

POST-Compliance Store Visit Observations - Summary of Findings (2.e.1) FINALrev3

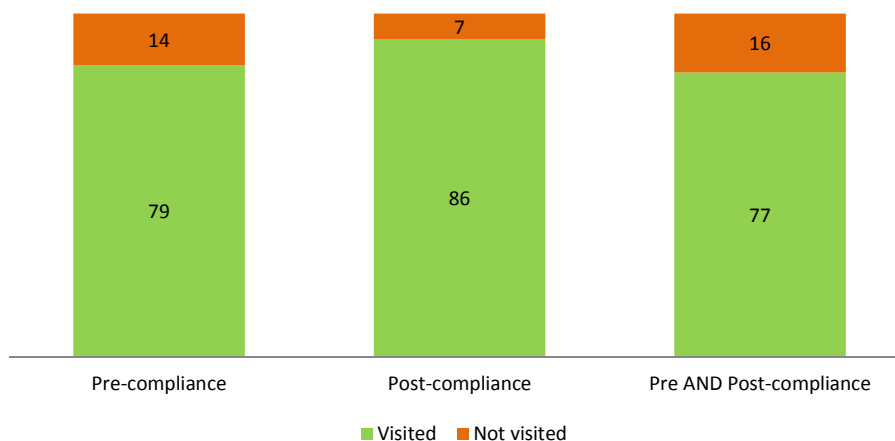
METHODS/OVERVIEW

Post-compliance store visit observations were conducted by Contra Costa Tobacco Prevention Project (TPP) staff in February 2018, after the January 1, 2018 compliance date for the County's newly adopted tobacco retailer licensing policy. These observations were used to assess compliance with the new policy, specifically focused on two new product regulations that restrict sales of the following: 1) packs of less than 10 cigars for under \$5/cigar (i.e., small packs of cigars) in all stores and 2) flavored tobacco products in stores near specific Youth Sensitive Areas (YSAs) (i.e., within 1000 feet of schools, parks, playgrounds and libraries). The survey tool and protocol used were based on those implemented in the December 2017 pre-compliance visits, with revisions to address some challenges with the original tool administration. To maintain consistency, foster ongoing relationships between County staff and retailers, and facilitate compliance, staff was assigned the same stores they observed in December 2017 Pre-compliance visits where possible. Data were collected by trained TPP staff via observations on 9 weekdays between 2/7/18 and 2/23/18, entered into handheld devices using the SurveyPocket App, uploaded to Survey Analytics and ultimately downloaded, cleaned and analyzed in SPSS.

SAMPLE DESCRIPTION

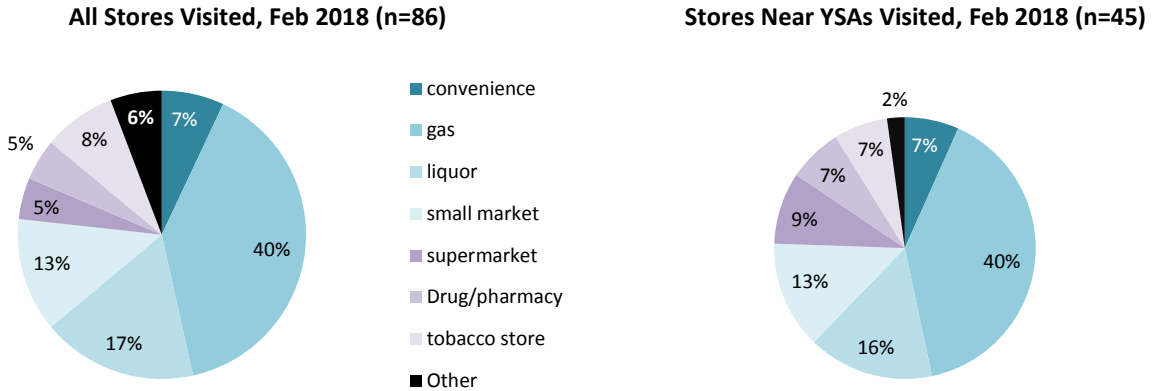
All licensed tobacco retailers selling tobacco in the unincorporated parts of Contra Costa County that could be safely reached by the end of February 2018 were visited, which included 86 stores representing 92% of all 93 such stores in the unincorporated county; 45 of these stores were near YSAs, representing 98% of all such stores in the area. *[NOTE: Stores visited for the Feb 2018 post-compliance visits included all except 2 stores visited for the Dec 2017 pre-compliance visits as well as 9 additional stores not visited earlier; 77 stores received visits during both time periods.]*¹

