


**CDC OFFICE ON SMOKING AND HEALTH  
POINT-OF-SALE STRATEGIES WEBINAR SERIES**

*It's Go Time:  
Tobacco Retailer Licensing Playbook*

Thursday, June 4, 2015  
10:00 – 11:00am PT

National Center for Chronic Disease Prevention and Promotion  
Office on Smoking and Health




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**TODAY'S FACILITATOR**



**Asha Banks, MPA**  
*Project Officer, Office on Smoking and Health  
CDC*

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**AGENDA**

1. Ten Playbook Strategies
2. The TRL experience in Los Angeles County




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GUEST SPEAKERS



Ian McLaughlin, JD  
Program Director  
ChangeLab Solutions



Monty Messex, MPH  
Deputy Director  
Los Angeles County Department of Public  
Health/Tobacco Control and Prevention Program



Aneena Pokkamthanam, MPH  
Policy Coordinator  
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ChangeLab Solutions

The Tobacco Retailer  
Licensing Playbook



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POLL:

Are you doing any tobacco  
policy work in the retail  
environment?

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### What is a Tobacco Product?

- “Traditional” products that contain tobacco leaf
- Emerging products, including smokeless products (e.g., powders, gels) and electronic products

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## 1 Conduct an Environmental Assessment

**1** Conduct an Environmental Assessment

The community identifies where tobacco products are being sold

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**2** Define the Problem



Stakeholders use data gathered from the assessment to articulate the issues to be addressed

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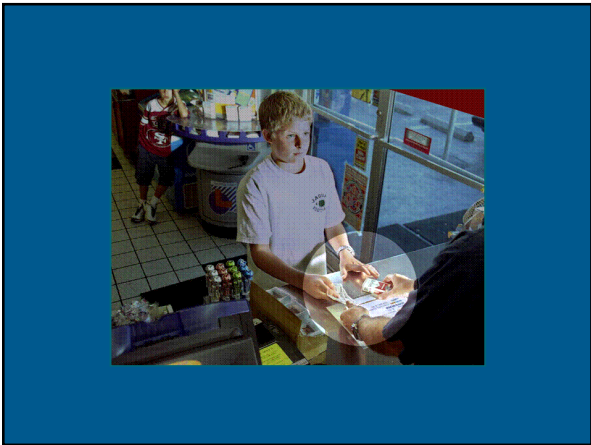
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**Sales Near Schools and Youth-populated Areas**



<http://kapshefonia.wordpress.com>

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**3** Assess the Legal Landscape



LEGAL

The jurisdiction analyzes the relevant state, local, and federal statutory laws and court decisions, and identifies potential preemption

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**4** Convene a Community Coalition



Community Meeting

THE PROBLEM

Agenda  
Reducing Tobacco Products in the Community

Stakeholders (including youth) mobilize for tobacco retailer licensing

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**5** Educate Decision Makers and the Public



Photos by Tim Wagner

Cohesive Messaging + Communication

The coalition discusses the policy with local officials and the public, and prepares for a response from the tobacco industry

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**6** **Create and Adopt a Strong TRL Policy**



**Government officials draft clear policy language to facilitate implementation and enforcement**

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**7** **Calculate Costs to Implement and Enforce TRL**



**The jurisdiction determines an appropriate licensing fee**

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**9** **Collect Data and Evaluate the TRL Policy**

The community determines the effectiveness of the TRL policy and outlines next steps.

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**10** **Additional Uses For Tobacco Retailer Licensing**

A jurisdiction can add plug-in policy options to strengthen the licensing program.

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ChangeLab Solutions  
 Model California Ordinance Requiring a Tobacco Retailer License  
 "Plug-in" Policy Options Regulating Price  
 November 2014  
 www.change.org/solutions

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**ChangeLab Solutions**  
**RESOURCES**

More details on the strategies discussed today!

