

California Lessons in Clean Indoor Air

*A Compilation of Campaign Stories,
Implementation Tools, and Compliance Strategies*



Written by Elizabeth Emerson, M.A.
in partnership with the
California Department of Health Services,
Tobacco Control Section

May 2001

Part 1: Words of Wisdom

Many Californians, including public health agencies, voluntary health organizations, members of “smoke-free” coalitions, and individual citizens, fought tough battles so that all of California’s workers could be free from exposure to secondhand smoke while on the job.

The technical aspects of smoke-free campaigns are well documented, having been gleaned from decades of hard work. However, most of the how-to guides fail to convey just how physically, emotionally, mentally, and spiritually demanding a battle with the tobacco industry and its allies can be.

In this report, veterans of California’s tobacco wars share their personal lessons—lessons of survival, discovery, inspiration, and success.

This part of the manual covers these topics:

Background: Small Towns Led the Way

From Here to There: The Clean Indoor Air Timeline

Campaign Lessons: Working for a Smoke-Free California

A Campaign Case Study: Going Smoke-Free in Mammoth Lakes

Campaign Checklist

Implementation Lessons: Laying the Groundwork for Behavioral Change

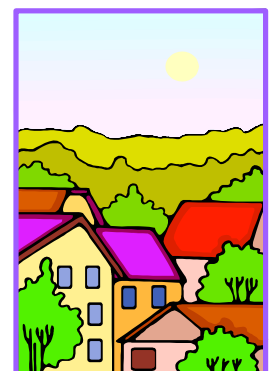
Implementation Checklist

Enforcement: Ensuring Compliance with Smoke-Free Laws

Enforcing Smoke-Free Bar Laws: Conquering the Last Bastion of Resistance

Enforcement Checklist

Readers may notice that many of the experiences described in this manual relate to smoke-free restaurants and bars. This focus, though unintentional, was perhaps inevitable because restaurants and bars often posed the toughest challenges. The advice offered throughout these pages applies to smoke-free campaigns of all types.



Background: Small Towns Led the Way

In the late 1980s, local volunteer health organizations in the conservative agricultural community of Lodi, California proposed to the mayor that the city should make its restaurants smoke-free. The city council proceeded to study the issue of designated smoking sections in restaurants. When concerns were raised about enforcing an ordinance that required separate rooms and ventilation systems, the Mayor suggested making it simple by banning all smoking in restaurants and public places. Only one council member opposed the proposed ordinance, and the law was passed.

Two weeks later, opposition forces had gathered enough signatures to place a referendum on the ballot to overturn the ordinance. The opposition was led by Taxpayers United for Freedom (TUFF), which received money from the tobacco industry via a San Francisco consultant. TUFF's strategy was to shift the topic from public health to individual rights.

Supporters of the ordinance won the fight by countering that big, out-of-state tobacco companies should not control local legislation. In 1990, the citizens of Lodi voted to affirm the ordinance, thereby becoming the first city in California to have 100 percent smoke-free restaurants.¹

Later that year, the coastal town of San Luis Obispo went even further and banned smoking in all indoor public places, including restaurants and bars. A poll taken shortly after the law was passed showed about 75% of the town favored it, including 38% of those who smoked.²

By 1994, hundreds of California cities had enacted local ordinances prohibiting smoking in indoor workplaces, many of which included restaurants. Many of these cities also restricted or banned cigarette vending machines.

The preceding years of tireless local activism laid the groundwork for the passage of AB 13, the statewide Smoke-free Workplace Law, in 1994. When AB 13 became effective in 1995, it covered nearly all indoor workplaces, except for bars, gaming facilities and other exceptions, which were to be phased in after two years.

The tobacco industry carried out an intense battle on many fronts to overturn or weaken the statewide Smoke-free Workplace Law, and used a wide array of political tactics to prevent bars from becoming smoke-free. A 1996 law delayed implementation of smoke-free bars one additional year. Nevertheless, in spite of strong tobacco industry opposition, bars became smoke-free on January 1, 1998.

It cannot be emphasized enough: California's local governments were key to paving the way for a smoke-free California.

From Here to There: The Clean Indoor Air Timeline

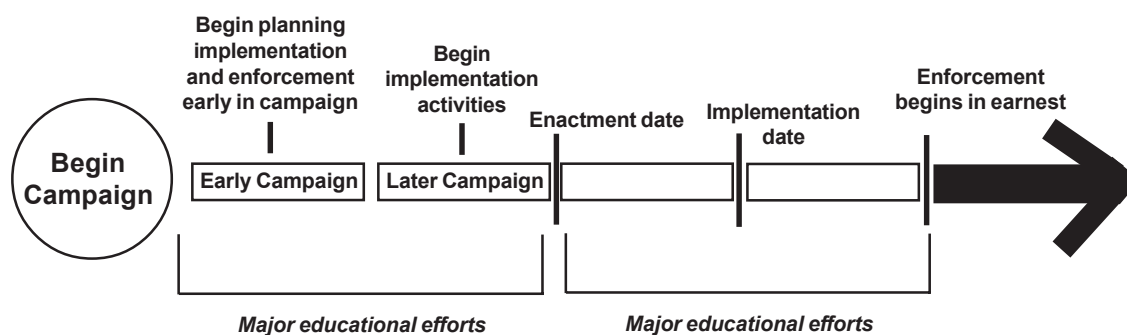
For the purposes of this manual, the process of achieving smoke-free workplaces is divided into three general phases: the campaign phase, the implementation phase, and the enforcement phase.

The campaign phase begins with education: educating the public, the media, key opinion leaders, and coalition members about the health effects of secondhand smoke. This educational process can last quite a long time before the first step in an ordinance campaign is taken. When the community is ready for change, the campaign for a smoke-free environment ordinance can begin.

The implementation phase begins before the smoke-free legislation is to be voted upon by the governing body. It is crucial that planning for the implementation phase occur in the earliest stages of the campaign. A good implementation plan is a powerful campaign tool.

The enforcement phase begins after implementation. This phase is characterized by educational activities combined with some form of enforcement action against violators. As with the implementation phase, planning for enforcement must occur early in the campaign; a good enforcement plan helps to convince government officials that smoke-free policies work. Enforcement is important in the beginning to establish the new policy. Self-enforcement takes over after this initial period.

The following timeline summarizes the three phases:



This timeline applies particularly to ordinance campaigns at the local level. The hard work of educating the public and policy makers must be done first at the local level. Likewise, successful implementation and enforcement efforts at the local level demonstrate to state legislators that smoke-free laws work and are supported by their constituents. Even after a minimum statewide standard law is enacted, implementation is still the work of local communities.

Where to Begin: Assessing Community Readiness

Sometimes it is difficult to know where to begin a smoke-free campaign. Some communities did not want to be the first ones to pass strong anti-tobacco policies in their geographical area.

A community's likelihood of success was often tied to social will. *The Social Will Index: A Tool to Assess Social Will for Tobacco Control in California Cities*, by Anne Klink, Kyra Emanuels, and Carol D'Onofrio of the League of California Cities was developed to facilitate planning.

According to the authors, "Social will is the collective commitment of a community and its elected officials to support public policy for the health of its residents. Social will is expressed when people create new social norms or make an action become an acceptable or unacceptable behavior. Social will for tobacco control can be thought of as actions taken to make tobacco use less prevalent."

This study showed how cities could be ranked according to high, moderate, or low social will for tobacco control. Such a tool proved useful when planning a countywide or area-wide campaign. For example, some coalitions decided to begin with a university community in which the education level and high commitment to protection of children promised an easier path for smoke-free legislation.

One local coalition translated the results of its social will assessment into a map and directed its campaign toward the easier communities first, leaving the more difficult ones for last.

Dian Kiser of BREATH—The California Smoke-free Bars, Workplaces and Communities Program—A Statewide Project of the American Lung Association of the East Bay, also emphasized the importance of assessing a community's readiness for change. She noted that it is vital to begin where a community actually is and not where the advocates wish it were.



