
IMPLEMENT ACTIVITIES: Outreach and Media

Lobbying Versus Advocacy

When you begin meeting with officials to discuss a proposed ordinance, the question of who can lobby becomes important. Funds awarded to agencies by the CDHS/TCS may *not* be used for the purposes of lobbying. To do so is a breach of the contract or grant. The goal of lobbying is to influence legislation. It includes communicating with a member or staff of a legislative body, a government official or employee who may participate in the formulation of legislation, or the general public with the specific intention of promoting a “yes” or “no” vote on a particular piece of legislation.

Educating elected officials, their staff, government employees, or the general public about your program or about tobacco-related issues is *not* lobbying. Agencies funded by CDHS/TCS are advised to seek counsel from their own agency’s attorneys when they need advice regarding the appropriateness of a specific activity.

That said, there should be organizations in the campaign committee that are able to lobby. Groups like the American Cancer Society, American Lung Association and American Heart Association, hospital associations and other groups are permitted to lobby with a portion of their resources. These groups can meet with officials and make your demands. Since the county’s tobacco control resources will not be available for these kinds of activities, they can focus on all the work to do that does not involve lobbying.

It is important for participants in the campaign committee to be forthright about what they can and what they cannot do. Being up front about limitations prevents us from eliminating possible tactics just because we cannot participate in it. The tactic should be evaluated on its merits, and if it supports our strategy, then we find the organizations and individuals who can execute it.

Communicating the Campaign

Before you begin external communication activities (i.e., media relations) pertaining to *The STORE Campaign*, evaluate whether media activities are an appropriate and timely tactic in your community. Using media as a tactic should be based on the value it brings to your policy goal. While media can play a key role in raising awareness in your community, do not automatically assume media outreach is always necessary or appropriate. There are situations when alerting the media about your project’s activities could be problematic to your policy goal. For example, if your coalition building and support outreach have resulted in key opinion leaders and policy makers making a commitment to support an ordinance or policy prior to, and without any public discourse in the media, it might be best to postpone your

media activities until the policy is passed. Otherwise the media activities designed to raise awareness in your community might unintentionally mobilize parties that oppose your goals. An excellent example of knowing when to proactively alert the media can be seen with the recent passage of a tobacco retailer-licensing ordinance in Santa Barbara County (October 2001). The coalition supporting the licensing ordinance conducted no media activities until the actual day the policy was decided. There was no formal opposition heard while the policy was being decided.

But there are times when aggressive media activities are absolutely necessary. If, despite your best coalition building and education activities to key opinion leaders and policy makers, there is no movement towards your policy goal, using the media to create momentum in your community is a very powerful tool. This can include press conferences, editorial board briefings, op-eds and other media tactics (see *Getting Media Coverage* in Develop a Strategy section and list of Media Tools). Once the discussion has become a public debate in the media, it is vital you actively pursue communications. Otherwise, opponents and other parties will be the ones framing the issue.

Working with the Media

Crucial Points

The following points are crucial to working successfully with the media.

▼ Develop and Maintain a Good Working Relationship with the Media

- Make sure spokespersons are accessible when needed.
- Keep media informed of relevant news about your organization or issue.
- Give media the facts (hard data, dates, names, etc.) by official organization representatives. These representatives should:
 - Always know what the facts are at the time.
 - Never lie when they do not want to reveal the answer.
To a reporter, an official caught in a lie makes a better story than the truth.
- Make their jobs easy.
 - Schedule interviews in accessible locations.
 - Provide adequate space for broadcast reporters' equipment.
 - Allow sufficient time for interviews.
 - Give them the tools they need to complete the story (b-roll, graphs, fact sheets, photos, etc.)

▼ Actions Guaranteeing a Bad Relationship with the Media

- Do not respond quickly (or at all) to their inquiries.
- Fail to respect their deadlines.
- Provide inaccurate or incomplete information.
- Send them irrelevant news or “fluff.”
- Call them repeatedly about your event or story.

It is also important to understand the media’s needs, as discussed in the next section. You have a much greater chance of obtaining media coverage if you do everything you can to make their job easier.

Be sensitive to the media’s deadlines and tailor your information to their audiences.

