Once the application is approved by CTCP, new members are assigned a unique Username and Password and notified by e-mail**. Usernames and Passwords are specific to the**

individual and must not be transferred, reassigned, or shared. There is **no cost** to the project for enrollment in the Partners network, and **any number of users** may be enrolled. New project directors can access the online application at the following URL: **http://www.CTCPPartners.org/registration.htm.**

Agencies are required to maintain a Partners account and log onto the Web site at least once per week. Agencies are also encouraged to use Partners as a means to disseminate information about their activities and solicit assistance from other Partners users via the InfoHub.

Each project's Partners use and their InfoHub postings are reported to CTCP on a biannual basis.

System Requirements for new purchases:

Minimum Hardware Specifications:

Desktop computers should have at least a Pentium IV processor, adequate hard disk space, 1 gigabyte of memory, 1.44 megabyte diskette drive, CD Rom drive, and network card (for connecting to a LAN or broadband internet access).

Recommended Software Specifications:

Type	Minimum
Operating System	Microsoft (MS) Windows XP Professional Service Pack 2
Presentation	PowerPoint 2003 (as part of MS Office 2003 Professional Service Pack 2 Application Suite)
Word Processing	Word 2003 (as part of Office 2003 Professional Service Pack 3 Application Suite)
Spreadsheet	Excel 2003 (as part of Office 2003 Professional Service Pack 3 Application Suite)
Database	MS Access 2003 (as part of Office 2003 Professional Service Pack 3 Application Suite)
Hard Disk Encryption	Guardian Edge Encryption Plus Hard Disk 7.1.5 or 7.1.8 ①
Browsers	Internet Explorer v. 6.0 SP2
Adobe Acrobat Reader	Adobe Acrobat Reader 8.x
Statistical	Epi Info version 3.5 ②
Antivirus Software	Symantec (most current version) ①
JAVA Software	JAVA Runtime Environment (latest version) ③

① – Agencies with other encryption and/or antivirus applications should notify CTCP for prior approval from the CDPH Information Security Office.

② – May be downloaded for free at http://www.cdc.gov/epiinfo/.

③ – May be downloaded for free at http://www.java.com.

Other Requirements:

E-mail Address
Internet Access

In addition to the above requirements, if the computer purchased will be connected to your agency's existing local area network, you will need to contact your network administrator for appropriate network software and connectivity issues/problems.

Note: *Any recommendations above are based solely on achieving a higher level of compatibility with the equipment and software used by CTCP. They do not constitute product endorsements.*

#17 PROCESS TO REQUEST USE AND/OR ADAPTATION OF EDUCATIONAL OR MEDIA MATERIALS PRODUCED WITH CTCP FUNDS

Adopted 09/99
Chapter 300 Revised 07/07

The State of California owns the copyright on educational and media materials developed with funds from CTCP. (In the case of materials developed by LLAs, the copyright is jointly owned). Following is the procedure to request the use of and/or adaptation of materials by an agency other than the agency that produced the material. Contact TECC at (800) 258-9090 for assistance with this procedure and to ensure that there are no copyright restrictions associated with the material.

1. **Requests Concerning Statewide Media Campaign Materials**:

   Ads from California are routinely transferred to MCRC. Visit the MCRC site at http://www.cdc.gov/tobacco/mcrc/ to view available recent and historic ads developed by the CTCP Statewide Media Campaign as well as ads developed by many tobacco control organizations throughout the country. Your agency may be responsible for paying fees associated with changing the tagline for requested ads as well as associated talent fees.

   Requests to use the public relations materials developed by the CTCP Statewide Media Campaign or questions regarding ads developed by CTCP should be directed to the CTCP Media Unit CTCP at (916) 449-5724.

