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Evaluating Local Policy Adoption Campaigns in California: Tobacco Retail License (TRL) Adoption

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Abstract As part of its state-wide "denormalization" campaign, the California Tobacco Control Program has funded local tobacco control projects to secure tobacco retail licenses (TRLs) in their communities. TRL policies generate funding by requiring tobacco retailers within a jurisdiction to obtain a license, which is in addition to the state license that tobacco retailers are legally required to purchase to sell tobacco products. The funding provided by TRLs enables local law enforcement to carry out inspection and enforcement operations. This paper examines the unique processes by which local project campaigns attempt to get TRL policies adopted in communities across the State of California. Twenty-two local projects submitted final evaluation reports pertaining to the adoption of TRLs, and the reports from these projects form the basis of the analysis. Successful campaigns tended to include the following strategies: (1) determining policy readiness; (2) gathering local data; (3) identifying and working with a "champion"; (4) building relationships with local law enforcement agencies and decision makers; and (5) educating community and decision makers. The major challenges faced by local projects included budget cuts and staffing issues, concern about creating an unfavorable environment for business by imposing more regulations and fees, and complaints about using law enforcement resources for tobacco control in light of more "pressing" public safety issues. These challenges proved difficult for local projects to overcome, and also highlight the need for projects to create and carry out strong but flexible tactical plans that incorporate the aforementioned strategies.

Keywords Tobacco · Evaluation · Policy · Adoption · California

Introduction

Research shows that the overwhelming majority of tobacco users initiate use before the age of 18 [1, 2], and the earlier a person initiates tobacco use, the more likely that person will become heavily addicted to nicotine [3]. It is therefore all the more disconcerting that obtaining tobacco from commercial sources has been found to be relatively easy for adolescents [4–6]. The relative ease of obtaining tobacco for adolescents may be attributed to the difficulty of enforcing youth access laws at the state level [5]. Researchers have thus advocated for more stringent local laws, which can be tailored to meet the local needs and conditions of a community, and may also have a greater likelihood of being enforced [7].

Policy implementation and enforcement of tobacco laws at the federal, state and local levels curtail youths' use of commercial sources of tobacco [4, 5]. Moreover, enforcement of tobacco laws has been shown to reduce tobacco sales to youth [5], thereby reducing adolescent smoking [8]. Similarly, a host of studies demonstrate the link between limiting youth access to tobacco via local policy—and its concomitant enforcement—and the reduction of adolescent smoking [5, 8–10]. These studies show that adolescent smoking is reduced in the short term [5, 9], as well as years beyond [7, 8]. Siegel and colleagues [10] suggest that local youth access ordinances

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that involve enforcement strategies are more likely to reduce the number of established smokers among adolescents living in the communities with local ordinances.

In California, tobacco control projects funded by the California Tobacco Control Program have initiated campaigns to secure tobacco retail licensing (TRL) in their communities. TRL policies are ordinances that require all tobacco retailers within a jurisdiction to obtain a license to sell tobacco products. This is in addition to the state license that tobacco retailers are legally required to purchase in order to sell tobacco products. TRL policies generate funding which enables local law enforcement personnel to carry out vital enforcement and inspection operations. This funding is viewed as necessary given that the California state-level licensing process has only limited funds for direct enforcement of youth access tobacco laws. Moreover, a provision in most TRLs is the suspension and possible loss of license when sales to minor prohibitions are violated, thus adding a significant deterrence for retailers.

However, local tobacco licensing also encounters resistance. In a halting economy some argue that adding another license with fees penalizes small businesses. Furthermore, securing the adoption of TRLs typically requires local tobacco control projects to convince the community and its decision makers of the potentially positive outcomes of enacting a local TRL, and involves persuading local law enforcement personnel of its relative value. Hence, like the passage of many local level policies, many barriers and challenges make the adoption of TRL policy difficult. The objective of this paper is to thus explore and evaluate the processes used by local projects in their campaigns to secure TRL policies in communities across the State of California, highlighting the strategies used by the most successful campaigns in getting local TRL policy adopted, and also outlining the major challenges faced by the local projects in these same TRL adoption campaigns.