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**TOBACCO RETAILER LICENSING STRATEGIES**

Two strategies for creating and implementing effective tobacco retailer licensing (TRL) policies in your community

1. Identify the Problem
2. Gather the Stakeholders
3. Assess the Community Situation
4. Community Meeting
5. THE PROBLEM
6. LEGAL REVIEW
7. Develop and Review the Policy
8. Develop Draft Policy
9. Review and Refine the Policy
10. Implement and Monitor the Policy

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**Questions?**

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# Tobacco Retail Licensing in Los Angeles County

County of Los Angeles  
Department of Public Health  
Division of Chronic Disease and Injury Prevention  
Tobacco Control and Prevention Program

Monty Messex, MPH  
Aneena Pokkamthanam, MPH




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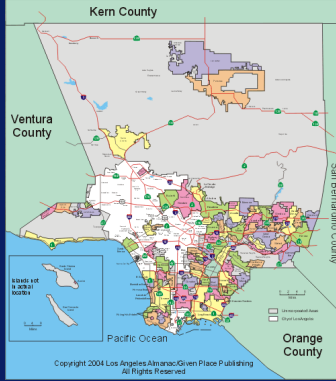
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10.1 million people  
88 cities + unincorporated areas  
4,000 sq. miles




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41 jurisdictions w/ a TRL  
39 assisted by DPH




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FIELD ACTION REPORT

### A Framework for Mobilizing Communities to Advance Local Tobacco Control Policy: The Los Angeles County Experience

Mark D. White, PhD, Paul Simon, MD, MPH, Molly Messeri, MPH, Linda Angles, MPH, Tony Kim, MD, MSBS, and Jonathan E. Fisher, MD, MPH

The Los Angeles County Tobacco Control and Prevention Program was significantly restructured in 2004 to improve capacity for local policy adoption. Restructuring included creating a fully staffed and trained policy unit; partnering with state-funded tobacco control organizations to provide high-quality, continuous technical assistance and training; implementing a highly structured policy adoption approach; expanding community capacity building; and establishing local conditions to sustain commitments. Over the ensuing 5 years (2004–2009), 67 tobacco control policies were enacted in the county's 88 cities and unincorporated areas, including 70 that were attributable to the program. By comparison, only 15 policies were enacted from 1986 to 2003. Expanding policy adoption capacity through program restructuring may be achievable at other local jurisdictions. *Am J Public Health*. Published online ahead of print March 25, 2010. doi:10.2196/ajph.2009.1658

Municipal-level tobacco control policies, such as indoor and outdoor smoking restrictions, play a vital role in local tobacco prevention and control efforts as well as in building grass roots support for state legislation<sup>1</sup>. In 2004, the Los Angeles County Department of Public Health's Tobacco Control and Prevention Program (TCPP) restructured on a comprehensive restructuring to focus its tobacco control efforts on local tobacco adoption in the county

a system for recognizing community-based organizations to conduct policy work and monitoring their progress. The existing Research and Evaluation Unit was likewise reorganized to provide policy support functions, including the rapid collection, analysis, and dissemination of qualitative and quantitative data (e.g., focus groups and key informant interviews, public opinion surveys, population-based surveys) specific to tobacco control policies under

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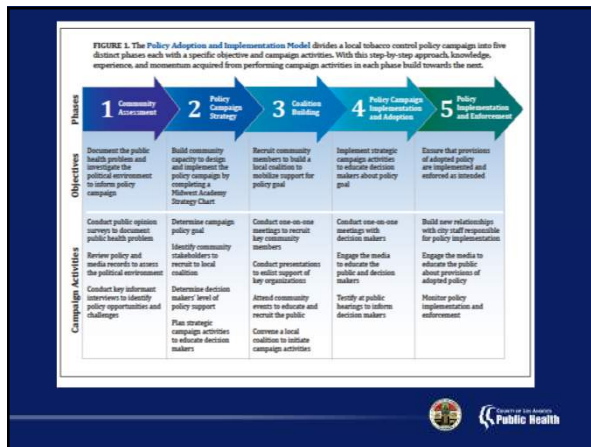
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#### Tobacco Retailers Willing to Sell to Minors

##### Redondo Beach

As part of the American Lung Association's Youth Purchase Surveys in April 2012 to identify tobacco retailers that were willing to sell tobacco to minors, 14 of the 14 tobacco retailers that were willing to sell tobacco to a minor. Of the 14 tobacco retailers that were willing to sell, 7 were located within walking distance (1,300 ft) from a school.

Source: American Lung Association, Youth Purchase Survey, April 2012. Prepared by the Los Angeles County Department of Public Health, Tobacco Control and Prevention Program, May 2013. The map information is based on copyright data from the American Lung Association © 2013. All rights reserved. This material was made possible by funding from Proposition 55. The Tobacco Use Statistics, through the Los Angeles County Department of Public Health.