▼ Understand the Media’s Work Environment and Deadlines

- Daily newspapers, television and radio news shows are always on deadline and seldom have the opportunity to spend a great deal of time on one particular story. Exceptions to this: major media with large staffs working on feature stories.
- Deadlines for weekly and monthly publications vary during the week and month. Stories by reporters for these publications may not materialize until weeks or months after the initial interview.

▼ Understand Their Audiences

- Find out everything you can about the audience for each media outlet with which you work.
- Tailor your messages to that audience. Reporters must be convinced their readers, listeners or viewers will be interested in or benefit from the story.
- News judgments are based on how much of their audience is affected by a story, and by how direct and immediate the effect is. For example, national media outlets pick up stories with national significance. Local outlets are more interested in what is happening in their own community.

▼ Understand What the Media Want

- Stories that inform, entertain or expose
- Access to the story and all of its players
- The story behind the story
- Facts to support the story
- Visuals to support the story

Framing the Issue

Frame your messages in such a way that they make a compelling argument and take the audience's perspective into consideration.

When framing any issue, it is always vital to create key messages that are directed towards your intended audience. Messages need to make sense, offer a compelling argument and take the audience's perspective. Messages that make sense or are most compelling to public health professionals are not necessarily the best communications for key opinion leaders or the general public. Never forget people outside of the public health community have other priorities and do not follow tobacco control issues as a regular course of business.

Consider using variations of messages for different audiences. One message may be most compelling to the general public while another variation on that message makes more sense to a different audience such as a pro-business policy maker. However, never use conflicting statements or state anything that is not true. This will severely damage the credibility of your spokesperson. For help with framing *The STORE Campaign* to your community, please see [Talking Points](#).

Following are tips to keep in mind when developing key messages.

▼ Identify Your Audience

Learn all you can about your target audience. Ask these questions:

- Who are they? (List all, then prioritize)
- What is their age, gender, income level, education level, geographic location, occupation, family size, ethnicity, etc.? (demographics)
- What do they like? What motivates them? What offends them?
- Where do they get their information? (What media do they watch, read, listen to? What are their other sources of information?)
- Why should they care about your message? (How does it benefit them?)

▼ Take Cultural Differences into Account

California is comprised of many ethnicities and cultures. Research clearly indicates one's cultural orientation may profoundly influence how certain messages will be received. The solution is to bring together colleagues who are knowledgeable about a particular culture and ask them:

- Is there anything in these messages you think would not be well received by this cultural group?
- Is there a way of saying this that would increase its effectiveness?
- What would be the best vehicles for delivering these messages?

▼ Consider the Public's Interest

People are most likely to respond to messages that answer the question: "Why does this matter to me?" The information you have gathered in identifying your audiences will help you answer this question.

▼ State Your Key Messages First

Assume you will have time to deliver just three key message points. Time is of the essence with reporters—they may not have the time to hear details. The most important facts should come first. Explanations of your main points are important, but not the priority.

State your key messages first and keep them simple.

▼ Keep Your Messages Simple

People who are experts about a particular issue often make the mistake of assuming everyone else shares their knowledge. They risk losing the attention of their audience by communicating in the same fashion they would to peers. To avoid this:

- Do not use jargon. Terms such as "mortality and morbidity rates," "youth access" and "prevalence" have little meaning to the general public.
- Do not try to deliver messages that are too complex. Your messages should be at an eighth grade comprehension level, the same as most newspapers and magazines use.

▼ Make Your Messages Quotable

Keep them short and repeat them often. The reporter who is looking for story-defining "sound bites" or one-sentence quotes will invariably turn to those messages when preparing the story.

Which of these statements from a teenager is more quotable?

"I've decided not to smoke because smoking is bad for me and I want everyone to know it." or, "I'm proud to be tobacco-free!"

What about these statements from anti-tobacco organizations?

"We provide anti-tobacco education through outreach efforts to the community, etc., etc., etc." or, "We save lives."

Take a cue from the advertising industry and create messages people will remember and repeat.

▼ Use Facts and Figures to Back Up Your Message Points

The use of accurate, verifiable data adds credibility to your message.

▼ Practice, Practice, Practice

Review your messages or talking points before making any announcement or speaking to the media. You should be so familiar with your talking points that you can remember and repeat them even if you are nervous or flustered during an interview.