Background: The California Tobacco Control Program and TRLs

The California Tobacco Control Program (CTCP) funds County Health Departments and local competitive grantees across the state to implement local anti-smoking campaigns focusing on adopting policy. In concentrating on local level policy, CTCP recognizes that local communities better understand the nuances and needs of their communities in terms of tobacco control. Moreover, as Francis et al. [11] suggest, local policy—both voluntary and legislative— yields long term and sustainable impacts on the health of local communities. In this manner, California engages in what they refer to as "policy driven tobacco control" [11].

As has been described above, one policy targeted by local tobacco-control projects across California is tobacco

retail licensing (TRL), resulting in locally enacted ordinances which provide funding for local law enforcement personnel to carry out enforcement and inspection operations in order to encourage tobacco retailers to comply with all federal, state, and local laws relating to tobacco [12]. To be passed, these policies require a majority vote at the city level by city council members, or for unincorporated areas by county boards of supervisors. The intent of the local TRL policies is to encourage responsible tobacco retailing and to discourage the violations of federal, state and local tobacco laws that forbid the sale of tobacco products to minors. Typically, local police and sheriff agencies take the lead and are responsible for the administration, oversight, and enforcement of any new policy ordinance. The license requirement is in addition to the existing State of California tobacco retail license and State and local general business licenses.

Method

The data analyzed for this study were drawn from 22 final evaluation reports submitted by local tobacco control projects funded by CTCP. The reports summarized TRL policy activities conducted from 2007–2010, and followed a standard format that included an abstract, introduction, intervention activities, evaluation methods and results, and conclusions and recommendations. Each main section included subsections of required information as well.

In analyzing the final evaluation reports, information included in the reports was used as primary data in our cross-case analysis [13] that compared successful and unsuccessful policy adoption campaigns. Final reports ranged from 10 to 30 pages in length and included the evaluation methods for each individual local project. These could include youth purchase surveys of stores selling tobacco products; observations of targeted stores; key informant interviews of law enforcement personnel, town and city legislators and small business owners selling tobacco products; content analysis of local media coverage of the policy adoption campaigns; and document record review of enacted policy.

Once passages from final evaluation reports were identified, an initial reviewer fully coded the data to uncover recurring themes and patterns in relation to the specific methods and processes projects used in their efforts to secure passage of smoke-free policy. Particular attention was paid to the contextual factors crucial to the relative success or failure to adopt policy. Throughout this cross-case analysis [13], a second reviewer independently identified themes and patterns, validating a set of themes and patterns that both reviewers agreed upon in successful

campaigns and the challenges or barrier that hindered the adoption of TRL policy.

Results

Of the 22 local projects that engaged in a TRL policy adoption campaign during the 2007–2010 funding cycle, nine were successful in securing policy. These nine projects successfully advocated for a TRL policy in a total of 64 California cities and unincorporated areas. One urban county was especially successful, getting policy enacted in 18 cities. A total of 36 jurisdictions adopted TRL policies (Table 1).

Strategies

Because less than one-half of the local projects adopted a TRL policy, those successful projects were compared to the remaining projects that failed to secure policy in an attempt to better understand what methods were more effective than others in a project's policy campaign. This analysis produced five primary successful strategies.

Determining Policy Readiness

Successful projects took the time to not only learn about the contextual features including the local political scene and potential collaborating agencies, but also mapped out a full strategy complete with short and long term objectives, intervention plans, and devised an evaluation plan prior to beginning a campaign. Successful projects understood that there was no "silver bullet" or one set of strategies that would automatically assure policy adoption:

> Because each policy process unfolds differently in each jurisdiction, there is not one approach that fits, and staff has to be readily available and able to utilize resources to assist in the process.