Defines the problem

Aligns with Step 2 in the TRI PLAYBOOK

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Sample Strategy Chart

Goals	Organizational Coordination	Coalitions, Allies and Opponents	Targets	Tactics
<ol style="list-style-type: none"><li>1. List the long-term objectives of your campaign.</li><li>2. Check for intermediate goals. Do they include the goal? What are realistic goals?</li></ol> Remember the campaign: <ul style="list-style-type: none"><li>• Short-term (intermediate) goals</li><li>• One page or more of goals</li><li>• Make it realistic to your group!</li></ul> <ol style="list-style-type: none"><li>3. What should each coalition understand about your campaign?</li><li>4. List relevant positions that need to be considered if the campaign is to succeed.</li></ol>	<ol style="list-style-type: none"><li>1. List the various ways that your organization might be able to contribute to the campaign. Do they include: meeting, lobbying, testimony, media, social media, etc.</li><li>2. List the various ways that other organizations or community leaders, individuals or unions, etc. could help.</li><li>3. List the specific ways in which you could support or oppose the campaign. How can you best contribute to the success of the campaign?</li><li>4. List relevant positions that need to be considered if the campaign is to succeed.</li></ol>	<ol style="list-style-type: none"><li>1. Who are all the people involved in the campaign? Do they include:<ul style="list-style-type: none"><li>• Allies (people in support)</li><li>• Opponents (people in opposition)</li><li>• Neutral (people who are not involved)</li></ul></li><li>2. Who is your opponent?<ul style="list-style-type: none"><li>• Who are you opposing?</li><li>• What are they doing to stop you?</li><li>• How is they can stop you?</li></ul></li></ol>	<p>Although it is often a person, it is often an institution or interest group.</p> <ol style="list-style-type: none"><li>1. Primary Targets<ul style="list-style-type: none"><li>• Who are the people in your group who are most important?</li></ul></li><li>2. Secondary Targets<ul style="list-style-type: none"><li>• Who are the people in your group who are less important?</li><li>• Who are the people in your group who are most important?</li></ul></li></ol>	<p>For each target, list the tactics that would be most effective. Think of ways to make the target feel.</p> <p>Tactics that are:<ul style="list-style-type: none"><li>• Feasible</li><li>• Realistic</li><li>• Credible</li><li>• Visible</li><li>• Sustainable</li><li>• Timely</li></ul></p> <p>Tactics that are:<ul style="list-style-type: none"><li>• Visible</li><li>• Credible</li><li>• Sustainable</li><li>• Timely</li></ul></p> <p>Tactics that are:<ul style="list-style-type: none"><li>• Visible</li><li>• Credible</li><li>• Sustainable</li><li>• Timely</li></ul></p>

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ALPHA PRINTING & GRAPHICS, INC. (818) 851-9800

**COUNTY OF LOS ANGELES**  
**Public Health**  
Tobacco Control & Prevention Program

**TOBACCO RETAIL LICENSE OFFICIAL INSPECTION REPORT**  
TOBACCO CONTROL & PREVENTION PROGRAM  
3530 WILSHIRE BLVD., SUITE 800  
LOS ANGELES, CA 90010  
TELEPHONE: (213) 351-7309 / (213) 351-7890 • FAX: (213) 351-2710  
<http://www.publichealth.lacounty.gov/tob>

BA/Trade Name:		City:		TRL Account #:	
Address:		City:		Zip Code:	
Owner's Name:		Partner's Name:			
Phone #:	Inspector:	Inspection Date: / /			
Time In:	<input type="checkbox"/> Re-Inspection	Original Inspection Date: / /			
During an inspection of the premises at the above address, the following was noted which may require immediate action: IN = In compliance (no action needed)    COS = Not in compliance, but corrected on-site    OUT = Not in compliance, not corrected on-site					
		IN	COS	OUT	
<p>* A valid County of Los Angeles Tobacco Retail License (TRL) must be prominently displayed in the facility.  <i>CTION: Immediately cease the sale of tobacco products and/or paraphernalia until the TRL is obtained.*</i></p> <p>* A valid California State Board of Equalization (BOE) Cigarette &amp; Tobacco Retailer's License is required.  <i>CTION: Immediately cease the sale of tobacco products and/or paraphernalia until the BOE License is obtained.**</i></p> <p>DE License #</p> <p>Cigarettes must be sold in sealed packs with no less than 20 cigarettes.  <i>CTION: Immediately discontinue the sale/display/storage of open packs and/or single cigarettes.</i></p> <p>Self-service tobacco displays are prohibited (tobacco stores can have self-service displays for certain types of tobacco products, but not for cigarettes and tobacco paraphernalia).  <i>CTION: Immediately remove illegal self-service displays of tobacco.</i></p> <p>STAKE Act age-of-sale warning signs are required to be conspicuously posted at the point of purchase.  <i>CTION: Properly post required STAKE Act warning signs at each point of purchase.</i></p>					