BREATH advises an incremental approach to going smoke-free:

1. Federal, state and local government offices, including school buildings.
2. Local workplaces, such as offices, general business sites, retail workplaces, and perhaps some restaurants, except fast food restaurants, stadiums and arenas.
3. Restaurants without bars.

4. Bar/restaurant combinations, bowling alleys, bingo halls, bars/taverns/cabarets, entertainment venues, casinos, card rooms.
5. Outdoor public places, such as entrances, children's parks, service lines, outdoor cafes, zoos, and stadiums.

The process of achieving smoke-free environments takes time and patience. Being persistent and resilient is all-important.

It is also important to note that initiative-type campaigns should never be a coalition's first option when trying to pass smoke-free legislation. They are extremely expensive and difficult, due to the intensified media campaigns launched by the tobacco industry. However, do not despair if a tobacco industry front group forces an initiative. You will be faced with an open battle, but experience in California shows that such battles can be more educational to the public than any other activity that could be imagined.

Campaign Lessons: Working for a Smoke-Free California

Campaigns to eliminate exposure to second-hand smoke are by their very nature political campaigns. Such campaigns often place public health professionals and advocates in adversarial positions in relation to elected officials, business owners, the media, and governmental agencies, in addition to the highly sophisticated opposition engineered by the tobacco industry. This adversarial role can be unfamiliar and uncomfortable; in fact, many of the people interviewed for this report mentioned that one of the most difficult personal challenges during their smoke-free campaigns was dealing with feelings of isolation.

By reaching out to other campaigns and organizations, however, smoke-free advocates learned that they were not alone. Smoke-free activists in every part of California learned how to navigate through the political thicket, counter tobacco industry propaganda, and nurture their coalitions.

This Meeting Is Now In Session: Convincing the City Council

Public health professionals and other members of smoke-free coalitions found that, in working with local legislative bodies, the need for education flowed in both directions. Smoke-free coalitions provided local officials with scientific data, opinion poll results, and economic impact studies; successful coalitions also *learned* a great deal about how their local government worked.

Lesson 1: Do not assume that everyone knows about the coalition.

Coalitions and health departments should never assume that local elected officials who are thinking about smoke-free ordinances know about local coalitions, how to contact them, and what services they can offer. This lack of knowledge can lead officials to introduce legislation without laying the necessary groundwork.

Smoke-free advocates reported that they often found at least one city council member or county supervisor who wanted to introduce an ordinance. By joining forces with their local coalitions, such legislators were provided with a good model ordinance (such as the one provided by Americans for Nonsmokers' Rights; see Sample 3 at the back of this manual), allowed time for public education to occur before the first legislative hearing, and worked with their coalitions and health departments to develop implementation and enforcement plans in the early stages. Coalitions also provided the citizen support needed to offset the opposition.

Lesson 2: Find a sponsor to champion the cause.

Getting a respected local legislator or influential community leader to sponsor a smoke-free law can be crucial to winning votes in favor of the legislation. For example, Marin County Supervisor Annette Rose was chosen by the Smoke Free Marin Coalition as a

Do not assume that because a legislator is a smoker, he or she will automatically oppose a smoke-free policy. Many smokers are trying to quit. Others will be receptive to efforts to protect children or workers from second-hand smoke.

respected champion of health policy issues. Although she did not have all the votes in the beginning, she educated her peers on the Board while the Coalition worked to educate voters. Months later, when Supervisor Rose knew she had the votes on the Board, and after a public meeting was held to hear business owners' concerns, she carried the issue to victory with a 5-0 vote.

Working with a strong sponsor can lead to success in cities large and small. In Los Angeles, city council member Marvin Braude (with assistance from his aide Glenn Barr) proposed a smoke-free ordinance several times prior to its passage, winning one or two additional council votes each year, until finally achieving success.

When discussing economic data, talk about the effects of secondhand smoke rather than the impact. "Effects" sounds more positive.

Lesson 3: Prepare thoroughly and present thoughtfully.

According to local legislators interviewed for this report, the job of a city council member is not easy. Most of the people who come to public hearings either have vested interests or are chronic complainers. Emotions can run high in the audience, making it difficult to focus on the issues at hand. Well-prepared, articulate people who get to the point quickly are refreshing.

City council members and coalition representatives suggested the following:

- Although letters of support and telephone calls are considered before the vote, it is more important that city council members see large numbers of local citizens committed to the issue. Not everyone in the audience has to speak; many can wear buttons, ribbons or other symbols.
- Be respectful. Talking in the audience is distracting. City council members often commented about how calm, reasonable and courteous the coalitions were.
- Be certain that all the information presented in a hearing is accurate and verifiable.
- Arrange for a variety of citizens to give testimony at a hearing. Present different viewpoints and experiences that all support a smoke-free policy. For example, recruiting two doctors, a teacher, and a business owner (preferably a supportive restaurant owner) to speak in council chambers would be better than four doctors, one right after the other.
- Remember to say "Thank you" and be sure to follow up with any additional information requested during the hearing.

Lesson 4: Give local legislators local information.

As smoke-free advocates gained more experience appearing before legislative bodies, they began to recognize that the most persuasive data focused on the legislators' own constituents. Legislators and advocates noted that the following types of information proved compelling:

- Local public opinion surveys, even informal ones
- Supportive surveys and interviews of smoke-free restaurant owners
- Local smoke-free dining guides or other lists of local smoke-free establishments

- Local statistics about heart disease and cancer
- Numbers of people in the local hospitality industry who are affected by secondhand smoke (available from a county employment agency or labor department)
- Statistics about smoking-related fires
- Numbers of secondhand smoke complaints logged by local health agencies
- Numbers of local coalition supporters (collected from coalition mailing lists or donation lists or people who ordered smoke-free dining guides)
- Petitions with local signatures representing a wide cross-section of the local community

Lesson 5: Distribute a lean packet—summarize!

At a League of California Cities Mayors Conference, a mayor from Southern California said he was stunned at the large audiences that came out for public hearings. They had to move the hearing down the street to an auditorium to accommodate the crowds. Another mayor said, "Be prepared for large rowdy crowds. But, when it's all over, you will never feel better about anything else you ever did while in office."

Local legislators are inundated with reports, surveys, and petitions about numerous issues before each hearing. Smoke-free advocates learned that local legislators in small and medium-sized cities often rushed to meetings after working regular jobs. Many council members did not have time to study materials beforehand. Smoke-free coalitions discovered that a great city council packet was comprised of one-page fact sheets supplemented by graphs and other pictorial representations of data. Such packets contained, for example:

- Summaries of studies on both short-term and long-term effects of secondhand smoke
- Summaries of studies on economic effects of smoke-free laws
- Lists of communities that have passed similar laws
- Chemical composition of secondhand smoke (in layman's terms)
- Facts about the limitations of ventilation systems
- Local data relating to any aspect of secondhand smoke, such as local heart disease data or numbers of calls to a local complaint line
- Refutations of tobacco industry arguments
- Letters from local grass-roots supporters

Advocates noted that effective fact sheets had citations to the full studies, and it was better to have a different person testify about each one of the fact sheets in plain language that everyone in the room, including the media, could understand.

Note: Examples of many of the items listed above are in the Resources section of this manual.

Lesson 6: Work with city staff and legislative aides.

Local coalitions learned to meet with everyone they could: city council members and their legislative aides to learn of their concerns, city managers to discuss publicity and implementation of the law, and city clerks for help with council packets. One city clerk became so involved that she alerted a local coalition to the tobacco industry's presence in town, including when court papers were filed to place a referendum on the ballot. Successful coalitions also fostered a good working relationship with the departments charged with restaurant inspection and code enforcement.

Lesson 7: Take advantage of the “domino effect.”

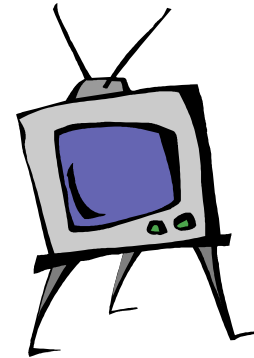
During the smoke-free campaigns in Los Angeles and other large cities, coalitions became aware that smaller surrounding municipalities were willing to enact smoke-free legislation only if the large urban city enacted such legislation first. This “domino effect” became another tool for coalitions.