Contacting and communicating with decision makers in order to assess policy readiness was an important first step in the campaign for TRLs. Many projects offered suggestions or lessons learned in this regard. For example, among the things that contributed to one rural county's success was that "staff determined the level of readiness by meeting with key stakeholders in the first phase of the intervention." Other projects discussed the import of this first step by, "Fully evaluat[ing] the political environment prior to taking on a [TRL] project." Others noted that the first step included asking the proper questions such as: "Is the agency [law enforcement] willing to support the project?" or "Does a champion exist for the cause—a person who has the respect of the licensing agency?" or "Will the [projects'] coalition be willing to be outspoken, actively engaged and enthusiastic enough to help change the decision makers' minds as needed?"

Although determining policy readiness by learning about the local political scene and the agencies that would be necessary to collaborate on a policy campaign may seem rudimentary, the successful projects made it a point to carry out this critical step. In contrast, several of the failed campaigns retroactively acknowledged their lack of understanding of the local political landscape only *after* failing to secure passage of a TRL policy. Still other projects blamed the harsh local political environment or policy adversaries of their campaigns, yet failed to fully grasp the need to determine policy readiness and create a strategic plan as a necessary initial step in the process to secure TRL policy.

Gathering Local Data

As part of the process of assessing policy readiness, it was necessary for local projects to gather local data by conducting youth tobacco purchase surveys (YTPS) and public opinion polls in order to show decision makers whether (a) underage youth were able to purchase tobacco products within their jurisdiction, and (b) the general public supported local TRL policy. Without this valuable information, campaigns often were derailed at the desks of decision makers who were reluctant to pass any policy that appeared to business owners as another tax.

The importance of collecting local data on the illegal sales—via the YTPS—cannot be overstated. For example, one urban county noted the value of the YTPS to their campaign saying it "would be a conversation starter with policy makers and the media." It also provided the necessary documentation of the problem itself. The YTPS additionally provided a baseline for projects to see if any interventions (TRLs and others) made any difference in reducing youth tobacco purchases. In fact, some projects attributed their success in part to having had not just current information, but "many years of documenting the continued rate of illegal tobacco sales to minors" by way of the YTPS.

Table 1 TRL policy outcomes in 22 local projects, 2007–2010

Policy outcome	Number of local projects	TRL policies attempted (#)	TRL policies adopted (#)	Success rate (%)
None	13	35	0	0
Partial	5	10	6	60
Achieved	2	4	4	100
Exceeded	2	15	26	173
Total	22	64	36	56

Local data could also derive from other areas. For instance, the majority of the successful projects conducted key informant interviews (KIIs) with policy makers to gauge their readiness for the suggested policy and learn about the overall political climate as it related to tobacco policy. For example, personnel from one county commented that through KIIs it learned that the economic impact on business was a key concern, there were budgetary constraints within local government, and that there was confusion about city, county and federal laws as it related to TRLs. Likewise, projects in rural counties learned through their KIIs that they needed to work with local officials who were sensitive to how tobacco control policies might affect local businesses.

Identifying and Working with a Champion

The work of a "champion" who was either a member of, or respected by, the targeted body of decision makers was critical to successful policy adoption. The most effective campaigns spoke of champions who had the power to influence the outcome of policy adoption and relentlessly pushed policy forward. These champions often had "insider" status which gave the policy campaigns legitimacy, as well as access to decision makers.

All the projects that passed a TRL policy identified champions: some identified city council members, others identified the local police department or high ranking law enforcement personnel, and still others identified members of their projects' own coalition or its subcommittee as champions. In this latter case, these champions tended to have access to city council members or the aforementioned high ranking law enforcement personnel. For example, due to initial outreach and relationship-building, in one county the biggest champions were the Police Chiefs in each of the eight targeted jurisdictions. The project recognized the value of these relationships with potential "champions" and as such provided extensive training to law enforcement officers in annual trainings and in one-on-one meetings regarding TRL implementation. They also coordinated with each police department to conduct YTPSs.