2. **Requests Concerning Educational and Media Materials Produced in Whole or in Part with Competitive Grantee Funding**:

   This includes Competitive Grantees, the Helpline, TECC, and any other statewide projects funded with Competitive Grant Funds.

   a. **Requests from a Government Agency, American Cancer Society, American Heart Association, or American Lung Association Affiliate**

      1) **Make a Written Request**: Direct the written request to the CTCP PC assigned to work with the contractor that developed the material and provide a copy of the request to the assigned CTCP CM. The e-mail is to describe the product, how it will be used, and any modification the requestor would like to make.

a) **Changes to the tagline**: If the request is simply to change the tagline on a brochure, poster, or ad to identify the requestor's agency name, CTCP will generally grant permission for this. If the request concerns a material that might involve the use of "talent fees" or other special conditions, CTCP will generally grant permission provided the requestor includes a letter from the agency that originally produced the material which indicates there is no issue with the "talent fees" or other conditions (e.g., a special work of art or photograph).

b) **Modifications to a Brochure**: Permission will generally be granted to adapt or modify brochures. The standard funding acknowledgement is not required of agencies that are using the material outside of California.

c) **Modifications to a Video**: Permission will not generally be granted to modify videos or to incorporate footage of an existing video into a new "work." Any request to do so will be forwarded to the Chief, Evaluation and Knowledge Management Section, CTCP for a secondary review and decision.

d) **Modifications to a Training Curriculum**: Permission will not generally be granted to modify or incorporate a curriculum into a new "work." Any request to do so will be forward to the Chief, Evaluation and Knowledge Management Section, CTCP for a secondary review and decision.

e) **Modifications to a Poster**: Permission will not generally be granted to modify or incorporate a poster into a new "work." Any request to do so will be forward to the Chief, Evaluation and Knowledge Management Section, CTCP for a secondary review and decision.

b. Requests from Other Non-Profit Agencies or from For-Profit Agencies

1) **Make a Written Request**: Direct the written request to the Chief, Evaluation and Knowledge Management Section, CTCP. The e-mail is to describe the product, how it will be used and distributed, cost if applicable, and any modification the requestor would like to make.

2) **Restrictions**: Restrictions generally will be similar to those cited above. A gift of public funds "for the profit of an agency will be considered and avoided" in any request.

3) **Educational or Media Material Produced in Whole or in Part with LLA Funding**: Seek permission directly from the LLA that produced the educational or media material to use or modify the material. This includes materials developed by LLA subcontractors.

4) **Cost of Providing or Modifying Materials**: Any agency granted permission to use or modify educational or media materials developed with funds from CTCP is to bear the cost associated with the use or modification of the material. CTCP-funded projects, including TECC, may bill agencies for providing a duplicate set of camera-ready materials. The requesting agency is solely responsible for working or negotiating with a printer, graphic artist, talent agency, or media vendor.

#18 PC 308(a) OPERATIONS GUIDELINES

Adopted 01/02
Chapter 300 Revised 07/07

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

1. All decoys shall be less than 18 years of age at the time of any undercover decoy operation. The decoy shall display an appearance consistent with their age (less than 18 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 may require decoys to respond truthfully to the seller if verbally asked their age or they may allow the decoy to verbally respond that they are 18 years of 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.

#19 NON-ACCEPTANCE OF TOBACCO COMPANY FUNDS

Adopted 07/02
Chapter 300 Revised 07/07

In order to receive funds from CTCP, contractors must comply with the following:

Universities/Colleges Only

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

All Other CTCP Contractors

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

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

CERTIFICATION OF NON-ACCEPTANCE OF TOBACCO FUNDS

_____

Company/Organization Name

_____

Please check one of the following:

- ❑ The applicant named above hereby certifies that it will not accept funding from nor have an affiliation or contractual relationship with a tobacco company, any of its subsidiaries or parent company during the term of the contract with the California Department of Public Health, California Tobacco Control Program.

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

_____

CERTIFICATION

_____

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

Director of Agency or Principal Investigator:

_____

Signature Date Print Name and Title

#20 Online Tobacco Information System (OTIS)

Adopted 12/06
Chapter 300 Revised 07/07

Background

OTIS is a Web-based business management portal that incorporates CTCP business management systems with information-communication systems. It provides a single uniform interface for hundreds of users 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; and 4) submission and approval of other contract related documents such as subcontracts.

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:

- Data entry and terminology are standardized and consistent across procurements.
- The budget justification and other areas requiring calculations are totaled for the applicant by OTIS.
- Common terminology facilitates the linkage of activities described in the SOW to budgeted expenses (providing Behavior Modification Materials, placing media, educational materials development, printing, etc.).
- Agency contact information only has to be submitted once regardless of the number of applications the agency has funded by CTCP.
- Other 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.