Licensed Tobacco Retailers Visited Before and After the Jan 2018 Compliance Date (n=93)

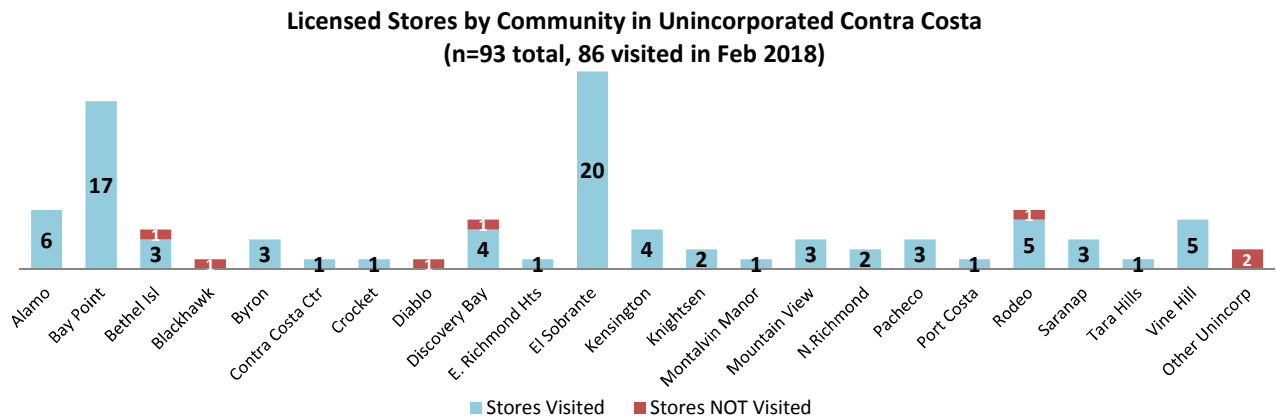


¹The universe of 93 stores was based on 8/24/17 Business License Office and 10/10/17 Board of Equalization lists and December 2017 store visits, which identified stores that were permanently closed or no longer selling tobacco. Of the 93 eligible retailers in the unincorporated county, 86 were visited in February 2018 and 79 were visited in December 2017; 77 stores received visits during both time periods. Fourteen retailers were not observed in December 2017 due to the following: time constraints and/or safety issues (9); unclear local license status at the time of the visits or were determined to be closed/not selling tobacco products and/or paraphernalia at the time of the visits but subsequent information indicated they sell tobacco (5). Seven retailers were not observed in February 2018 due to the following: time constraints and/or perceived safety issues (6); not selling tobacco at the time of the visit (1).

Gas stations (40%) were the most common store type observed during the February 2018 post-compliance visits, followed by liquor stores (17%) and small markets (13%). The distribution by type for stores visited near YSAs was similar to the overall sample, except for a higher percentage of supermarkets (9% vs 5%) and lower percentage of "other" store types (2% vs 6%).



Twenty of the 23 unincorporated communities with licensed tobacco retailers were represented in the February visits; all licensed tobacco retailers were visited in 17 of these communities and at least one retailer was visited in the other 3 communities: Bethel Island, Discovery Bay and Rodeo. In the remaining 3 communities, none of these retailers were visited: Blackhawk, Diablo, and "other Unincorporated."