While some projects noted bringing on an immediate champion by way of the local city council, others contended that it often took relation-building measures to gain access to council members before they eventually became champions for the project. The process often took time. Moreover, these same projects indicated that the YTPS data, as well as the local community survey data, was often the driving force for a city council member to not only get onboard with a potential local TRL policy, but also becoming a champion for the cause.

Conversely, of the many projects that were not able to secure a TRL policy in their jurisdiction, only one explicitly identified having a champion. In fact, narratives from a handful of the less successful projects attributed their lack of policy success to a noticeable bereft of champions in their policy adoption campaigns. Perhaps most telling was the fact that several less successful projects failed to even recognize that their campaigns' lack of champions may have affected their policy failure.

Building Relationships with Local Law Enforcement Agencies and Decision Makers

Agencies with policy campaigns that failed often stated that they were never able to obtain the support of the local law enforcement agency. Alternatively, successful campaigns secured support from the local law enforcement personnel and started early in building relationships with key players in local enforcement. Local law enforcement personnel could also become champions for the campaign, assisting the project in navigating the policy adoption process. Thus, the report narratives overwhelmingly presented a picture regarding the necessity of "getting law enforcement on board." Unfortunately, many projects only learned this lesson in failure when they expected the local law enforcement agencies to fall in line, rather than collaborating closely with them to help lead the way from beginning to end. This tended to be the case for both rural and urban projects. One rural project surmised:

> The best chance for success in rural areas is when the agency enforcing the policy/licensing change [police or sheriff's department] is the instigator of change.

While it may seem self-evident that the local agencies responsible for the enforcement component related to TRLs must be involved in the adoption process—including demonstrating to policymakers their support of the policy—the manner in which to obtain law enforcement support also tended to differ between policy success or failure. In some cases, the local law enforcement agency was onboard with assisting in the process of the local policy adoption of a TRL without a local project needing to do much of any persuading or lobbying. However, many projects noted that this was not always the case. In fact, several projects contended that obtaining support from the local law enforcement personnel required its own set of strategies. For one, projects indicated it was helpful to find out where the local high ranking law enforcement personnel fell on the TRL policy adoption spectrum. More often than not, most law enforcement officials were ambivalent, except they were quick to point out that enforcing youth tobacco laws was not a major priority for the local agency. Hence, project personnel learned quite quickly that it was important to convey that a TRL policy adoption would bring funding to the local law enforcement agency in order to enforce the youth purchase laws.

Local projects additionally learned the advantage of using others who had some "juice"—either a local city council member or another project "champion" (often a local businessperson)—who could liaison with key law enforcement personnel. The most effective campaigns leveraged these relationships into valuable assets where these highly influential people—the high ranking law enforcement officials—would later become champions for the campaign.

> Targeting the correct tobacco enforcement official in charge of tobacco activities in each city was crucial to begin collaborative efforts… and work with the local city council.
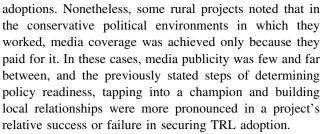
Educating Community and Decision Makers

In many ways, educating the community and presenting data was the culmination of the other strategies and proved to be a critical strategy for success. Thus, the most successful projects utilized the champions and the relationships cultivated with local law enforcement personnel and decision makers (described in previous steps), as well as the local data that was gathered, in an effort to both educate the community and present to the decision-making body.

In an effort to educate the community about the positive aspects of local tobacco policy such as TRLs, local projects often set up booths at local fairs, events, festivals and even farmers' markets. Yet, the most successful projects asserted the benefits of using the media to educate the community. Several project narratives described the positive impact that the media had on their campaign. For example, one coastal county credited its success at getting one policy passed to media attention in the previous project periods, which the local project purposely sought out:

> Whenever an ordinance was passed, there was media support which was positive. Newspapers regularly printed press releases associated with youth compliance checks, including identifying stores that sold. In addition, there were editorials supportive of enforcing tobacco laws.