- 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.
- Integrates any communication and business applications into a single Web site 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.
- Promotes management of local project materials development by TECC.
- 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).
- Logs all communications for increased accountability.

Membership Requirements

OTIS is a password-protected Web-system 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.

Project Directors are required to notify CTCP immediately about staff changes in order to deactivate an account.

OTIS Usage Requirements

- CTCP-funded projects, which are a part of OTIS, are required to submit all application/proposal/plan documents, progress and fiscal reports via OTIS.
- Project Directors are responsible for ensuring that their staff participates in trainings, access user guides, and online training resources.
- 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 Policy #16 Partners COMPUTER NETWORK SYSTEM.

#21 Nicotine Maintenance Policy

Adopted 12/06
Chapter 300 Revised 07/07

Nicotine maintenance is the strategy to provide tobacco users concerned about their health with a new option to substitute, in place of conventional combustible cigarettes, the long-term use of another, potentially less dangerous nicotine-delivery product that can still satisfy the user's addiction. CTCP believes that the nicotine maintenance strategy poses a serious threat to public health efforts aimed at reducing the toll of death and disease caused by tobacco use. The goal of the nicotine maintenance strategy is to:

- Convince consumers that they can receive the same enjoyment and satisfaction without the risk
- Convince tobacco users they do not have to quit
- Convince non-users that the pleasure outweighs the risk–so try it

Nicotine maintenance products are known as potentially reduced exposure products (PREPs). At the present time, PREPs fall into three categories:

- Modified cigarettes and cigarette-like products
- Smokeless tobacco, snus, and tobacco lozenges
- Medicinal nicotine currently under development by pharmaceutical companies that is intended for long-term use rather than as an aid to cessation

Various sources have recommended or suggested that these products are the next safest alternative to quitting because they reduce exposure to one or more tobacco toxicants. The three types of PREPs clearly present a continuum of health risk to the user, with combustible products posing a greater risk to an individual's health than medicinal nicotine products. CTCP is concerned that the promotion of nicotine maintenance products has the potential to foster the norm that addiction to nicotine is acceptable, and is of little health consequence to the user or population as a whole. Legitimizing the nicotine maintenance strategy would undermine and damage the ability of state and local governments to implement and sustain proven effective tobacco use prevention and cessation strategies such as tobacco taxes, SHS restrictions, counter-advertising campaigns, and cessation quitlines.

CTCP believes that tobacco cessation and nicotine maintenance are contradictory strategies. Promoting the co-existence of tobacco cessation and nicotine maintenance strategies ignores the complexity of how product marketing is received and acted upon by tobacco users and potential users, as well as policy makers who are in a position to

allocate resources and enact policies that regulate smoking and the sale and promotion of tobacco products.

Whether nicotine maintenance messages are conveyed by the public health community, tobacco companies, or the pharmaceutical industry, they will likely legitimize nicotine addiction. In doing so, these messages will decrease motivation for quitting among California's four million adult and youth smokers, decrease quit attempts, slow tobacco cessation, increase the rate of youth initiation, and undermine the effectiveness of comprehensive tobacco control programs that seek to denormalize tobacco use and promote cessation.

The efficacy of the nicotine maintenance strategy is unproven in terms of providing a health benefit at the individual and population levels. Tobacco products contain a complex array of toxicants and cancer causing agents. It is unknown what the impact will be of decreasing exposure to individual toxicants and how genetics and prior history of the individual would influence individual benefits. Additionally, the response of consumers in a real world setting is unknown:

- Will cigarettes and PREPs be used concurrently?
- Will PREPs only be used in those situations where smoking is not allowed?
- Will motivation to quit decrease; will tobacco uptake increase?
- Will support for SHS policies diminish?

Of particular concern to CTCP is that some members of the public health community are recommending the promotion of smokeless tobacco, snus, and long-term use of nicotine replacement therapy in lieu of smoking. (Bates C, Fagerström K, Jarvis MJ, Kunze, McNeill A, Ramström, 2003: Sweanor D, 2003; Kozolowski LT, O'Conner RJ, Quinio Edwards B, 2003).