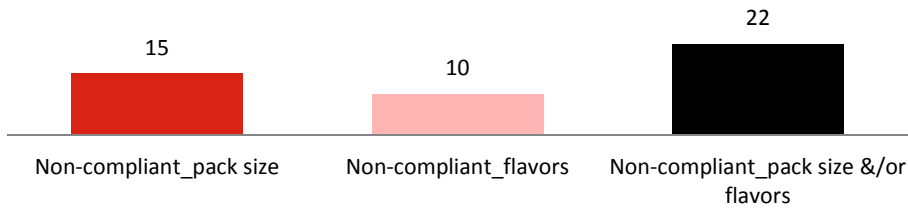


KEY FINDINGS

Compliance with Product Regulations

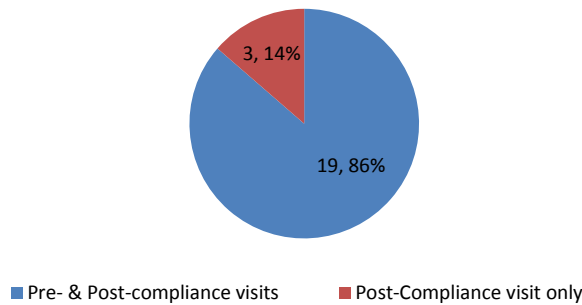
Overall, the February 2018 post-compliance visits indicated that 74% of stores visited were compliant with the new pack size and flavored product regulations; 22 stores violated at least one of the regulations and 3 of these stores violated both.

of Non-Compliant Stores Visited, Feb 2018



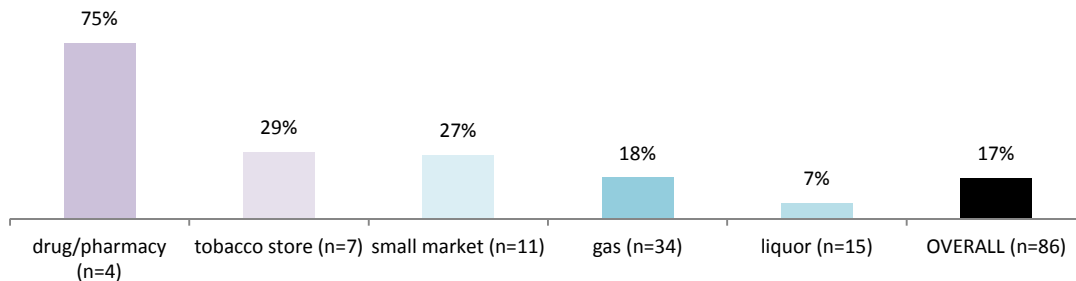
Most non-compliant stores (86%) received both a pre-compliance visit in Dec 2017 and a post-compliance visit in Feb 2018; similar to the 83% of all 93 retailers licensed to sell tobacco in the unincorporated county overall that received both types of visits. Two of the 3 retailers that violated both the pack size and flavors restrictions received both types of visits.

Non-Compliant Stores - Visits Received

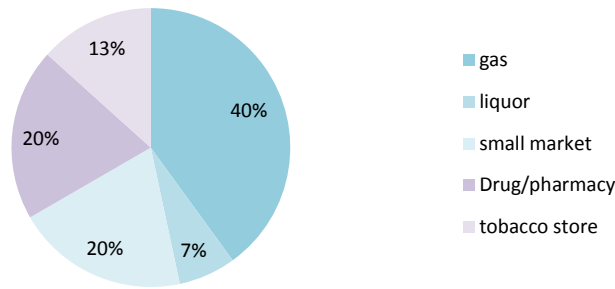


Pack size compliance in Feb 2018. Almost one-fifth (17%) of all stores visited sold small packs of cigars (i.e., packs of less than 10 cigars for under \$5/cigar) and were therefore non-compliant with the pack size regulations in February 2018. Drug stores/pharmacies visited were most likely to be non-compliant with the pack size regulations; 75% of these stores sold small packs of cigars. Gas stations represented the largest share stores visited non-compliant with the pack size regulations (40%), consistent with the share of this store type in the sample as a whole. *However, several store types represented larger shares of these non-compliant stores than their distribution in the overall sample: Small markets (20% vs 13%), drug stores (20% vs 5%) and tobacco stores (13% vs 8%).*