Leaders of these smaller neighboring communities often wrote letters explaining that they were reluctant to be first but willing to ride on the coattails of the larger city. Coalitions included these letters in their presentations to the big cities’ legislators and staff.

Coalitions also gave presentations at occasional monthly meetings of city councils and city managers’ meetings, promoting countywide uniformity of ordinances.

Using the Power of the Media

After educating the public about the effects of secondhand smoke and laying the groundwork in the political arena, coalitions used the media to broadcast the message that a smoke-free ordinance was good for the health of all community residents. (Remember: politics first, then media. Legislators do not like to find out about smoke-free ordinance campaigns through the local newspaper.)



Lesson 8: Engage the media.

California smoke-free coalitions often received favorable media coverage by undertaking these activities:

- Meeting with editorial boards early in the campaign
- Appearing on talk shows
- Writing editorials and letters to the editor
- Producing press kits and press releases
- Furnishing lists of spokespersons to talk with the media
- Communicating regularly with media representatives

Smoke-free advocates must work to keep the media honest. San Ramon City Council member Ron Raab received a telephone call from a London, England, television reporter asking him why he had banned smoking outdoors in California. He told them that he had just banned smoking in a small tot lot sandbox in the middle of a small park because the preschoolers were eating cigarette butts while playing in the sandbox. Needless to say, it was not the sensational story the television reporter was looking for.

Lesson 9: Show compassion towards smokers.

Embrace smokers in smoke-free media campaigns. Point out that the campaign is largely about the tobacco companies and the secondhand smoke emitted by their products. Emphasize that smokers need compassion and support, it often takes practice to quit, and

long-term help is available for smokers who want to reduce their cigarette consumption or quit smoking altogether.



From Asthma to DNA: Explaining the Science

Successful coalitions learned that scientific evidence about the harmful effects of secondhand smoke was one of the most powerful tools they had, but it was not always easy to present the data in a compelling way.

Lesson 10: Describe the physiological effects of secondhand smoke in terms the audience can understand.

Smoke-free advocates reported that successful presentations of physiological data were organized as follows:

- The symptoms of secondhand smoke exposure were listed, such as headaches, nausea, allergies and involuntary coughing.
- These symptoms were explained as the body's way of rejecting secondhand smoke as a physical irritant.
- Presenters described some of the changes that occur inside the body: cell walls are damaged, the immune system is weakened, and the heart can beat faster. (As Dr. Stanton Glantz tells his audiences, "Nicotine is a cardiac poison.")
- The final discussion moved from changes in the body to reasons why some people become very ill or even die when exposed to secondhand smoke, such as when DNA mutation causes tumors.

According to Dr. Stanton Glantz, "Contrary to what people think, there are immediate and substantial effects of secondhand smoke. For example, 30 minutes of breathing secondhand smoke makes blood platelets get as activated (sticky) as in habitual pack-a-day smokers. These activated platelets damage the lining of arteries, which leads to heart disease. If they form a blood clot that lodges in a coronary artery, we call that a heart attack. If it lodges in the brain, we call it a stroke."

In San Francisco, the Tobacco Free Coalition created effective presentations by combining the strength of scientific data with the drama of first-person testimony. At one Board of Supervisors meeting, nonsmoking waitresses tearfully described their battles with lung cancer and heart disease. Their testimony put a human face on Dr. Michael Siegel's longitudinal studies of disease rates among restaurant workers. Fact sheets showing the results of Dr. Siegel's research in text and graphs were distributed to members of the Board of Supervisors, as well.

Smoke-free advocates reported that other types of scientific data also made a strong impression on local legislators and other audiences. In particular, James Repace's reports on the limitations of ventilation systems, Environmental Protection Agency studies on secondhand smoke, and fact sheets from Americans for Nonsmokers' Rights were found to make a lasting impression.

Additional studies are published regularly that substantiate the negative health effects of second-hand smoke. Coalitions should keep their presentations up to date with these

recent findings.

Even with all the compelling evidence available, do not be discouraged if a few legislators fail to appreciate the scientific data at first. A local coalition in one of California's rural communities well-known for its poultry products presented testimony to the town council about the lasting, residual effects of second-hand tobacco smoke. The mayor responded, "Why can't we write the ordinance so that we can all light up in restaurants and bowling alleys after the youngsters are in bed, say about 9 p.m.?" The coalition resisted the urge to describe the effects of second-hand smoke on the prized chicken population, since the effects on humans did not seem to impress the mayor. Instead they spent another year educating the public and the town council about the deleterious effects of second-hand smoke.

Open for Business: Forging Alliances with the Business Community

California's smoke-free coalitions learned that educating restaurant owners and others in the early stages of a campaign often paid large dividends later on.

Lesson 11: Do not assume the business community is "anti-health."

Chambers of Commerce in several cities assisted coalitions in conducting public opinion surveys or hosting breakfast meetings with members.

Several coalitions assembled smoke-free dining guides, and the information they gathered in the process helped immensely in later stages of the campaign. Coalition members became more knowledgeable about the concerns of restaurant owners and established relationships that proved indispensable. Many owners of smoke-free restaurants came out publicly in favor of smoke-free legislation. In addition, many people who called to order dining guides after hearing about them on the radio later became active supporters of their local smoke-free campaigns. Their names enlarged mailing lists.

In Marin County, the smoke-free coalition learned about issues of concern to individual restaurant owners from members of the Board of Supervisors. The coalition then met with restaurant owners, negotiated a compromise, and recruited representative restaurant owners to present the new language to the Board. The result was a very good smoke-free ordinance.

Lesson 12: Be prepared for the battle over the four B's—billiards, bowling, bingo and bars.

California smoke-free coalitions often found that willingness to compromise on some or all of the "four B's"—billiards, bowling, bingo, and bars—made the difference between success and failure. In several localities, one or more of the four B's were excluded in the ordinances that were originally enacted, although all of these workplaces were eventually covered in the statewide Smoke-free Workplace Law.



“It helps to think of the campaign as an educational process, rather than in terms of goals or victories. Opposition can actually be helpful—public debate increases public education through the media, which ultimately speeds up the process.”

—Cynthia Hallett,
Americans for Non-
smokers’ Rights

Coalitions did not let go of the four Bs easily, however. They reminded policy makers that infants and small children can be found in bowling centers, and teens are frequent customers of billiard halls.

The opposition argued repeatedly that bingo establishments could not survive if they became smoke-free, but no reliable data was ever produced showing this to be true. The opposition also tried to convince lawmakers that bars would suffer irreparable economic harm if forced to go smoke-free, but coalitions were able to produce reliable studies to refute this claim.

Invasion of the Tobacco People: Lessons in Combat

“Once the tobacco industry is in town, your work load triples.” Those words of wisdom from Mark Pertchuk, Board member of Americans for Nonsmokers’ Rights, touched only the tip of the iceberg for many local coalitions. Advocates had to work hard not to succumb to a sense of panic when tobacco industry front groups came into their community to undermine their smoke-free campaigns by spreading misinformation throughout the business community.

Lesson 13: Fight the tobacco industry and its associates with intensity, endurance and creativity.

Some local coalitions actually managed to have fun with the tobacco industry invasion by preparing city council members to query industry representatives and expose their true affiliations. Coalitions learned to take advantage of the publicity generated by tobacco industry front groups, which often turned out to be people brought in from outside the affected community.

One county health educator wrote a letter to every restaurant owner in her county, exposing the tobacco industry’s attempts to influence the business community. She provided them with accurate economic data on smoke-free communities and invited them to ask her questions. After that letter went out, the industry’s influence diminished in the county and several restaurant owners became allies of the coalition.

The California Department of Health Services helped local coalitions by producing a radio public service announcement (PSA) called “The Invasion of the Tobacco People,” a humorous spot which exposed the industry’s interference in local ordinance campaigns. It portrayed tobacco front groups lying about their true identities while cash registers rang in the background. (This PSA is available in the Center for Disease Control’s Media Resource Center.)