Story Ideas for Potential Media Activities

With careful planning and creativity, your organization can generate interest and positive publicity for current and future laws and ordinances restricting youth access to tobacco and exposure to tobacco industry marketing. The following story ideas can be pitched to local media or used at press conferences to help generate positive media coverage about tobacco-related issues at the retailer level including youth access. These are suggested opportunities that you can adapt and implement in your local community.

If you have regular contact with reporters, you can discuss several different story ideas with them.

- **Demonstrate how local policy and/or enforcement activities have reduced illegal sales to minors, but that some stores continue to sell.** Demonstrate why licensing is needed, using local compliance surveys, Food and Drug Branch of the California Department of Health Services compliance checks or local enforcement efforts to prove illegal sales are occurring. Augment the data with statements from local merchants who are supportive of the laws on why enforcement is important. Highlight a merchant who trains staff on proper procedures.
- **Use scientific evidence to educate about the deadly danger of youth access and lifelong addiction.** Every day in California 200 youth under the age of 18 become new daily smokers; 74.6 million packs of cigarettes are bought or smoked by youth in California each year.
 - 90% of smokers want to quit;
 - 90% of smokers started by the time they were 18 years old;
 - The earlier a person begins smoking, the more profound the changes in his/her brain chemistry and the more difficult it may be for them to quit.*

Personalize this scientific evidence with testimony from smokers and ex-smokers who started before they were 18.

- **Demonstrate what your community is doing to support the current law and to protect kids.** Invite a reporter on a ride-along to cover enforcement activities. A ride-along can crystallize how important enforcement is, how professional the FDB and local

* Campaign for Tobacco Free Kids. Special Reports: State Tobacco Settlement, The Toll of Tobacco in California. Accessed March 2002. Available at <http://www.tobaccofreekids.org/reports/settlements/TobaccoToll.php3?StateID=CA>

enforcement operations are, and the effectiveness of local laws. As support for your community's efforts, there are a number of recent studies establishing the importance of meaningful enforcement on compliance and reduction in teen smoking.

- **Highlight how restrictions in the Master Settlement Agreement are not enough.** Work with local youth groups to evaluate tobacco marketing in retail stores. Invite a reporter along to see how the tobacco industry is targeting children by placing advertisements below counter level (eye level to underage), covering windows, placing ads near candy aisles, etc. Studies supporting these findings have recently been released. For example, in some California communities 74% of tobacco retailers near schools, homes and parks advertise tobacco products in windows. Help reporters understand the economic reasons behind the tobacco industry's actions and how they impact kids.
- **Document the advertising problem in your community.** Document the number of sandwich signs and exterior retail advertising in your community. Include all advertising, not just tobacco products. Pitch the story on how bad the problem is in your community. Use photographs to illustrate the problem and have youth tell the story.
- **Highlight the proliferation of exterior tobacco retailer advertising in lower socioeconomic communities.** Document and raise awareness of how exterior tobacco retailer advertising is more prominent in lower socio-economic neighborhoods. Offer reporters the opportunity to speak with advertising experts, retailers and community leaders. Find a retailer willing to speak about the money received from tobacco companies to prominently advertise their products.
- **Focus on the effects of tobacco advertising on youth.** Pitch reporters the story idea of how tobacco advertising influences youth. Use data from published studies and surveys. Find an expert on advertising or an author of a study willing to conduct interviews.
- **Showcase a responsible retailer.** Find a retailer who already has placed *all* tobacco products behind the counter, or educate and persuade a retailer to do so. Pitch the story of the responsible retailer to local reporters. Focus on the cost benefits to the retailer (no shoplifting) and the moral responsibility of retailers to help prevent youth from smoking.
- **Focus on the number of existing tobacco retailers around schools and other youth facilities.** Count the number of existing retailers selling tobacco within walking distance, or a one-mile radius of a few select schools or other youth facilities. Using this data, pitch reporters the story of how many tobacco retailers already exist within close proximity to schools, etc., in your community. Highlight the problems of youth access and the effects of normalizing tobacco use.

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- **Highlight stories of youth smokers to examine the problem of youth access and tobacco use.** Use statistics and studies on youth prevalence and illegal sales to minors to highlight the problem of youth's easy access to tobacco. Use real stories of youth tobacco users to examine their addiction and how easy it is for children to buy tobacco products.