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Jurisdiction	YPS Rate Before Policy	YPS Rate After Policy
Baldwin Park	34%	9%
Los Angeles (City)	39%	8%
Burbank	27%	4%
Pasadena	20%	0%

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### Limiting "Teen-Friendly" Cigars: What Communities Can Do

Cigars, little cigars, and cigarillos are often among the first tobacco products that teens use. Commonly sold individually or in small packages, these products are often low-priced and flavored like candy, making them especially attractive to young people. Cigarettes are regulated by state and federal law and cannot be flavored or sold individually, but cigar products—which pose similar health risks—are not subject to the same regulations.

Selling cigars individually makes them cheaper and easier for youth to buy. Some little cigars and cigarillos are packaged for individual retail sale, and others are taken out of their original packaging and sold individually by the retailer. To reduce youth access to these flavored, inexpensive tobacco products, a community may want to eliminate the sale of individual cigars or those sold in packages of small quantities.<sup>1</sup>

#### Restricting the Sale of Cigar Products

Cigar products are not currently regulated either by the federal Family Smoking Prevention and Tobacco Control Act or by the Master Settlement Agreement reached between certain tobacco companies and states. Because of this, a community may want to address sales of single cigars and cigarillos through a local law.

One way a community can limit the sale of cigar products is in conjunction with a tobacco retailer licensing (TRL) law. PHLP has model ordinance language requiring a minimum pack size for little cigars, which is designed to be "plugged" into a TRL ordinance, but PHLP staff can also draft stand-alone legislation for any community that wants to create this restriction outside of a TRL law.

The goal of the model "flag-in" is to limit the availability of cheap, often flavored cigar products that are attractive to youth. The model flag-in offers communities

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ORDINANCE NO. 182828

An ordinance amending Article 6.8 and 7 of the Los Angeles Municipal Code to add products containing significant active amounts of nicotine to the definition of tobacco products and to make other changes to the Tobacco Retailer Permit and to the Self-Service Display of Tobacco Products regulations.

THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDEIN AS FOLLOWS:

SECTION 1. Article 6.8 of the Los Angeles Municipal Code is amended to read as follows:

6.8.00. DEFINITIONS.

6.8.00.01. "Cigarette" shall mean a product with a filter or a non-filtered end, which is designed to be smoked, and which contains a substance that is intended to be inhaled when smoked, and which is commonly known as a cigarette.

6.8.00.02. "Cigar" shall mean a product that is designed to be smoked, and which contains a substance that is intended to be inhaled when smoked, and which is commonly known as a cigar.

6.8.00.03. "Cigarillo" shall mean a product that is designed to be smoked, and which contains a substance that is intended to be inhaled when smoked, and which is commonly known as a cigarillo.

6.8.00.04. "Little cigar" shall mean a product that is designed to be smoked, and which contains a substance that is intended to be inhaled when smoked, and which is commonly known as a little cigar.

6.8.00.05. "Tobacco product" shall mean any product that contains a substance that is intended to be inhaled when smoked, and which is commonly known as a tobacco product.

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Questions?

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**DISCLAIMER**

The information provided in this discussion is for informational purposes only, and does not constitute legal advice. ChangeLab Solutions does not enter into attorney-client relationships.

ChangeLab Solutions is a non-partisan, nonprofit organization that educates and informs the public through objective, non-partisan analysis, study, and/or research. The primary purpose of this discussion is to address legal and/or policy options to improve public health. There is no intent to reflect a view on specific legislation.

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**ChangeLab Solutions**

**Thank you!**

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