The City by the Bay Fought Hard—Twice

During its battle to make all of San Francisco’s workplaces smoke-free, the San Francisco Tobacco Free Coalition bore the full brunt of a powerful restaurant and hotel association that lobbied the Board of Supervisors. At the time, there was no obvious sign of the tobacco industry’s presence, but several years later during the discovery process of the Attorney General’s lawsuits against the tobacco industry, evidence did arise pointing to the industry’s influence.



Most of San Francisco’s workplaces became smoke-free in 1993, but shortly afterward, its proposed smoke-free restaurant law met with tremendous opposition from the city’s hospitality industries. This opposition, it turned out, was funded largely by tobacco companies’ public relations firms.

It took two campaigns within a span of two years to win the smoke-free restaurant battle; the statewide Smoke-free Workplace Law and the local ordinance ended up going into effect simultaneously.

During the second campaign, the coalition arranged for face-to-face meetings of individual members of the Board of Supervisors, opposition representatives, and coalition members. When the opposition presented their doomsday reports, coalition representatives were immediately able to counter them with studies demonstrating a positive economic impact and broad public support. The chairpersons of the Coalition became skilled at asking pointed questions of the opposition for which they simply had no answer, except to reiterate worst-case scenarios.

Karen Licavoli-Farnkopf, Co-chair of the San Francisco Tobacco Prevention Coalition, shared this advice:

- Try to confront the opposition in open forums. Ask opponents to support their positions with documentation, source data, and public opinion surveys—often they cannot do it.
- When possible, meet with legislators and opposition members simultaneously to dispel misinformation immediately.
- If it is difficult to prove tobacco industry influence behind a restaurant organization that is mouthing tobacco industry propaganda, draw parallels between the two to show similarities.
- Use a professional media consultant to provide public relations for the county and media training to coalition members.
- Make sure the coalition has strong leadership.
- When speaking, make clear points based on reliable data.

“If your campaign doesn’t work the first time, don’t stop your efforts until it passes. It’s an educational process. Know what you want and be willing to allow for time.”

—Karen Licavoli-Farnkopf

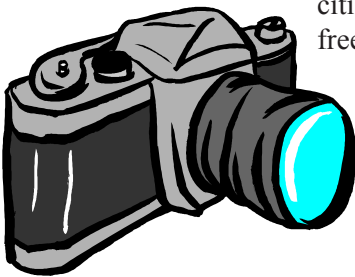
- Use the direct testimony of those in need of protection, such as restaurant workers who have suffered damaged health from secondhand smoke.
- Use graphic depictions of reliable, supporting medical data, such as Dr. Siegel's reports, or Dr. Stanton Glantz's economic studies of sales tax revenues in smoke-free communities.
- Use local public opinion surveys.
- Educate all potential allies, and work with them. If possible, find a respected champion or sponsor on the city council.
- Be more reasonable than the opposition. Remain calm and matter-of-fact, not rigid.
- Be the voice of the community; know the community.
- Keep relationships positive (opponents can become allies).
- If at first your campaign does not succeed, keep trying until it does.

Mid-Sized Communities Faced Big Battles

A community does not have to be big to meet with big-time resistance from the tobacco industry and its allies. In Marin County, the Smoke Free Marin Coalition fought for passage of an ordinance that made 100% of the county's workplaces smoke-free and also provided youth tobacco access protections in all 11 cities.

As soon as the ordinance passed in the first of Marin County's cities, a major national law firm representing tobacco industry clients filed court papers to force a referendum to repeal the law. The coalition prevented this referendum by organizing a letter-to-the-editor campaign exposing the source of the referendum and its cost to taxpayers. Defeating the referendum was just the beginning. The county's small health department and coalition volunteers also battled four different tobacco industry public relations firms, vocal anti-government activists, and bureaucratic apathy within governmental agencies in the cities that subsequently introduced smoke-free legislation.

It took five years for smoke-free ordinances to pass in ten of Marin County's eleven cities; the eleventh city passed a youth access ordinance, and later became 100% smoke-free under the 1995 statewide Smoke-free Workplace Law.



Snapshots from the Battlefield

Los Angeles: City Council member Marvin Braude and his legislative aide Glenn Barr championed the smoke-free cause in Los Angeles for nearly 10 years. Tobacco industry front groups had offices in Los Angeles, and worked continuously to keep the hospitality industry opposed to the proposed ordinance. Braude persisted, however, and

brought up the issue year after year, eventually winning the support of a majority on the Los Angeles' large city council.

Braude's legislative aide, Glenn Barr, said that Dr. Michael Siegel's longitudinal studies on the health effects of second-hand smoke on restaurant workers turned the tide. "The way that the charts and graphs depicted the number of lung cancer cases in restaurant workers was so graphic and dramatic, and the data was so credible, that it was easier after that point to get the votes needed to pass the ordinance."

The media also turned out to be a strong ally of the smoke-free effort in Los Angeles. For example, the Los Angeles Times newspaper produced some very insightful journalism about the tobacco industry and its work to undermine public health policy. An excerpt from a 1992 article shows how helpful the media can be in getting the accurate facts out to the public:

Assemblyman Lloyd Connelly wanted to snuff out Joe Camel.

The legislator argued that the chain-smoking cartoon character, featured in an R. J. Reynolds ad campaign, was part of a cleverly designed and successful attempt to make cigarettes attractive to kids under 18, who cannot legally purchase tobacco products.

To put an end to "Old Joe," Connelly, a Sacramento Democrat, introduced a bill to bar the use of cartoons in ads pitching tobacco.

But getting the votes needed would prove extraordinarily difficult, even for a lawmaker with a reputation for dogged persistence.

Connelly was taking on the tobacco lobby—the Stealth bomber of California's special interest politics. Heavily armed but scarcely visible, the lobby has been able to kill or weaken bill after bill that would curtail smoking in public places, raise excise taxes on tobacco products, or in any way hurt the sale of cigarettes...

Because of its poor public image, the industry lobbies state government intensely but—to the extent possible—privately, spending more than \$2 million so far this session [1992] to hire well-paid, big name lobbyists, including former employees of the governor and of legislative leaders. These lobbyists like to work out of public view, and they refused to discuss their activity on behalf of their clients...

Quietly the companies have also funded legislative conferences and meetings and provided free meals and entertainment for lawmakers and their aides, not just in Sacramento

but around the country...³

Media coverage such as the article quoted above that exposed tobacco industry tactics helped galvanize public opinion against “Big Tobacco” and provided valuable publicity for the smoke-free cause.



Sacramento: In 1990, the Sacramento City Council and the Sacramento County Board of Supervisors passed strong smoke-free workplace ordinances that included restaurants. Hoping that the public at large would defeat such a measure despite its passage by the Board of Supervisors, the tobacco industry responded by collecting enough signatures to force the county version of the ordinance to appear as a referendum on the ballot. The ballot measure was known as Measure G. A “Yes” vote on Measure G was a vote to affirm the action of the Board of Supervisors.

The tobacco industry outspent health groups more than 30 to 1 in its \$2 million effort to defeat Measure G.⁴ (It sounds counter-intuitive, but the tobacco industry’s strategy was to put the measure on the ballot under the assumption that the electorate would defeat it.)