Direct Action Events

Direct action is needed when those with power are standing in the way of real improvements in people's lives. It is needed when efforts at education and persuasion have failed to produce results. And it works best when the vast majority of people support the issues and improvements we are seeking. These conditions call out for direct action, and they exist in the majority of communities in California when our tobacco prevention movement attempts to pass new policies and enforce others that are already on the books.

Direct action tactics use the power of organized people representing the community to confront the target official who has the power to approve the new policy. This confrontation and conflict make most staff and volunteers in the tobacco prevention movement uneasy. Our backgrounds and training have not prepared us for political confrontation. We are at a disadvantage because the official we are confronting is used to it. Confrontations come with the territory of being a public official, and veteran public officials are quite sophisticated in assessing the seriousness of the challenge we are mounting against them.

To overcome our discomfort, we need to talk about it openly. Some people will never be able to confront a decision-maker, but we need to agree among ourselves that it is necessary.

Direct action events require extraordinary planning and preparation to demonstrate our power and to avoid being co-opted and manipulated by the official. Participants need to understand the script and play their roles at the proper time; the whole event must demonstrate the strength and discipline that will cause even a veteran officeholder to pay attention. We will examine three examples of direct action in some detail: a rally, an accountability session and a public hearing.

A Rally

The strategy chart can be helpful in planning a direct action event just as it is for developing the strategy for the overall campaign. Used as a tactical planner, the direct action tactic becomes the goal in the first column; the organizational considerations column holds the budget and the campaign committee's organizational goals for the event. The "Constituents and Allies" column becomes the turnout plan for the event; the "Tactics" column lists the actions to take at the event to demonstrate your power,

Direct Action: A Rally* • STOP ILLEGAL TOBACCO SALES CAMPAIGN

▼ Column 1: Goal

Hold a rally of 100 people at a park in the target's council district across the street from a local grocery store with a long record of illegal sales of tobacco to minors.

▼ Column 2: Organizational Considerations

Budget:

- Overall cost of the rally: \$2,000
- How much currently available for the event: \$1,250
- How much needed to be raised: \$750
- How will the amount be raised: 4 contributions of \$150 from organizations on campaign committee and \$150 raised in small donations at event

Staff and leadership time:

- Who has major responsibility and how much time required: Mary (organizer), 30 hrs; Derek (support), 10 hrs; Media staff person, 5 hrs; coalition chair, 3 hrs

Volunteers:

- Names of active volunteers and their assignments: Need 10 volunteers to staff 5 phones over 5 nights for 2 hrs/night
- Less active volunteers who may also attend

Equipment::

- List all the office equipment that will be used to prepare for event (e.g., printers, copiers, etc.) and when it will be used, including cameras, cassette recorders, etc.
- List equipment needed at the park (e.g., bandstand, podium, PA system, generator)

Access to media:

- List media contacts, reporters who have covered issue in the past, stations to be approached, those that run PSAs, etc.

Organizational goals for specific event:

- Five new volunteers
- Closer relationship with neighborhood group in the vicinity of the store
- 10 new registered voters at the event
- Money raised: \$750
- More power in relation to target: 100-person turnout—above usual

▼ Column 3: Constituents

Goal: 100 people

Turnout plan:

- Campaign regulars: 25
- From neighborhood group: 10
- From phones: 65
- Confirm 2x needed names: 130
- Calls to get needed confirmations (7x): 910
- No. calls/person/hour: 20
- No. person hours calling: 46
- No. calling nights and persons: 5 people/2 hrs/5 nights

- List groups who will provide phone lists
- List groups who will provide volunteers to phone

▼ Column 4: Target

- Primary target: City Councilwoman Antonia Delgado: 5th District
- Secondary target: EPA Regional Director (no role at rally)

▼ Column 5: Tactics

- Several large banners on poles: one with the name of the campaign, "Stop Illegal Tobacco Sales Campaign;" and one with our demand, "Vote Yes on Licensure Councilwoman Delgado."
- Announce petitions with 1,000 names from the immediate neighborhood of the store demanding that Councilwoman Delgado support licensure.
- Have speakers from endorsing organizations parade to microphone, one after another repeating the campaign's demand of the councilwoman.
- Have underage community members describe how the store sells tobacco to anyone who wants it.

** Please note that some of these activities are lobbying. CDHS/TCS funds may not be used to lobby.*

make the target uncomfortable, get media attention and make an exciting activity. Above is an example of the strategy chart being used as a tactical planner by the Stop Illegal Tobacco Sales Campaign. The tactic is a rally.