Likewise, one large, urban county attributed its success—at least in part—to the "considerable media attention" of the adoption of past TRL policies, which included news conferences, paid advertisements in local papers, and several published newspaper articles about the TRL cause and its impacts. This county, and other local projects, indicated that a "domino effect" occurred when a policy was adopted and then later publicized in the media. Hence, the most successful local projects mentioned the power of the media in initially educating the community, but also in the aforementioned "domino effect" for future policy

adoptions. Nonetheless, some rural projects noted that in the conservative political environments in which they worked, media coverage was achieved only because they paid for it. In these cases, media publicity was few and far between, and the previously stated steps of determining policy readiness, tapping into a champion and building local relationships were more pronounced in a project's relative success or failure in securing TRL adoption.

While using the media to educate the community was found to be an important strategy for the local TRL adoption campaigns, project personnel also noted that presenting data to decision makers in an effort to educate them and obtain legislative support, was critical. The local YTPS data, which shows the extent to which local underage youth could obtain tobacco via commercial avenues, tended to provide the most demonstrative evidence to persuade decision makers. Additionally, the community survey data could also be used to sway decision makers, who typically, were concerned about constituent support of any new policy, particularly those related to raising fees.

Challenges

The final evaluation reports described the reasons most often cited by local government officials and staff as barriers for any proposals. These included: budget cuts and staffing issues; concern about creating an unfavorable environment for business by imposing more regulations and fees; and complaints about using law enforcement resources for tobacco control in light of more "pressing" public safety issues. Both successful and unsuccessful projects wrote of the myriad challenges they faced in an attempt to secure passage of TRL policy, and can be categorized as economic concerns or organizational barriers.

Economic Concerns

In one way or another, almost every report mentioned that decision makers had concerns regarding any proposed TRL policy because of the fact that budgetary constraints within local government were especially tight during "this economic climate." As such, there tended to be an overall political environment that was unsympathetic to TRLs and, therefore, for most projects, the proposed policy never made it to formal discussion.

The attention that the economic crisis commanded was aptly described in one rural county's final evaluation report, which indicated that their city council champion "kept requesting that the presentation be held [at] a later date so that the city could manage other 'more important and contentious' issues." Other local projects described similar city council and law enforcement agency behavior.

One local city council member cited in a final report stated the following:

> If I can only raise a couple of fees this year because of the budget crisis … I have to prioritize what fees I'm willing to put forward … The timing is not right. I really understand this thing [licensing fee] is the next step we have to do but we just can't do it now.

Another key informant, a tobacco retailer, commented on a proposed TRL policy, and this view tended to be prevalent among local businesses that sold tobacco products:

> I'm obeying the law. Why should my fees go up? Taxes are already up 47 %. Something needs to be done with those who break the law. Not me.

As such, decision makers tended to be acutely aware of how any policy may be perceived by the local business community. A report from a rural project stated an idea that represented what was written in many reports:

> [C]ouncil members were very hesitant to levy any fees on retailers during these tough economic times.

Organizational Barriers

The organizational barriers that local projects confronted in their campaigns to adopt TRL policy were in many ways similar to those faced in getting almost any local policy enacted that dealt with law enforcement. For one, from start to finish, the legislative process itself typically takes quite a bit of time and this makes it difficult for the policy campaigns to gain momentum. A local project that was successful in securing the adoption in their city noted the process:

> The journey to a Tobacco Retail License policy in [name of city] took over five years and two California Tobacco Control Program contract [intervention] periods.

The difficulty of obtaining full support from the local law enforcement agency could either fully derail a campaign, or hinder its progress. For instance, one county's final evaluation report stated that their repeated efforts to reach out to the local police department were often stalled, and attempts "to pursue policy slowed down the campaign in its initial stages." Such a position was not uncommon for many of the local projects' campaigns when they interfaced with local law enforcement.