**% of stores visited (by type)
Non-compliant with pack size regulations, Feb 2018**

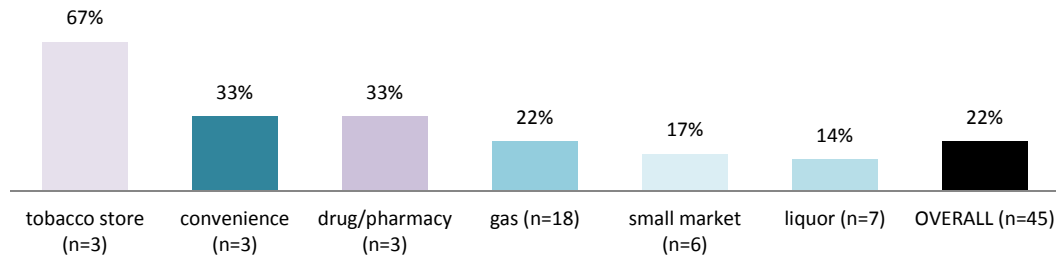


Share of Stores Non-compliant with pack size regulations, Feb 2018 (n=15)

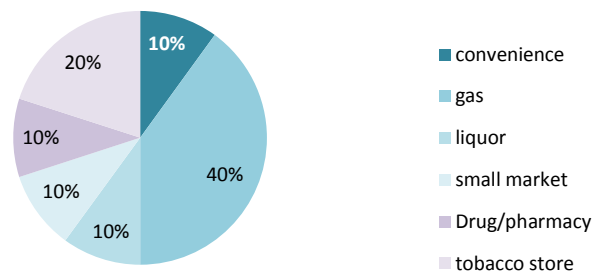


Flavored tobacco compliance in Feb 2018. Almost one-quarter of stores visited near YSAs (22%) sold flavored tobacco products and were therefore non-compliant with the new regulations for these products in February 2018. Tobacco stores visited near YSAs were most likely to be non-compliant with the flavored product regulations; 67% sold flavored tobacco. Gas stations represented the largest share of stores visited near YSAs that were non-compliant with the flavored tobacco regulations (40%), consistent with the distribution of this store type in the sample. *However, several stores types represented larger shares of those non-compliant with the flavored tobacco regulations than their distribution in the overall sample of stores near YSAs: tobacco stores (20% vs 10%), drug (10% vs 7%) and convenience (10% vs 7%).*

% of stores visited near YSAs (by type) Non-compliant with flavored product regulations, Feb 2018



Share of Stores Non-compliant with flavored product regulations, Feb 2018 (n=10)

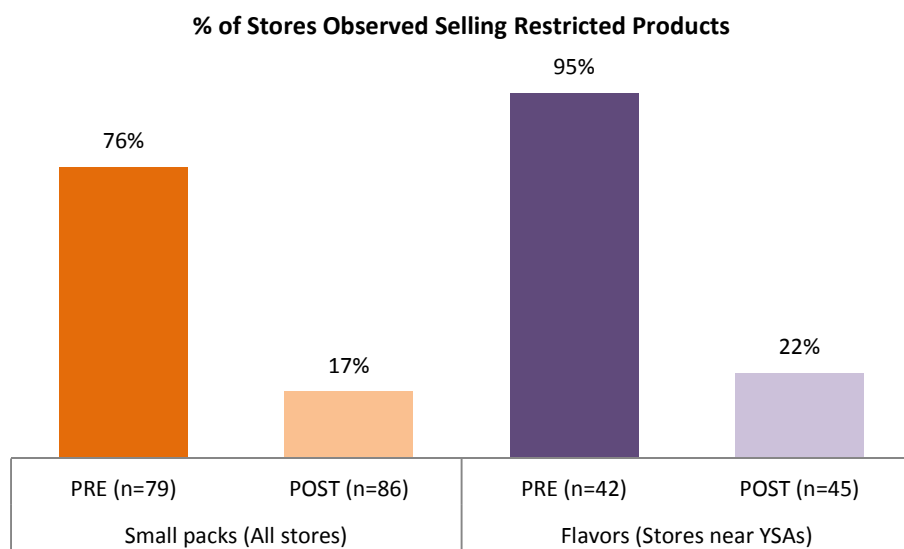


The most common flavored tobacco products sold in stores visited near YSAs were flavored cigars (including large cigars, little cigars/cigarillos, blunts, & cigar/blunt wraps); 100% of stores near YSAs selling flavored

products sold these items. The only other flavored products observed in these stores were: menthol cigarettes and “other” flavored tobacco, in 20% and 10% of stores near YSAs selling flavored products, respectively.