This rally is designed to demonstrate the strength of the campaign by turning out 100 people, and focusing media attention on the issue by locating the rally across the street from the store selling tobacco to minors. The tactic is not aimed at the opponent, but the proximity of the offending store helps make the issue more interesting to the media and grounds the tactic in reality. The demands of the rally are aimed at the target, and the speakers are selected because they are important to the target's political future. The campaign hopes to register voters and raise money at the event as well. Using the [Strategy Chart](#) and the [Planning an Action Checklist](#) will ensure these events are thoroughly planned and produce the best possible result.

Accountability Session

An accountability session is the most complex, and if orchestrated properly, the most powerful direct action available to the issue campaign. Use the [Strategy Chart](#) and [Accountability Session Checklist](#) to plan the event. (For important additional information please consult Chapter 8 of *Organizing for Social Change, the Midwest Academy Manual for Activists*, available through TECC, 800-258-9090.)

Note: CDHS/TCS funds may not be used to conduct an accountability session for the purposes of obtaining a "Yes" or "No" level of support for a specific ordinance. CDHS/TCS funds may be used, however, to conduct an accountability session for the purpose of obtaining support for enforcement of an existing law.

The Stop Illegal Tobacco Sales Campaign, our continuing example of an issue campaign, decides to hold an accountability session with Jonathan Goldenring, the Mayor, and one of the two targets. The goal is to force the Mayor off his undecided position into public support for the licensing measure. If he agrees to vote for it, the escalation demand will be that he make a public statement in support and lobby the other undecided council member. If he refuses to commit himself, the fallback demand is that he ask for a delay in the council's consideration of the matter so that the Campaign has more time to build pressure.

The Campaign creates a Planning Committee to prepare for the direct action. Every aspect of the action from turnout to decorations of the room is assigned to a specific individual. They agree that they can organize the event almost any weekday evening in late September and early October and give the Mayor's office those dates to work with. The Mayor does not want to face a big public meeting that close to the election, but he cannot get out of it because they are offering so

Use direct-action organizing tactics when those with the power are standing in the way of real improvements in people's lives.

many dates. The planning committee receives confirmation of the Mayor's attendance in a letter, and saves it.

The Planning Committee concludes they need to turnout at least 200 people to demonstrate their power in the district. They create an agenda beginning with the Pledge of Allegiance, followed by a welcome and introduction by the chair. The chair's introduction sets the stage and gets the audience involved with applause and cheers. The chair describes what happens when kids begin smoking, how quickly they become hooked and how most of them lose 8 to 10 years off their life because of it. She ends by saying, "It is time to decide, Mr. Mayor, our kids' lives depend on it."

Direct action tactics are confrontational and may make staff and volunteers uncomfortable.

To overcome this discomfort, openly discuss it.

The target is sitting facing a citizen panel across the stage. He has no microphone at hand so he cannot respond. The chairperson is standing at a podium slightly behind where the target is sitting, between the panel and the target.

After the chair's introduction, community residents speak for the next 45 minutes to an hour from microphones on the floor. They have been selected in advance and have rehearsed their remarks. They express their personal concern with how easy it is for kids to buy cigarettes and tell stories about their family and tobacco use. They do not ask the target questions, and the target just listens. Parents stand behind their teen children as they tell stories about the ease of buying cigarettes. Smokers tell stories about how they started young and still cannot quit. The Planning Committee saves the most powerful testimony until the end, so that the session can move into the confrontation phase on a wave of high energy.

The next phase is led by the citizen's panel. These three community leaders have their own script and have rehearsed their "demands" on the Mayor. An organizer stands next to the Mayor holding the microphone, so the Mayor can respond, but not control the mike. The first panelist, the director of the local Latino health clinic, says to the mayor, "It is clear to us that you are not as informed as you need to be about this health problem. Will you meet with local health officials to learn more about the problem of youth tobacco use?" The Mayor quickly agrees to this first request, the crowd cheers, and a scorekeeper on the stage puts a big "X" in the "yes" column next to the demand "Learn More About Youth Smoking." (This scoreboard was made prior to the event and serves as a strong visual representation of the session's outcome.)