The tobacco industry is aware of smokers' increasing concern about the health effects of smoking, as well as the public's increasing intolerance of SHS. Lawsuits and the accompanying financial instability have shaken the tobacco industry. Settlements have led to price hikes and reduced consumption. Faced with the prospect of a steady decrease in cigarette sales, the tobacco industry is looking for a "turn around" strategy. To protect itself from future lawsuits and further hostile legislation, it must establish a respectable public image, demonstrate repentance by acknowledging the health effects of tobacco use, and seek legitimacy for new products positioned as reducing health risks while creating a safe harbor through Federal Drug Administration oversight of these products. These products are not aimed at the highly addicted, hard core smoker—but rather the smoker who is contemplating quitting and youth and young adults who are not yet established tobacco users.

CTCP is concerned that as nicotine maintenance products are produced and marketed, they may not be used in the way intended, and those messages about these products

may be perceived and acted upon in ways not anticipated. In summary, CTCP believes the nicotine maintenance strategy:

- Legitimizes nicotine addiction
- Decreases motivation for quitting
- Slows smoking cessation progress
- Weakens support for CTCP education, policy, media, and taxation efforts
- Confuses the public and harms the credibility of public health
- Provides a turn around opportunity for the tobacco industry

As such, CTCP prohibits its contractors from using its funds to promote or sanction the nicotine maintenance strategy and particularly smokeless tobacco as a safer alternative to combustible cigarettes.

#22 Copyright Policies for California Tobacco Control Program (CTCP) and Tobacco Education Clearinghouse of California (TECC) Libraries

Chapter 300 Adopted 01/09

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 CTCP and TECC libraries. The document is organized into the following topic areas:

1. Definitions
2. Distribution of Journal Articles
3. Unrestricted Access Sources
4. Licensing Agreements Requirements
5. Future Ideas
6. Appendices

1. DEFINITIONS

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 (e.g., CTCP/TECC library 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 CTCP and TECC 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)."

Licensing

The CTCP/TECC libraries acquire 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 also reasonably prevent

unauthorized copying and further distribution. The copyright law does not apply to these materials. (*Complete Copyright*, 2004).

Reproduction
Reproduction refers photocopying or creating PDFs of library materials.

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.

Patrons
CTCP staff and CTCP-funded projects are considered Patrons for library usage. Patrons can borrow, ask for information services, and suggest items for purchase.

2. DISTRIBUTION OF JOURNAL ARTICLES

a. TECC Patron requests for copies of full-text journal articles

Request is always confirmed with the requestor. Depending on availability, confirmation is handled in one of two ways:

1) If a journal article is available *without restriction* through an online source such as *American Journal of Public Health* back files on the PubMed Central free digital archive Web site (http://www.pubmedcentral.nih.gov/), or via Rover subscription license, such as *Tobacco Control Journal*, the patron is directed to the online source to download the article. The online source availability may be included in the Availability "Holdings" or "Other Sources" section of the Rover Library Catalog record.

2) If the article is not freely available for full-text distribution, TECC library staff send an email to the patron with the following availability statement; if request comes in via phone this statement is explained verbally:

   TECC Availability Statement:
   The TECC Resource Library has recently reviewed license agreements for online journal subscriptions and other Federal copyright-related issues; these agreements limit email distribution of PDF copies of journal articles. Due to these restrictions, requests for full-text copies of journal articles will not be supplied electronically. Photocopies will be sent via mail (United States Postal Service [USPS]), or another common carrier, to requestors.

   Just a reminder, due to copyright restrictions copies of journal articles are for your personal use (private study, scholarship, or research) only. Please do not reproduce or redistribute this material. 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. (See Appendix B.)

b. Distribution from TECC of full-text journal articles to Patrons

1) After sending the TECC Availability Statement to the requestor via e-mail, the article is reproduced and mailed to the patron with copyright stamp on first page. A **TECC Dissemination Letter** is also included. This letter includes information similar to the TECC Availability Statement and includes the signature of TECC library staff. (See Appendix B.)

