State of California—Health and Human Services Agency

California Department of Public Health

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EDMUND G. BROWN JR.
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To: ALL CTCP FUNDED AGENCIES

Subject: PROGRAM LETTER 12-03
ALLOWED POLICY ACTIVITIES

Purpose:
Restate the definition of Lobbying
Reinforce CTCP's "Lobbying and Political Activities Policy"
Identify allowed policy-related activities and prohibited lobbying activities.

Why This Letter Is Needed: The California Department of Public Health, California Tobacco Control Program (CTCP) has received information that projects funded by **Proposition 99 funds** are, at times, constrained from engaging in policy-related activities due to restrictions issued by the United States Health and Human Services Agency (HHS) for **federally-funded** projects, as a result of HR 2055 – the Consolidated Appropriations Act, 2012 (Section 503 of Division F, Title V of the FY 12, Consolidated Appropriations Act).

Background: Policy development is of key importance to changing community norms around tobacco use. Public health professionals are called upon to inform and educate the public, policymakers, and others about the scientific evidence related to the need and cost of implementing various policy strategies and their anticipated impact on health outcomes. Social norm change created through local policy work can have a lasting impact on thousands of people.

As a result, CTCP-funded projects are expected to lead and contribute to the development of policies that protect, promote, and improve public health. Local Lead Agency Guidelines and competitive procurements identify requirements for strategic planning, education, technical assistance, and community organizing related to tobacco control policy efforts that CTCP-funded agencies are required to participate in.

The California Conference of Local Health Officers (CCLHO), Policy Platform, Fall 2010 edition, states the CCLHO developed the Policy Platform to: establish guiding principles, determine public health priorities, and assist Health Officers in educating local and state policy and opinion makers on population-based health needs and priorities. [emphasis added] The CCLHO Policy Platform also states, "consideration of health in all policies is

necessary to achieve healthy people and healthy communities" and "by considering health when formulating policy, public officials recognize the influence on the health of individuals and communities of policies in many other sectors. Public health must work across sectors to help policymakers understand the ways in which their program and policies impact health."

Required Action:

All CTCP funded agencies are to continue to apply the requirements regarding lobbying restrictions found in:

Policy Manual (for Local Lead Agencies and Competitive Grantees), Chapter 300, Policy #12, page 45.

Additional provisions/special terms and conditions, regarding lobbying and political activities, which are contained in CTCP's Competitive and Statewide contracts/grants that are **federally funded**.

- An example is Exhibit D (F), "Special Terms and Conditions (For **federally funded** service contracts or agreements and grant agreements)", paragraph 31).

CTCP Administrative And Policy Manual, Chapter 300 Policy #12:

Lobbying and Political Activities Policy

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.

Allowed Policy and Advocacy Activities:

Examples of **allowed** activities include, but are not limited to, the following:

Participating in annual Information and Education (I&E) Days event hosted by the Center for Tobacco Policy and Organizing:

- Required event for Local Lead Agencies.
- Designed to **educate** local and state elected officials about the social, health and economic impact of tobacco and tobacco-related disease in California **and** to highlight successes and challenges of tobacco control programs locally and statewide.

Researching policy alternatives and their impact.

Providing factual information about the scientific evidence related to the need or cost of implementing various policy strategies and the anticipated impact on health outcomes.

Developing model laws and template

Educating the public and policymakers on:
- Health issues and their public health consequences
- Potential policy solutions to health issues

Commenting on proposed regulations.

Prohibited Lobbying Activity:

Examples of **prohibited** activities include, but are not limited to, the following:

Grassroots lobbying with State or Federal funds to:
- Direct lobbying by grantees/contractors to urge support of, or opposition to, proposed or pending legislation or appropriations or any regulation, administrative action or order issued by the executive branch of any Local, State, or Federal government.
- Inducing members of the public to contact their elected (Local/State/Federal) representatives to urge support of, or opposition to, proposed or pending legislation or appropriations or any regulation, administrative action or order issued by the executive branch of any Local, State, or Federal government.

Direct self-promotion or publicity to promote the agency or an official.

Communication that is purely partisan in character.

Additional Resources:

- 2010 California Conference of Local Health Officers (CCLHO) Policy Platform http://www.cdph.ca.gov/programs/cclho/Documents/CCLHOPolicyPlatfor m.pdf
- Society for Public Health Education: Guide to Effectively Educating State and Local Policymakers http://www.sophe.org/CDP/Ed_Policymakers_Guide.cfm
- Lobbying v. Education webinars provided by CAPLAW on April 15, 2011. (Clarification and examples specific to government and non-profit agencies) https://www.tcspartners.org/documents/CTCP%20Resources/LvE02_FIN ALPublicHealthDeptsLobbying_v_EducationPresentation.pdf

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Sincerely,

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