
IMPLEMENT ACTIVITIES: New Policy

Successful implementation of a new law takes leadership, effective planning, creative implementation and the tenacity to “bird-dog” the plan. Following are a series of steps that were used successfully in California to implement clean indoor air and youth access policies. Use the [New Law Implementation Checklist](#) to help you develop an action plan.

Analyze and Frame the New Law

Be sure you clearly understand the law’s provisions and how it will be enforced. Ask yourself the following questions. Will you need to:

- Revise your budget
- Hire additional staff
- Provide training
- Develop or order educational materials
- Create signage or design databases

Are there any exemptions in the law that will increase the cost of monitoring compliance? Besides identifying budget and task implications, analyzing the law gives you an opportunity to help the public, enforcement officials, elected officials, the business community and the media to perceive the law in a positive way.

For example, when clean indoor air laws were enacted in California, advocates quickly “framed” these laws as protecting the health of non-smokers and creating a level playing field for businesses. This strategy effectively counteracted tobacco industry front group messages claiming loss of business and promoting smokers’ rights.

Laws are often ambiguous. You need to develop a fact sheet and get it to media, public officials and impacted businesses before your opponents have the opportunity to distort the law’s provisions. Prior to the implementation of Labor Code 6404.5 on January 1, 1995, the California League of Cities issued, “A Guide to Understanding AB 13” in September 1994 which answered common questions about gray areas in the law. It was important for health advocates to quickly clarify ambiguous language rather than to leave it to the tobacco industry front groups. Important steps to clarify new laws include:

- Take charge of the situation by reviewing all the requirements of the new law.
- Ask the city attorney or county counsel to clarify ambiguous provisions.

*Successful
implementation of
a new policy
requires leadership
and tenacity.*

-
- Work with an impartial but credible group such as the League of Cities to release and disseminate clarifications.
 - Act quickly: Do not let your opponents out-manuever you.

Plan with People

Key to developing the plan of action to implement the new law is planning with other people. The extra effort to involve others will pay off in greater expertise, better understanding of the challenges and opportunities, more ideas and a heightened sense of ownership and commitment to the plan. Solicit the help of the Regional Community Linkage Projects, Local Lead Agencies, Competitive Grantees, Ethnic Networks, Voluntary Health Associations and youth and adult coalition members.

Include people with the following expertise in your planning group:

- Content expertise: understand the issue and act as spokespeople
- Enforcement experience: knowledge of protocols and practices
- Media savvy: know how to capture the media's interest
- Evaluation expertise: track compliance, assess the overall impact of the law or demonstrate public acceptance of the law

Implement Public Education Campaign

The purpose of an education and public relations campaign is to inform the public and those affected by the law of the new requirements. The goal is to achieve voluntary compliance as a result of everyone being fully informed and understanding that the law addresses a serious problem.

There are a number of groups your campaign will need to reach:

- Public health community and coalition members
- Elected officials (i.e., board of supervisors and city council members)
- Enforcement agencies
- Worksites, retailers or others impacted by the provisions of the law
- Media
- General public

Education Strategies

- Provide workshops, particularly for the public health community, coalition members, and law enforcement agencies so that they have an in-depth understanding of the requirements of the law.

-
- Prepare arguments and counter arguments for coalition members, staff and spokespersons to maintain control in framing the law.
 - Prepare educational outreach materials and signage for worksites, retailers or others who may be impacted by the provisions of the law. Be sure to work with these groups to verify they will use the materials you provide.
 - Provide targeted technical assistance to law enforcement agencies or groups such as worksites and retailers to help them put policies and procedures into place.
 - Make presentations to elected officials, community groups and business or civic groups.
 - Prepare background materials for the media.
 - Conduct press conferences and media briefings.
 - Participate in talk shows.
 - Prepare direct mailings, particularly to the businesses impacted by the law's provisions.
 - Place paid media or public service announcements.

Work with Enforcement Agencies

Lack of meaningful enforcement can seriously undermine a new law. However, enforcement agencies rarely proactively enforce tobacco control laws because funds for enforcement are not usually provided. It is important for you to take charge of the situation and cultivate the involvement of the enforcement agency.

A study of 182 law enforcement officials representing 200 cities in California found that only 36% of local enforcement agencies reported conducting one or more compliance checks for sales to minors in the previous year. They found that agencies were more likely to conduct compliance checks if they perceived fewer barriers to enforcement, reported more frequent collaboration with community agencies to enforce youth access laws and believed the problem of youth access to tobacco was a serious problem in their community.¹

One of the most significant barriers to enforcement was the lack of staff and budgetary resources. While it would be great if new laws included resources for enforcement, frequently this is not the case. Public health advocates can help law enforcement agencies by advocating for funding for local law enforcement agencies or helping them to apply for grant funds. Public health advocates in Amador County, San Francisco City/County, the City of San Jose, and Santa Cruz County were successful in their efforts to have local Master Settlement Agreement (MSA) funds appropriated for enforcement of to-

bacco control laws.² Additionally, CDHS/TCS makes its MSA funds available for the enforcement of tobacco control laws. Local advocates can assist their law enforcement agencies to apply for these funds in the future.