A coalition of health groups called Citizens for a Healthier Sacramento, led by Paul Knepprath of the American Lung Association, ran the successful pro-Measure G campaign on a tight budget. The coalition generated as much free publicity as possible by carrying out events such as having groups of school children visit city council chambers. As a side benefit, the youth gained campaign experience and the campaign was energized by their contributions. The Sacramento coalition made a memorable radio commercial featuring a humorous Gregorian chant that was so successful the pro-tobacco group tried to capitalize on it by creating their own Gregorian chant ad.⁵

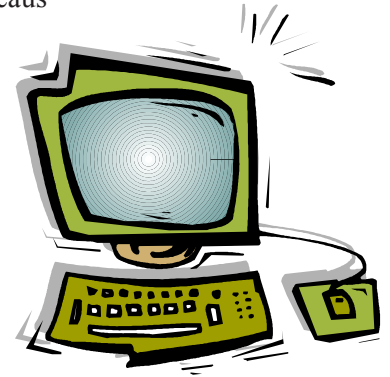
One of the most notorious actions the pro-tobacco side took was to send out mailers containing fake emergency telephone numbers. It listed imaginary, but realistic-looking, phone numbers for the police, ambulance, fire, and “cigarette patrol,” followed by the advice, “Post these numbers next to your telephone.” Four days before the election, community leaders and Pacific Bell representatives were in the news attacking the tobacco industry mailer.⁶

Despite the huge disparity in spending by the two sides, Measure G passed by a large margin, thereby affirming the smoke-free ordinance. Local coalitions in other parts of the state were encouraged by the results of the Measure G campaign in Sacramento. It showed that extensive use of free publicity and a creative media campaign could defeat a well-funded effort by the tobacco industry.

San Jose: During San Jose’s smoke-free campaigns, tobacco industry public relations firms went door-to-door throughout San Jose’s commercial areas. They warned of impending revenue losses of 20 to 30 percent if smoke-free legislation were to pass. The

Chamber of Commerce, the restaurant industry, and the convention and tourist bureaus initially believed and feared the reports, but the Santa Clara County Tobacco Control Coalition was able to counter these dire predictions with sound economic data.

According to Dr. Roger Kennedy, Chair of the coalition, individuals who appeared before the San Jose City Council played a key role in the success of San Jose's campaign. Dr. Kennedy reported that such individual testimony impressed council members even more than letters and phone calls. The coalition also made it a point to talk to reporters "all the time" at the San Jose Mercury News, and the newspaper returned the favor with a favorable editorial.



Dr. Kennedy noted that the economic impact studies of Dr. Stanton Glantz strongly influenced Santa Clara County legislators. (Coalition members and governmental officials in all the major metropolitan areas of the state cited Dr. Glantz's studies as extremely persuasive.)

The Coalition used short questionnaires to assess local opinion about clean indoor air issues, often interviewing people entering or leaving supermarkets. These findings, which showed public support for smoke-free legislation, were presented to San Jose's city council members.

Santa Clara County American Lung Association (ALA) Executive Director Margo Sidener noted that learning to work for incremental but steady gains was very difficult but ultimately rewarding for many campaign volunteers and supporters. Ms. Sidener felt that such an effort would have continued, whether or not the large statewide campaigns had occurred and even without the influx of funds from the state tobacco tax.

The Santa Clara County ALA found public opinion polls useful for gauging public readiness for change. The ALA also maintained a well-publicized Secondhand Smoke Complaint Line that served as an important source of local data on smoking complaints before and after the ordinance went into effect.

Coalition members in San Jose offered this advice:

- Cultivate direct relationships with public officials and with media representatives. Remember, editorial boards decide newspapers' editorial policies, and public health advocates can educate and influence those board members.
- Avoid "asking for the moon," or making extreme political demands. Incremental change is better than none.
- Politically speaking, "no" can change to "yes" within a few months, so be patient and do not "burn bridges."
- Use reliable scientific data to support smoke-free campaign positions and refute tobacco industry claims.

Just The Facts: Refuting Tobacco Industry Claims

In the years since California communities first began fighting for smoke-free workplaces, a great quantity of data has been gathered that helps coalitions refute, point-by-point, any claim or proposition posed by the tobacco industry and its allies. Whatever the argument, good resources now exist to help coalitions meet these claims head-on. (See, for example, Americans for Nonsmokers' Rights website at <http://www.no-smoke.org>.) It is always best when these claims can be proactively addressed by the coalition before the tobacco industry or its front groups frame the issue. Presented here are brief discussions about some of the issues raised on a regular basis by the tobacco industry and its allies.

"You have to be enough ahead of everyone to be progressive, but not so far ahead that it appears fanatical."

—Dr. Margo Sidener

Smoke-Free Ordinances Do Not Decrease Tourism or Hospitality Industry Revenue

There is no valid evidence that smoke-free ordinances decrease restaurant sales. All of the evidence that has been used to convince policy-makers of an adverse economic impact has been based on evaluation approaches that are methodologically flawed and invalid. This type of evidence has misled policymakers, convincing them that a smoke-free ordinance caused a decrease in restaurant sales when no such effect occurred. The only valid evaluation approach revealed that there was no significant economic impact of 100 percent smoke-free restaurant ordinances in Bellflower, Lodi, San Luis Obispo, and Beverly Hills, California.⁷

Dr. Stanton Glantz and his research associate Annemarie Charlesworth published findings in the *Journal of the American Medical Association* in 1999. In that article they report, "The tobacco industry and its allies in the hospitality industry have argued for years that smoke-free ordinances will destroy a community's tourism and convention business. An analysis of sales tax revenues and hotel visitors in three states and six cities with smoke-free restaurant ordinances found that none experienced a drop in hotel visitors, and some registered increases after smoke-free laws went into effect."⁸

The Forces of the Free Market Do Not Adequately Protect Workers

The tobacco industry and its allies often presented the argument that restaurant owners should be able to decide whether to go smoke-free or not. Then, customers would have the choice of whether to eat at a smoke-free restaurant. In other words, "let the marketplace decide."

According to Dr. Michael Siegel of Boston University, there are at least nine reasons that make this argument invalid:

1. The market has created a society in which 145 people a day die from breathing other people's smoke, and where secondhand smoke is the number one environmental cause of cancer.

2. The market has resulted in restaurant employees having exposure to environmental tobacco smoke that is 1.6 to 2.0 times higher than typical workplace exposure, and bar employees exposed to 3.9 to 6.1 times higher amounts of secondhand smoke than typical workplace secondhand smoke exposure.
3. The market has resulted in restaurant air having toxicity 10 to 100 times that of urban air.
4. The market has forced restaurant employees to be the group most heavily exposed to environmental tobacco smoke.
5. The market has allowed restaurant owners to expose their employees to high levels of carcinogens.
6. The market has forced many restaurant employees to inhale the benzo(a)pyren equivalent of smoking 1.5 to 2 packs of cigarettes per day.
7. The market has resulted in waiters and waitresses having almost twice the risk of lung cancer due to secondhand smoke exposure.
8. Studies of the market approach have demonstrated that only about 10 percent of restaurant owners will choose to protect the public and their employees from secondhand smoke, despite intensive educational campaigns.
9. Unlike restaurant patrons, employees have no choice in the matter. Their exposure to the carcinogens in secondhand smoke is truly involuntary.⁹

The United States Constitution Does Not Guarantee A Right to Smoke Anywhere One Chooses

California's local health departments were often accused of violating "smokers' constitutional rights." Some advocates made it a habit of carrying a copy of the Constitution with them, and passing it around to see if anyone could locate the language guaranteeing the right to smoke. Of course, no such language exists.

Interestingly, both smokers and nonsmokers have sought support in the United States Constitution under such principles as equal protection, deprivation of life, liberty, and the pursuit of happiness, and cruel and unusual punishment. To date, none of these arguments has been successful in supporting the rights of smokers or nonsmokers.

Ventilation Systems Do Not Adequately Protect Nonsmokers

When communities tried to pass local ordinances, the tobacco industry often brought in experts to testify that improved ventilation systems were sufficient to protect workers from second-hand smoke.

According to James Repace, MSc., however, smoking policies such as separating smokers from nonsmokers in the same space, even with enhanced ventilation systems, expose nonsmokers to unacceptable risk.

Using current indoor air quality standards, ventilation rates would have to be increased more than a thousand-fold to reduce the cancer risk associated with secondhand smoke to a level considered acceptable to federal regulatory agencies. Such a ventilation rate is impractical since it would result in a virtual windstorm indoors.¹⁰

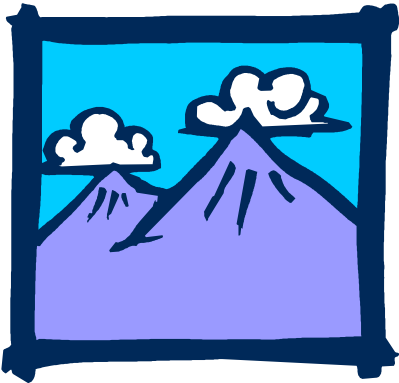
Hardship and Time-Restriction Clauses Undermine the Intent of Smoke-Free Laws

Hardship clauses should be avoided if at all possible. Such a clause should require a revenue decrease of at least 30% over one year's time to take into account seasonal fluctuations.