Pre-Post Differences (before and after the new policy compliance date)

Data from “pre-compliance” and “post-compliance” store visits conducted in December 2017 and February 2018 respectively (i.e., before and after the January 2018 compliance date) revealed that although stores weren’t fully compliant by Feb 2018, fewer stores visited sold small packs of cigars and flavored tobacco products after the compliance date versus before, suggesting implementation was progressing: small packs (17% vs 76% of all stores visited); flavored tobacco products (22% vs 95% of stores visited near YSAs). [NOTE: 100% of stores observed NOT near YSAs (i.e., not restricted from selling flavored products) sold flavored products before AND after Jan 2018, although it is unclear how volume of flavored products sold in these stores may have changed.]



OTHER FINDINGS & NEXT STEPS

In addition to capturing observational data about product availability, open-ended questions at the end of the observational survey were used by staff to identify issues raised by retailers about complying with the new regulations and whether follow-up was needed with any stores visited. The following is a summary of this data:

- *Pack size restrictions.* Most questions from retailers were about the new minimum pack size regulations. Some stores thought 5 cigars/pack and/or singles were acceptable pack sizes and asked about bundling smaller packs to meet the 10 cigars/pack size requirements; at least one store was bundling smaller packs together with rubber bands. Many stores sold, or asked about selling, cigars in bulk; Swisher Sweet, Backwoods and Black & Mild products were mentioned most often. A few retailers also were unclear about whether the pricing requirement for small packs was \$5 per pack or per cigar. And a few retailers asked whether they could sell through their inventory of small packs of cigars. *TPP staff clarified these issues during the educational session at the end of these visits.*
- *Flavored products.* The second most common types of questions were about which products are considered flavored; Swisher Sweets overall and the “Classic” product specifically were mentioned most often. Several retailers also asked about clove cigarettes and flavored hemp. One retailer was

told by the manufacturer/vendor that American Spirit cigarettes are “natural tobacco,” which he thought meant that menthol American Spirit cigarettes aren’t considered flavored tobacco. *TPP staff helped retailers identify which products in their stores were flavored and therefore restricted. Retailers were asked to remove non-compliant products from the shelves during the site visit.*

- *Need for follow-up.* Several stores were identified by TPP staff as needing follow-up due to local license issues and product-specific questions. In addition, TPP staff learned that misinformation from Corporate staff of chain pharmacy was communicated to local stores indicating they could sell unflavored cigars in packs of less than 10. *TPP staff made appointments with retailers to resolve the license issues, will research and respond to the product issues and contact the chain pharmacy Corporate staff to clarify issues mentioned above.*
- *Other key issues.* Several retailers questioned their proximity to YSAs and raised concerns about fairness because those NOT near YSAs in the unincorporated county as well as stores in neighboring cities are allowed to sell flavored products. This aspect also makes enforcement cumbersome as store proximity to YSAs must to be analyzed for every store and different enforcement and licensing protocols applied based on this determination. *Whether to adopt these kinds of restrictions jurisdiction-wide or within specific YSAs should be considered when similar policies are developed elsewhere.*

The visits enabled TPP staff to surface and address need for clarification about the regulations among retailers. Most of the issues identified were clarified with retailers at the end of each visit, through a brief educational session that included a Compliance Visit Checklist signed by the retailer and TPP staff confirming products sold that violated the new regulations. As a follow-up to the compliance visits conducted in February 2018, letters will be sent to all stores visited reiterating the results of the visits. The letters will commend stores that fully complied with the new regulations and provide a “warning” to those with violations. A second round of compliance checks will also be conducted with all licensed retailers in the unincorporated county by the end of 2018. These in-person visits also allowed for further development of relationships between retailers and TPP staff established during earlier education efforts through the November 2017 retailer calls and December 2017 visits, which should help facilitate ongoing communication and compliance. Information gathered through these visits also informed communications and educational materials related to the new regulations and was shared with the Board of Supervisors in March 2018 as part of a policy implementation update and at the June 2018 Mayor’s Conference with local cities that may consider similar policy changes. The Board was very pleased with the report, including the County’s thorough implementation efforts and the compliance results and policy makers from several cities attending the June conference expressed interest in pursuing similar policies.