Moreover, differing priorities between the local health departments and local law enforcement tended to halt progress on TRL policy adoption. A report from a rural county noted this phenomenon:

> Our efforts to pursue licensing through the police department were unsuccessful and slowed down the campaign in its initial stages … Despite support, the Chief of Police expressed concerns about the effectiveness of a TRL [policy].

The final evaluation reports detailed other similar issues the local projects faced in dealing with the local law enforcement, with the end result often being the same: lack of policy adoption. Some of these issues are described below:

> Despite support, the Chief of Police expressed concerns about the effectiveness of TRL for a small amount of tobacco retailers [approximately 22] located in [name of city]. The police department utilizes a community policing philosophy and an ordinance could disrupt the relationships built within the community.

> The local law enforcement agency is not experienced in implementing a TRL nor do they have the staffing to coordinate the TRL process.

Another organizational challenge faced by projects included the changes in leadership and staffing among key people in government. Reports described how strong relationships were forged with decision makers or their staff, only to have these individuals move on, which oftentimes set back a policy campaign. For example, one local project reported

> …changes in the city council office [staffing] caused activities to be delayed and modified. Without city council leadership, building a relationship between TCP [Tobacco Control Program] staff and law enforcement did not proceed as expected.

Similarly, some projects experienced challenges in their policy campaigns when they lost their champions. For example, several projects reported that their TRL champion unexpectedly retired, moved to another position, or simply lost the zeal to lead the campaign. In the best cases, progress on the policy campaign was temporarily delayed; for other projects it was completely derailed.

Conclusion

Our findings showed that a campaign to adopt TRL policy at the city or county level was more likely to fail than succeed. The successful policy campaigns were most likely to have used the following strategies: determining policy readiness, gathering local data, identifying and working with a champion, building relationships with local law enforcement agencies and decision makers, and educating community and

decision makers, which required using convincing data such as local Youth Tobacco Purchase Survey (YTPS) results and public opinion survey results. Most importantly, working with law enforcement from the very start to get their buy-in and support was necessary to avoid a break-down midway through the campaign.

Similar to our analyses of local tobacco policy prohibiting smoking in parks and housing, we found that having a champion, using local data, and educating the public were essential strategies for successful policy adoption [14, 15]. In all of these policy adoption campaigns some agencies had a coalition member who could serve as the champion, while others found a city council member or member of the business community to play that role. The role of law enforcement was unique in TRL policy campaigns. But the importance of addressing their specific concerns is a finding similar to a successful smoke-free housing policy campaign in Portland, OR, that tailored their messaging to apartment complex owners [16].

This study uncovered two cases of local agencies exceeding their policy objectives, which is remarkable given the low success rate of TRL policy adoption in the other counties. One explanation is that these two counties are large and relatively well funded; both characteristics are predictors of successful TRL policy adoption [12]. Another explanation is that a certain political momentum gathered as policies were adopted in neighboring cities. This policy momentum may be an early step in Francis' hypothesis about a policy continuum, where an increasing number of localities adopt a tobacco control policy which will ultimately lead to statewide policy [11].

This study is not without limitations. The data used as part of our analysis, the final evaluation reports submitted to the California Department of Public Health, are self-reported and thus subjective. The local projects studied for this paper are guaranteed minimum funding by the CTCP and therefore are unique and may not be generalizable. Finally, we did not consider the political context within each county which may have a strong influence on the adoption of TRL policy [12]. Nevertheless, this study included a large number of local agencies representing rural, urban, and suburban areas, and analyzed their activities over a relatively long three-year period. In addition, the study included cases with a range of policy successes, from successfully meeting or even exceeding policy objectives to partially meeting or not meeting policy objectives.

The strategies used to successfully enact local TRL policy may in fact be effective in other narrowly focused local public health contexts. For instance, recent studies estimate that children who attend schools within walking distance of convenience stores and fast food restaurants are at 5–7 % greater risk of being overweight or obese [17,

18]. This research has sparked a discussion about legal strategies to limit food retailing near schools [19]. In this manner, further study could examine whether these same strategies could be used in other public health contexts.

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