The second panelist, a Parent Teacher Association leader from the local middle school, says to the target, "my son started buying cigarettes at Johnson's Market when he was 13 years old. He's addicted now. Will you work to ensure that there are youth cessation programs available in this community for my son and others in need?" The Mayor responds with a question to the panelist about the current availability of such programs; after comments back and forth, he

*Direct action events
require extraordinary
planning and
preparation.*

agrees to the second demand. Again the crowd cheers and the scorekeeper records the victory. Everyone is feeling optimistic about the third and final question.

The third panelist represents the tri-agency coalition of the American Lung Association, American Heart Association and American Cancer Society. He lists the illegal sales rates for stores in the district, and ends by pointing out that he personally was an adult supervisor on several youth purchase surveys in the district and he knows that stores will not stop selling until they face a realistic threat of losing their ability to sell tobacco. “Only requiring a license to sell tobacco and enforcing the laws against sales to minors will do that,” he said. “Will you support the licensure ordinance pending in council?” Silence fills the hall.

“What is it going to cost for retail stores to purchase the license?” he asks.

“It will be \$50–100 a year, and you already know that because your staff covered that question in a report to you last month,” responds the panelist.

“The chief of police has stated he does not want to get bogged down in issuing tickets to store owners,” the Mayor responds.

“But he also has said he will enforce the law if the council passes it, and that the license fee should cover the department for any overtime required,” states the panelist.

“That’s enough hedging,” the chair asserts from the podium. “These are issues we’ve discussed at length before. Now, we need your answer. Yes or No to the licensing bill?” Again, silence in the hall. Then slowly, beginning with one voice in the back, begins a chant, “Yes or No, Let us Know,” “Yes or No, Let us Know.” It builds to a peak and then the chair holds up her hands and everyone is quiet. “Mr. Mayor,” she says, “We must know your position.”

“I’ll support it,” the Mayor says dramatically, but his efforts to explain his reasons are drowned out by cheers and shrieks from the audience followed by extended applause. By the time the crowd quiets down, the chair is giving instructions to the crowd and the Mayor has left the stage.

Public Hearings

If the campaign is holding its own hearing, here are some tips to make it effective. Like the accountability session, a high-impact public hearing requires a significant turnout, at least 100 people. Make certain the meeting room can hold slightly less than the number you expect to show up.

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- Write all the testimony in advance. Statements should be personal stories with a minimum of “expert” testimony.
 - Read messages and statements from allied groups and prominent individuals.
 - Rehearse everything.
 - Save some of the strongest statements and personalities until the end.
 - Keep the hearing under two hours.
 - Have one person assigned to locating the media representatives, providing them the press release and steering them to the spokespeople.
 - Bring letters and petitions and conduct voter registration in the back of the room. Get everyone in attendance to sign-in with his or her name, address, phone number and email address.

Remember that you are not creating a forum for all views; you are creating an opportunity to present your views, not your adversary’s, to the public, to public officials and the media.

Opportunities for “official” public input at the city and county level are often tucked into agendas right before the council or board debates and votes on an issue. Other times, your only opportunity comes earlier on the agenda in the public comment period. In either case, a large turnout of easily identified supporters (buttons, hats, t-shirts) is critical. Some expert testimony may be helpful, but most statements should be personal stories and reactions to the issue. As with your own hearing, all statements should be written in advance and rehearsed.

Negotiations

Issue campaigns usually involve negotiations. The key questions you need to ask about negotiations are:

- When do the decision-makers want the negotiations to happen?
- Who are the negotiations with?
- Are the results of the negotiations binding on the decision-makers?

If negotiations with the city manager or county administrative officer are offered at the end of a well-organized issue campaign, they are usually worth the effort. However, if negotiations are offered just as the campaign is building momentum and they require putting the campaign on hold while negotiations proceed, it may be a tactic by your adversaries to derail your efforts.

Let’s say the mayor creates a community/city council task force to study the issue and proposes an ordinance to council. Several campaign leaders are invited to be members. It could be a good

opportunity or a bad one. If the task force is dominated by local business leaders and chaired by their pet councilman, it is probably not advisable to end the campaign. In that situation, campaign leaders would be negotiating with opponents, not the targets, and the recommendation to council, even assuming it was positive, would not be binding. Campaign leaders, however, should keep attending the meetings for as long as possible while the campaign continues to move forward. Every meeting is another opportunity to get information that will discredit the opponents and the target.