2) For URGENT requests (i.e., patron needs information for a city council meeting in one hour), TECC staff will fax a copy of the article (with copyright stamp on first page) with the following statement on the fax cover sheet:

   TECC Fax Availability Cover Sheet Statement:
   Just a reminder, due to copyright restrictions copies of journal articles are for your personal use (private study, scholarship, or research) only. Please do not reproduce or redistribute this material. You may be liable for copyright infringement for photocopying or reproducing this material for purposes in excess of "fair use." (See Appendix B.)

c. Distribution from TECC of full-text journal articles requested by CTCP library staff

A PDF of the full-text journal article, with copyright stamp on first page, is e-mailed to the CTCP library staff. Library staff then disseminates to the requestor. (See Section d.)

d. CTCP distribution of journal articles to in-house staff

Requests from CTCP staff for copies of full-text journal articles are always confirmed with the requestor. Depending on availability, distribution is handled in one of two ways:

If a journal article is available *without restriction* through an online source such as *American Journal of Public Health* back files on the PubMed Central free digital archive Web site (http://www.pubmedcentral.nih.gov/) or via Rover subscription license, such as *Tobacco Control Journal*, the patron is directed to the online source to download the article. The online source availability may be included in the Availability "Holdings" or "Other Sources" section of the Rover Library Catalog record.

If the article is not available via an online resource, yet available as a hardcopy in the Vertical File, CTCP library staff will reproduce the article, with copyright

stamp on first page, and deliver to the requestor along with **a CTCP Dissemination Memo** signed by CTCP library staff. (See Appendix B.)

e. CTCP distribution of journal articles to TECC library staff

A PDF of the full-text journal article, with copyright stamp on first page, is e-mailed. TECC follows distribution rules if sending to a patron.

3. SOURCES FOR UNRESTRICTED ACCESS

a. CTCP and TECC library staff options to download journal articles through paid subscriptions/licenses and free access sites

Paid Subscriptions/Licenses
These agreements specifically outline reproduction and distribution. Restrictions are noted on publisher Web sites. See Appendix B for copies of license agreements.

- American Journal of Public Health–CTCP and TECC access
- Journal of Health Communication–CTCP and TECC Access
- Journal of Smoking Cessation–CTCP access only
- Nicotine and Tobacco Research–TECC access only (very restrictive licensing agreement)
- Tobacco Control–CTCP and TECC access (and patrons)

Contracts

- University of Berkeley, School of Public Health–CTCP access

Free Access (also available to Patrons)

- Rover Library Catalog: Some unrestricted access journal articles available as either
  - Electronic copies that can be downloaded/printed
  - URLs are included to other Web sites where the full-text is available
- Rover Quick Links–Journals: This section of Rover includes links to journals, many of which provide free full-text article access (*CA: A Cancer Journal for Clinicians*, etc.)
- PubMed Central: Many public health journals have full-text back files available (*American Journal of Public Health*, *Public Health Reports*, etc.)
- BioMed Central: Includes many peer-reviewed open access public health journals (*Tobacco Induced Diseases*, etc.)
- Government publications: *MMWR*, *Preventing Chronic Disease: Public Health Research, Practice and Policy*

4. LICENSING AGREEMENT REQUIREMENTS

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	Not Permitted
• viewing, downloading, copying, printing, and saving a copy of search results	• systematic downloading or printing of entire journal issues or volumes, or large portions of other e-resources is not permitted
• viewing, downloading, copying, printing, and saving individual articles	• using e-resources for commercial gain is not permitted (i.e. reselling, redistributing, or republishing licensed content)
• using e-resources for scholarly, educational or scientific research, teaching, private study, and clinical purposes	• transmitting, disseminating, or otherwise making online content available to unauthorized users (i.e. sending to mailing lists or electronic bulletin boards) is not permitted
• sending a copy of an article to another authorized user	• posting the publisher's version or PDF of an article to an open class Web site is not permitted (instead, post the URL to the article which will allow only authorized users access)

5. FUTURE IDEAS

Include a "Warning Concerning Copyright Restrictions" statement on library request forms within Rover at the point where patrons request articles. This would have to be worked into the 2009-10 SOW.

Action Items:

- Update both Circulation Policies and the Circulation Agreement forms on Rover.
- Create a few Rover frequently-asked questions to more clearly explain the copyright and re-distribution issues.
- Send out hardcopy "marketing packets" with copyright information to patrons with existing Circulation Agreements on file to inform them of current business practices.