Some poorly written ordinances allow smoking if children are not present or during certain hours of the evening. Such ordinances fail to protect nonsmoking workers and patrons, and are difficult to enforce.

A Campaign Case Study: Going Smoke-Free in Mammoth Lakes

Mammoth Lakes is located in Mono County, a rural area on the eastern slope of the Sierra Nevada Mountains. Its economy is based on tourism-related retail trade and services and county government. The area draws many tourists from the U.S. and Europe, hosting nearly 1,000 bus tours annually.¹¹



When the Mono County Tobacco Education Program (the “Program”) began in the summer of 1990, several local restaurants were already smoke-free; others had smoking sections. One restaurant and full bar, The Mogul, had been smoke-free since opening in the early 1980s. County and city buildings and some school sites were also smoke-free.¹¹

In the winter of 1991, the Program began placing print ads in the two local weekly newspapers giving favorable publicity to the smoke-free restaurants. The ads, timed to appear during the busiest holiday weekends of the year, contained holiday-specific messages and a special section highlighting The Mogul. Listed businesses were required to be 100% smoke-free; that is, if a smoke-free restaurant had a bar, the bar also had to be smoke-free. In addition, radio advertisements were created and aired periodically. Some celebrated smoke-free bars and restaurants, and others targeted secondhand smoke in the workplace.

Business owners and managers began calling to have their businesses added to the

smoke-free print ads. Calls were also received from owners, managers and patrons reporting businesses that were listed in the ad as smoke-free, but did in fact allow smoking. The businesses themselves and their customers became the compliance surveillance team.

As businesses changed ownership or were renovated, the Program staff contacted owners to ask about their plans for the smoking status of the establishment, offering placement in the print ad, educational materials, signs, and community survey results.

“Success requires lots of devoted people who care about health.”

—Margo Sidener

In 1993, the beverage manager of Mammoth Mountain California, the local ski resort, requested assistance in developing a smoke-free bar proposal to present to resort management. He reported that employees hated working in smoke, he knew the effects of secondhand smoke, and he feared for their health. He had done an informal survey of smokers and was surprised to find that they did not seem to mind the idea of the bar becoming smoke-free. A proposal was developed and the resort management approved it. Initially, one of the resort’s two bars became smoke-free; thus, in December 1993, The Yodeler became the second smoke-free bar in the city.

During the winter of 1994, the Program conducted a telephone survey of all 37 bars and restaurants in Mono County. The survey assessed the establishment’s current smoking policy and the management’s opinion about becoming smoke-free, either voluntarily or by ordinance. The survey results indicated that many owners, both from Mammoth Lakes and the politically more conservative surrounding towns, favored an ordinance requiring restaurants to be smoke-free (67% of respondents). Fewer wanted an ordinance requiring bars to be smoke-free (38% of respondents). In general, owners wanted an even playing field in which all businesses had to abide by the same policy. The survey’s respondents expressed concerns about economic impact, health, clean environment, and smokers’ rights.

In January 1995, most worksites and restaurants in California went smoke-free under the statewide Smoke-free Workplace Law (AB 13). With all restaurants smoke-free by law, the Program changed its newspaper print ad to congratulate smoke-free bars and nightspots. Symbols identified which establishments had music, dancing or pool tables. In addition, a video was created showing restaurant/bar owners discussing their smoke-free bar policies. The video transcript was used as an educational resource in Mono County and other counties.

The captain of a men’s ice hockey team that requested a sponsorship from the Program turned out to be the owner of a sports bar in town. Although the team was not connected to the business, the Program requested that he remove the tobacco vending machine from his bar and consider going smoke-free in return for the sponsorship. He agreed and within months had fulfilled both commitments.

Customers of one bar had long expressed the desire for Karaoke nights to be smoke-free because of the adverse effects of smoke on their singing and breathing. The owner was

very concerned about his smoking employees and was poorly educated about smoke-free workplaces. The Program provided technical assistance in the form of phone calls, an educational packet and a referral to a smoke-free bar owner. The restaurant/bar re-opened smoke-free.

By January 1, 1998, when bars were mandated to become smoke-free, 22 of the 24 bars in Mammoth Lakes had already become smoke-free.

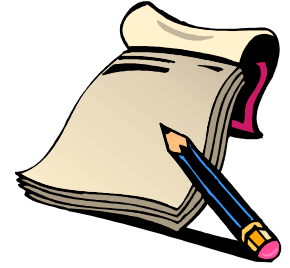
The factors that led to Mammoth County's bars becoming smoke-free voluntarily included the following:

- Local data was collected and then communicated to the Board of Supervisors and community groups through presentations and the media. Using this information, government officials and community leaders were able to judge the issues surrounding smoke-free worksites on the basis of local data, not tobacco industry propaganda.
- Community networks, both professional and social, were cultivated extensively and used for education, surveillance, and identification of opportunities for change. The community and its opinion leaders were educated on an ongoing basis.
- Radio spots were used frequently and in a well-timed manner to educate the public about the health effects of secondhand smoke.
- The Program was able to frame the issue for the press through the release of survey results, publication of success stories and creation of news articles. The Program maintained a good relationship with the media, socially, professionally and through advertising dollars. The Program was aggressive about creating publicity and controlling the timing of information release.
- The Program produced a one-page fact sheet that was inserted in school newsletters and in 3,000 paycheck stuffers distributed by major employers.
- All Program-sponsored youth programs (mini-grants) included an adult education component. Adult education included distributing brochures and giving presentations of local data, programs, and smoke-free environment information. Each presentation focused on the Program's current policy priority.

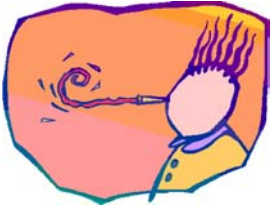
Contributed by Nancy Mahannah, who is Mono County's Tobacco Education Program Director.

Campaign Lessons Checklist

Here are the lessons described in earlier portions of this section:



- ✓ Educate the members of the coalition first, so that they can be effective educators in the community.
- ✓ Do not assume that everyone knows about the coalition.
- ✓ Find a respected sponsor to champion the cause.
- ✓ Prepare thoroughly and present thoughtfully.
- ✓ Give legislators local information and distribute a lean packet—summarize!
- ✓ Frame the issue for the public and the press using surveys, data and success stories.
- ✓ Work with city staff and legislative aides.
- ✓ Take advantage of the “domino effect.”
- ✓ Engage the media.
- ✓ Show compassion towards smokers.
- ✓ Describe the physiological effects of secondhand smoke in terms the audience can understand.
- ✓ Do not assume the business community is “anti-health.”
- ✓ Be prepared for the battle over the four B’s—billiards, bowling, bingo and bars.
- ✓ Coalitions should have the courage to kill a bad proposal.
- ✓ Fight the tobacco industry and its allies with intensity, endurance and creativity.



Implementation Lessons: Laying the Groundwork for Behavioral Change

People who campaigned for 100% smoke-free legislation in California were motivated in part by the realization that existing policies, such as those that permitted smoking sections in restaurants, failed to protect nonsmokers from the effects of second-hand smoke. Such ordinances were often vague and virtually impossible to implement and enforce. In addition, the mounting scientific evidence of the harmful effects of second-hand smoke made it clear that only 100% smoke-free policies adequately protected nonsmokers.