If the task force is composed of health officials and children's activists, it is definitely worth participating on. Depending on the circumstances, it may be worth incorporating the task force activities as a phase of the campaign to help build a larger coalition.

Most negotiations are not formal, sit down affairs with two sides facing each other across a table. More often, negotiations occur throughout a campaign. A campaign leader may be attending a meeting and be pulled aside by an undecided council member. "If you guys can lower the fees and put some additional warning steps in your enforcement protocol, I think I can support the ordinance," the councilman tells the leader. The leader responds, "We've been considering that. I'll bring your idea to the committee and get back to you on it. What fee level would you be comfortable with?" And so it goes.

Keeping the text of an ordinance in draft form until the last possible moment facilitates input by various members of the city council or board of supervisors, and allows the campaign to bring on key supporters with reasonable compromises.

Key Issues in Negotiations

What are the key issues you face in negotiations around policy dealing with illegal sales and marketing?

Most attempts to weaken or strengthen a proposed policy involve the following issues:

- Who will the policy affect? (e.g., are all retailers covered?)
- What is the scope of the policy? (e.g., does a sign ordinance limit storefront signs to 10% of the window space or 25%?)
- How much will the policy cost? (e.g., what is the proposed fee for a tobacco retailer? How much will it cost to enforce the policy?)
- Who will enforce the policy?
- How often will enforcement occur?

Generally, advocates should propose a policy they believe is comprehensive and effective. However, because the political process often involves compromise, those involved in the campaign should discuss which elements of the policy could be weakened without undermining the entire policy.

For example, a draft tobacco retailer-licensing ordinance might include a \$100 annual fee—enough to pay for issuing the license and for four compliance checks per year (in this hypothetical community). Tobacco retailers might object to this fee and say they want the license to be issued free of charge. However, since a free license would not bring in any revenue to administer or enforce the program, such a change would undermine the entire licensing scheme. Additionally, advocates probably should negotiate only with decision makers (such as city council members) rather than the opposition. On the other hand, if a council member agrees to support the licensing ordinance if the fee is reduced to \$75, which would cover three compliance checks per year instead of four, then such a proposal may be something to consider and negotiate.

▼ Weakening Local Ordinances

Here are some other ways opponents have tried to weaken local licensing ordinances:

- Requiring retailers to be licensed only after they are caught violating a tobacco-related law, such as by selling to a minor. (Such a requirement undermines the licensing program because if not all retailers are licensed at the outset then there is no way to determine how many tobacco retailers exist in a community, nor is there any funding for enforcement efforts.)
- Holding retailers accountable only for selling tobacco to minors, rather than violating any tobacco-related law, such as a self-service display ban.
- Establishing a short time frame for license suspensions to accrue. For example, if a retailer's license will be suspended for 90 days upon the third violation in one year, it means the local government must get out and cite that store three times in one year. If the time period is extended to three or five years, then the local government has more time to catch violators.

▼ Negotiating Ordinances

Similar negotiation questions may arise for other types of policies. For example, early tobacco retailer opposition to self-service display bans called upon communities to require only that tobacco products be in the cashier's "line of sight" rather than locking up the products. Such a provision undermines the purpose of the ordinance because it does

not prevent theft; the cashier may be distracted while making a sale. Therefore, such a proposal is not a proper subject for negotiation. Another common question is whether to exempt stores that sell only tobacco products from a self-service display ban. The rationale is that such stores (theoretically) prevent minors from entering their stores. While advocates may not want to propose a self-service display ban that exempts adult-only stores, such a concession may be politically necessary in the face of strong opposition from such retailers.

If your community is considering a land use policy to limit the location of new tobacco retailers, questions may come up about where in your city or county you wish to allow such stores to open. For example, an ordinance could prohibit tobacco retailers from opening within 1,000 feet of schools and playgrounds; or the ordinance could allow tobacco stores to locate only in industrial zones in the community. Negotiation on these questions may be quite appropriate to develop a policy that meets the needs of your particular community.

Negotiation issues are sometimes raised by tobacco control advocates and sometimes raised by potential opponents. For example, your campaign may ask the city to draft an ordinance to require tobacco retailers to be licensed. This ordinance may mention nothing about what agency has enforcement authority. Therefore, the campaign will have to raise this issue as a topic of negotiation.

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