- Post notice in *CTCP Partners Update* about needing new Circulation Agreement; the two circulation forms would be included in posting.
- Post frequent InFocus updates relating to copyright and distribution
- Have re-sign upon request

6. APPENDICES

Appendix A: U.S. Copyright

1. **US. Copyright Law**: The full-text of U.S. Copyright Law (Title 17) is available on the U.S. Copyright Office Web site: http://www.copyright.gov/title17/

2. **Fair Use**: The following provides background information on fair use issues related to U.S. Copyright Law (Title 17, Chapter 1, Section 107): http://en.wikisource.org/wiki/United_States_Code/Title_17/Chapter_1/Section_107

   Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords 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—

   (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;

   (2) the nature of the copyrighted work;

   (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

   (4) 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.

3. **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): http://en.wikisource.org/wiki/United_States_Code/Title_17/Chapter_1/Section_108.

   (a) 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 phonorecord of a work, except as

provided in subsections (b) and (c), or to distribute such copy or phonorecord, 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

(i) open to the public, or

(ii) 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 phonorecord 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 phonorecord that is reproduced under the provisions of this section.

(b) The rights of reproduction and distribution under this section apply to three copies or phonorecords 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 (a), if—

(1) the copy or phonorecord reproduced is currently in the collections of the library or archives; and

(2) any such copy or phonorecord 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.

(c) The right of reproduction under this section applies to three copies or phonorecords of a published work duplicated solely for the purpose of replacement of a copy or phonorecord 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 phonorecord 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.

(d) 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 phonorecord of a small part of any other copyrighted work, if—

(1) the copy or phonorecord becomes the property of the user, and the library or archives has had no notice that the copy or phonorecord 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.

(e) 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 phonorecord of the copyrighted work cannot be obtained at a fair price, if—

(1) the copy or phonorecord becomes the property of the user, and the library or archives has had no notice that the copy or phonorecord 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.

(f) 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 phonorecord under subsection (d) from liability for copyright infringement for any such act, or for any later use of such copy or phonorecord, 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 (a); 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 phonorecord of a work in its collections.

(g) The rights of reproduction and distribution under this section extend to the isolated and unrelated reproduction or distribution of a single copy or phonorecord 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 phonorecords 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 phonorecords of material described in subsection (d): *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 phonorecords for distribution does so in such aggregate quantities as to substitute for a subscription to or purchase of such work.

(h)(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 phonorecord 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 phonorecord 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.

(i) 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 (b), (c), and (h), 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 (d) and (e).

4. **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.

Appendix B: TECC/CTCP Correspondence

1. **TECC Availability Statement**

   The TECC Resource Library has recently reviewed license agreements for online journal subscriptions and other Federal copyright-related issues; these agreements limit email distribution of PDF copies of journal articles. Due to these restrictions, requests for full-text copies of journal articles will not be supplied electronically. Photocopies will be sent via mail (USPS), to requestors.

   Just a reminder, due to copyright restrictions copies of journal articles are for your personal use (private study, scholarship, or research) only. Please do not reproduce or redistribute this material. 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 email or discussed in person.

2. **TECC FAX Availability Cover Statement**

   Just a reminder, due to copyright restrictions copies of journal articles are for your personal use (private study, scholarship, or research) only. Please do not reproduce or redistribute this material. You may be liable for copyright infringement for photocopying or reproducing this material for purposes in excess of "fair use."

3. **CTCP Dissemination Memo**

   The CTCP library has recently reviewed license agreements for online journal subscriptions and other Federal copyright-related issues; these agreements limit email distribution of PDF copies of journal articles. Due to these restrictions, requests for full-text copies of journal articles will not be supplied electronically. Photocopies will be distributed to requestors.

   Just a reminder, due to copyright restrictions copies of journal articles are for your personal use (private study, scholarship, or research) only. Please do not reproduce or redistribute this material. 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 this memo.)

Appendix C: License Agreements

NOTE: The CTCP and TECC libraries are still gathering this information. License agreements will be on file at the CTCP and TECC libraries. Some journals will have subscription/licensing information printed in the hardcopy issues and/or available on the journal's Web site.