Novato: Learning Implementation Lessons the Hard Way

The situation in Marin County before 1990 was typical of many California communities. Before the county's campaign for 100% smoke-free workplaces began, several of the cities in Marin County had ordinances requiring separate smoking sections in restaurants and some other public buildings. The County's Environmental Health administrator said that the ordinances were so poorly written, it was impossible to enforce them, so his department completely ignored them. The county's chief health officer said they were a "joke." No enforcement plan was ever developed at the county level. To top it all off, Marin County was home to a large number of citizens who expressed anti-regulation and anti-government viewpoints.

It was against this backdrop that the Smoke Free Marin Coalition struggled and eventually succeeded in getting the county's first comprehensive smoke-free ordinance passed in the city of Novato. Unfortunately, 100% of the Coalition's effort had been focused on the campaign and no attention had been paid to the need for an implementation plan. The lessons learned in Novato came directly from the "school of hard knocks."

Get ready to add more cessation classes! When smoke-free laws go into effect, smoking cessation programs see an increase in the number of people who want to eliminate or reduce their tobacco consumption.

After the ordinance passed, the city printed up some simple pamphlets and No Smoking signs for businesses. However, the signs were not received from the printer for several months, so the pamphlets were mailed without the signs. When the signs finally arrived, business owners were asked to come downtown and pick them up. Only five signs were picked up that first year. The large number of complaints from the general public indicated that many businesses were failing to comply with the ordinance.

Having learned from their mistakes, the following year the city and the Coalition worked together to get adhesive decals and brochures mailed out along with business license renewal notices. Each business kit also included a small slip of paper instructing the business owner to post the enclosed decal on the front door in order to comply with the law.

The Coalition experimented with inclusion of a small note in business kits in other cities. It turned out that when a simple slip of paper was included in the business kits, compli-

ance increased dramatically. The slip of paper effectively reinforced the instructions in the cover letter. (Sample business notification kit materials are in the Resources section at the back of this manual.)

As additional cities in Marin County passed 100% smoke-free ordinances, the Coalition used the lessons learned from the Novato experience to help each city implement its ordinance successfully.

Implementation Is an Educational Process

California's smoke-free coalitions learned that passage of a smoke-free ordinance did not mark the end of the educational process. In fact, implementation of a smoke-free law required a coalition or health department to educate business owners, government officials and the general public about what the new law required, and what to do about it when the law was violated.

Lesson 14: Provide information and materials to business owners.

In order to educate business owners about the new law, coalitions worked closely with local government officials to produce and distribute business notification packets. These packets included items such as the following:

- A No Smoking decal to be placed at entrances
- A brochure explaining the new ordinance—for example, San Francisco developed brochures in Chinese, Spanish, and Vietnamese, as well as English
- A Smoke-free Restaurant (or other business) fact sheet
- A cover letter from the city manager or other government official explaining what the new law requires businesses to do
- A separate slip of paper with instructions on where to place the No Smoking decal to comply with the law

The cover letter in the business notification kit must be clear and direct with its compliance instructions. For example,

- The letter must make it clear that business owners are responsible for communicating the new smoke-free policy to their employees. The letter can supply them with sample language that they can use in a memo, such as “Due to a new local ordinance, smoking will no longer be allowed in our workplace. Please restrict all smoking to outdoor areas, keeping our entrances free of smoke.”
- The letter should also encourage businesses to locate their outdoor ashtrays away from entrances so that patrons can enter their establishments without running a gauntlet of smokers.

- Finally, the letter should inform businesses that they must post the decal or sign in order to be in compliance with the law.

Jennie Cook, who has served the cancer prevention cause for twenty years on the national American Cancer Society Board, said that what kept her motivated was the memory of a friend dying of cancer in her arms. She keeps reminding herself that all this work is to prevent suffering and save lives.

It is crucial that every non-home-based business in the jurisdiction receive an information packet in the mail. The decals can be small enough to fit in a regular business-sized envelope; the international No Smoking symbol is understood everywhere. Many cities and counties found that adding tobacco-free materials to mailings that were already scheduled, such as business license renewal notices, reduced the cost of implementing the ordinance. Volunteers from the coalition often assisted with assembling packets.

In addition to helping the city send packets, many coalitions facilitated meetings with business owners, such as breakfast sessions co-sponsored by the Chamber of Commerce, in which business owners could ask questions and receive additional information and materials.

Some coalitions provided tabletop signs for restaurants to display two to three months before the effective date of the ordinance. Other coalitions provided businesses with additional signs for display in employee break rooms and restrooms.

Coalitions also noted that as soon as implementation activities began, it was important to have a phone number where business owners could call to get their questions answered and request more decals and signs. It was helpful in several cities to designate one agency to prepare for the “phone call blitz.” Coalitions in several communities noted that many private clubs called asking if they were exempt. (They usually were not exempt, because they had employees and volunteers, and were considered worksites.) Sending information kits to all the private clubs affected by the ordinance well in advance of the effective date can help to reduce the number of telephone inquiries.

Lesson 15: Work closely with city officials and staff.

Passage of a smoke-free ordinance impacts many people in city and county government, and coalitions learned to work closely with numerous governmental agencies and departments. The most successful efforts were characterized by well-planned implementation activities that occurred long before a new smoke-free law’s effective date.

In Marin County, for example, the coalition sponsored a meeting after passage of the statewide Smoke-free Bar Law that included representatives from law enforcement, the fire marshal, restaurant inspection personnel, the Tobacco Education Program and other Health and Human Services agencies, county counsel’s office, and the county administrator’s office.

In the city of San Jose, the city attorney’s office helped with a smooth implementation of the statewide Smoke-free Workplace Law by determining how the new law and existing local ordinances worked together. The city attorney also helped the coalition and the city council to improve parts of the municipal code that impacted the enforceability of the smoke-free law.

Many coalitions and health departments also provided training and signs for restaurant inspectors. These inspectors learned to check for ashtrays and other signs of compliance or lack thereof, and how to make referrals for code enforcement.

Health departments also helped city clerks and other staff members develop processes whereby smoke-free materials were added to new business license mailings.

Lesson 16: Publicize the new ordinance with an information campaign.

As the effective date of a new smoke-free ordinance approaches, it is imperative to let the general public know what to expect and also to encourage their participation in enforcing the new law.

Within the context of such a media campaign, coalitions can work with the business community. In Marin County, for example, the chamber of commerce, several businesses and the county health department contributed to a collaborative publicity campaign. In another example from Marin County, Novato's smoke-free ordinance became effective on the same date as the annual Great American Smoke Out, so local restaurants celebrated the "Great Novato Dine-Out."

Implementation information campaigns throughout California included items such as the following:

- Press releases
- Meetings with editorial boards of major newspapers
- Articles in newsletters of organizations such as the chamber of commerce, local hospitals, utility companies, unions, churches, business associations, schools, and senior citizen organizations
- Public service announcements for television and radio
- Phone lines for the public to get more information, as well as to register complaints after the effective date of an ordinance
- Websites featuring the ordinance, compliance instructions, frequently asked questions, and the opportunity to order signs and brochures online.
- Half-page and full-page print ads published in the Entertainment and Sports sections of the newspaper just prior to the effective date of the ordinance
- Ads placed in neighborhood and ethnic community newspapers that explained the new law and publicized the smoke-free hotline telephone number
- Street signs posted on streetlights and telephone poles for four weeks prior to the ordinance's effective date

Send press releases to many kinds of publications. If you miss a deadline, send it anyway. You may be able to reach people who haven't heard about the law yet, or may reinforce the message for those who already know about it.

- Multi-lingual brochures

Smoke-free advocates suggested placing ads in the Entertainment section of the newspaper to reach 18- to 24-year-olds, a segment of the population in which smoking has shown an increase. Young people also read local newspapers most often to find out what movies are playing and other weekend events. Be aware that getting a smoke-free ad placed right next to the movie ads can take “hardball” negotiation and vigilance on the part of the coalition or county health department—if left to the newspaper’s advertising department, the smoke-free ad just might appear buried next to the opera review (which is not to imply that opera is unpopular—just that young people don’t often read the newspapers for opera news).

These ads can be very effective. In Marin County, one restaurant owner had to order a new No Smoking decal after he threw the old one in the trash. It turned out some of his nonsmoking customers saw the ad and convinced him to comply with the smoke-free ordinance.