Collaboration with community groups facilitates enforcement of youth access laws. California's BREATH project found that no matter how much education was done, some bar owners and patrons would not comply with the California's smoke-free bar law until faced with legal sanctions. BREATH helped motivate and support prosecutors by:

- Creating a network of experts such as district attorneys, city attorneys, code enforcers and police to whom enforcement agencies could turn for assistance;
- Providing sample enforcement protocols and enforcement protocols used by others;
- Providing regular updates of legal opinions and court decisions to law enforcement agencies.³

Strategies for Working with Law Enforcement

- Find out the agency's law enforcement philosophy. Departments that are committed to Community-Oriented Policing find that enforcing tobacco control laws complements their other activities very well.
- Understand and work with the chain of command in the agency.
- Recruit and train youth for tobacco purchase compliance checks.
- Provide or arrange for training for investigators.
- Provide enforcement agencies with contacts to other enforcement agencies.
- Handle the initial complaint calls and send out an informational letter to businesses after a complaint is received.
- Help law enforcement agencies identify other staff (code enforcement personnel) or volunteers (such as RSVP programs) who can make the job of peace officers easier.
- Help enforcement agencies to analyze and publicize the results of enforcement activities.
- Provide law enforcement agencies with positive public recognition for their efforts.
- Update elected officials on law enforcement accomplishments and challenges.

Cultivate a relationship with the law enforcement agency and offer your assistance.

Finally, for agencies to enforce laws, they have to perceive the problem of youth tobacco use, youth access to tobacco or the clutter of tobacco advertising as serious. Local youth tobacco purchase survey or tobacco ad survey results or photographs of the problem may help enforcement agencies to appreciate the significance of the problem. (Also see [Tips for Working with Law Enforcement Agencies](#) developed by BREATH.)

Monitor Compliance and Assess Impact

To monitor compliance with the law and assess its impact, it is best to conduct a baseline measure prior to the implementation of the law. An alternative is to collect data several times during the first year the law is in effect, and then at longer intervals during subsequent years. Some ideas are listed below:

- Create a complaint tracking form for use by staff to uniformly collect information from callers.
- Create a complaint database and track complaints by business type, geographical location and the number of complaints received for the same business.
- Conduct observational checks of a sample of businesses to determine if there is compliance with the provisions of the law (e.g., have self-service displays been removed or are there fewer signs covering the storefront windows). Take photographs to document violations.
- Conduct surveys or interviews to determine support for the law among the public, key opinion leaders, law enforcement agencies and the groups directly impacted by the laws. (See [Law Enforcement Survey](#))
- Conduct surveys or interviews of law enforcement agencies over time to determine the frequency of enforcement activities.
- Monitor whether there is a decrease in tobacco sales to minors and whether youth perceive it is more difficult to purchase tobacco.

For more information about implementing new policy review the following case studies:

[Effectiveness of a Policy to Reduce Tobacco Sales to Minors](#), Vista Community Clinic (June 2000)

[Tobacco Free San Mateo County Project](#), American Lung Association of San Francisco and San Mateo Counties (June 2001)

Generate Ongoing Public Support

Generate ongoing public support for the law through the use of recognition events, anniversary events and release of reports demonstrating support for the law.

For a particularly controversial law it is important to:

- Demonstrate ongoing public support for the new law
- Protect against attempts to weaken the law
- Demonstrate the benefits of the law.

If enforcement and compliance are not going well, follow-up activities may be used to demonstrate that the intervention (e.g., policy or enforcement efforts) needs to be stronger. Once again, planning ahead is the key to being successful.

Soon after San Luis Obispo's landmark smoke-free restaurant and bar law went into effect in 1990, local advocates created a huge thank-you card that was displayed at the local farmers market for residents to sign. The organizers expected that the public would write short notes of thanks, but instead received testimonials profusely thanking the elected officials who had passed the law. The thank-you card was presented publicly to the officials at a city council meeting.

The California League of Cities also reinforced key opinion leader support for the enactment of local clean indoor air ordinances by establishing an awards program. Awards were presented at city council meetings and the presentation included a city-specific, video-taped message from then Surgeon General Koop acknowledging the efforts of the city leaders. Following implementation of the smoke-free bar law in California, CDHS/TCS was able to demonstrate that there was growing support for the law among the public and bar patrons, and that there was no economic impact on bars resulting from the law; tourism was alive and well.

Ideas to Demonstrate Support for the Law

- Sponsor recognition events for the public officials who supported the new law.
- Issue press releases with data from your evaluation demonstrating support for the law and compliance with the law.
- Educate elected officials on the success of the law and public support for the law.
- Use letters to the editor of newspapers to communicate to key opinion leaders about the success and support for the new law.
- Issue a year-end report demonstrating the cost saving or health benefits of the new law.
- Develop an anniversary event to remind the public and key opinion leaders of support for the new law.

[Back to IMPLEMENT ACTIVITIES: New Policy](#)

References

1. Howard KA, Ribisl KM, Howard-Pitney B, Norman, GJ and Rohrbach LA. What Factors Are Associated with Local Enforcement of Laws Banning Illegal Tobacco Sales to Minors? A Study of 182 Law Enforcement Agencies in California. *Preventive Medicine*. 2001;33:63-70.
2. American Lung Association of California Website. Tracking Tobacco Settlement Funds. Last Updated 1/10/2002.
3. Kiser D and Boschert T. Eliminating Smoking in Bars, Restaurants, and Gaming Clubs in California: BREATH, The California Smoke-Free Bar Program. *Journal of Public Health Policy*. 2001;22: 81-87.