Coalitions suggested that print and broadcast advertising should have an upbeat theme. Smokers should not be denigrated. Emphasize the positive, such as “[City] is getting free of smoke,” rather than “[City] is getting tough on smokers.” Get as many names of businesses and organizations on the materials as possible. Promote two simple messages: (1) most public places are now smoke-free, and (2) a telephone number is available for more information.

Lesson 17: Do not provide a grace period for ordinance compliance.

Communities that provided a grace period for compliance found that business owners, law enforcement personnel and the general public were confused by the requirements of the ordinance. The day the law goes into effect should be the day it begins to be enforced.

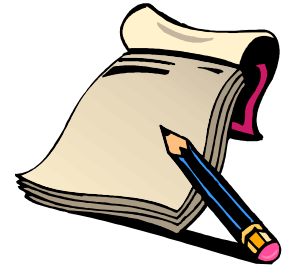
Lesson 18: Educate the public about involuntary smoking through media ads.

California’s Media Campaign helped provide the groundwork for the debates in local city council chambers. The public was educated about the effects of second-hand smoke through television and radio Public Service Announcements (PSA). These eye openers showed the public how they were impacted by involuntary smoking at work and at home. Some humorous, others tragic, the ads delivered volumes of science in 30 to 60 understandable seconds (see CDC website to order). The ads also helped the implementation and enforcement efforts.

Meanwhile, school and community based education campaigns reinforced the media messages. Several observers reported accurately that the Media Campaign ads were the “air troops” while the community programs and coalition campaigns were the “ground troops.”

Implementation Checklist

After an ordinance has passed, the work has only just begun. When the coalition knows the ordinance's effective date, the coalition should consider the following suggested implementation phases and create an implementation timeline.



✓ **Early stages of the campaign:** Develop model implementation and enforcement plans; present these to government officials for consideration.

✓ **Immediately following passage of the law:** Many things need to be done right away—

- Convene an implementation task force to review the law as adopted and revise any existing implementation and enforcement protocols.
- Examine available fiscal resources.
- Issue a press release with correct information about the new law.
- Begin writing the explanatory brochure for business kits.
- Get a final count of the number of businesses that will receive information about the new law. (Add additional quantities for new businesses and for business owners that request more than one decal, etc.)
- Order the adhesive decals for building entrances.

✓ **Implementation Phase 1:** Develop the media campaign. Determine how to use free media exposure. Create a media budget for print ads, public service announcements, street signs and other materials.

✓ **Implementation Phase 2:** Provide tabletop signs and other materials for impacted businesses. (Meet with business owners first to determine what they need.) Arrange for coalition representatives to speak to community groups and business organizations. Make sure the business kits are well into development. Arrange for a city official to write the cover letter for the business kit, and consider having a respected business leader sign it, as well. Arrange for the city to provide mailing labels for the business kits. Help the city or county draft the first and second warning letters for businesses found in violation of the law, and determine whether new citation forms need to be ordered. Plan how to implement the “hotline” telephone number.

✓ **Implementation Phase 3:** Assemble the business kits and arrange for them to be mailed two weeks prior to the effective date of the law. Contact newspapers to arrange for ads. Post the ordinance and compliance on a website.

✓ **Implementation Phase 4:** Place print and broadcast ads to announce the effective date of the ordinance. Prepare coalition members for interviews with the media. Mail out business notification kits.

✓ **Implementation Phase 5:** Once the law is in effect, the city should be prepared to respond to complaints about noncompliance. Educational “warning” letters should be mailed promptly to offending businesses.

At the “hotline” telephone number, have trained staff in place to answer questions and receive complaints. Be prepared to respond to questions and requests, such as these:

- Is the caller’s business exempt?
- How can the caller get more signs, brochures or decals?
- Can the city/county/coalition make a presentation to the caller’s organization?

Enforcement: Ensuring Compliance with Smoke-Free Laws

It is often said that smoke-free laws are “self-enforcing,” and, generally speaking, California employers took sufficient steps to comply with the law and the public voluntarily complied with no-smoking policies as soon as they became effective. The phrase “self-enforcing” has the potential to be misleading, however, because behind every “self-enforcing” smoke-free ordinance was a coalition or health department that undertook a significant amount of work to protect the integrity of the law.

Shasta County: Health Educators Walking the Beat

In the early nineties, Shasta County passed an ordinance that banned smoking in workplaces, restaurants, restaurant bars, private clubs, and stand-alone bars. A substantial percentage of local citizens opposed the inclusion of freestanding bars in the smoke-free ordinance. Unfortunately for its health educators, the County designated the Health Department’s Tobacco Education Program as the enforcing agency.



Upon receiving a complaint, the Health Department sent out a series of warning letters to the violator. If the violations continued after a certain number of letters, health educators from the Tobacco Education Program made a site visit. Former health educators who carried out this process reported that these site visits were very stressful for them and for the non-complying business owners.

The health educators issued citations, but initially received no backing from the County Sheriff’s office or the District Attorney’s office, a fact known to some of the chronic violators. As a result, the health educators wasted a lot of time responding to repeat violations with educational efforts and ineffectual citations. The health educators also experienced some harassment when they entered bars alone and tried to cite inebriated smokers.

Fortunately, in recent years, the County acquired a supportive District Attorney and adopted a more effective enforcement protocol. Health educators no longer write citations, and other county departments now contribute their enforcement expertise. When asked to share advice, Shasta County smoke-free advocates offered these observations:

- The large-scale opposition to including freestanding bars in the smoke-free law created a hostile environment in which to enforce the part of the law related to bars. A more incremental approach, accompanied by more public education prior to the ordinance’s passage, might have resulted in more “self-enforcement” of the law.
- Health educators are not law enforcement officers. Directly enforcing non-smoking ordinances conflicts with their more appropriate education and counsel-

"If you ride on the knowledge of the multitude, it is easy to gain dominion; if you only use your own mind, you cannot even preserve yourself. There is no limit to what accumulated power can lift. Whatever is done by the knowledge of many succeeds."

—Thomas Cleary, *Book of Leadership and Strategy: Lessons of the Chinese*

ing roles. Even more importantly, their safety can be put in jeopardy. Health educators can draft educational letters and supporting materials, but they should not be asked to issue citations.

- The support of the District Attorney and other law enforcement agencies is essential to successful ordinance enforcement.
- One letter issued prior to citation may be more effective than a series of warning letters threatening administrative action. This letter should ask for a written response within ten working days to avoid further administrative action.

San Francisco: Warning Letters and Beyond

In San Francisco, the San Francisco Public Health Department had the primary responsibility for enforcing most provisions of smoke-free workplace ordinances. For complaints that did not refer to restaurants or bars, the following protocol was followed:

- Tobacco Free Project (TFP) staff responded to initial complaints. If TFP staff determined that the complaint had merit, TFP sent a letter describing the complaint to the offending business. The business had five days to respond by telephone or letter with information about how the situation was corrected. If TFP did not hear from the owner or manager within the five days, TFP called to make sure they received the complaint letter. In 90% of cases, this protocol resulted in the business complying with the ordinance.
- If the original complainant informed TFP that ordinance violations continued, TFP referred the complaint to an Environmental Health Inspector who then made an unannounced inspection. If the inspection revealed evidence of smoking, the Environmental Health Inspector could issue a warning or citation to the business.
- Environmental Health Inspectors inspected the restaurants in their district on a quarterly basis. When the Tobacco Free Project received a complaint about a restaurant, it was referred directly to the Environmental Health Inspector of the appropriate district, who then followed up during the routine quarterly inspection.

San Franciscans who worked on enforcing smoke-free laws remembered how difficult it was to enforce ordinances that were less than 100%. If faced with enforcing ordinances that exempt certain types or areas of businesses, they recommended that cities be prepared to answer questions involving the following issues:

- If bars are exempt from the ordinance, what is meant by the “bar area” of a restaurant? In San Francisco, this question had to be answered on a case-by-case basis. Ad hoc rules were developed whereby people sitting at the bar could smoke, and people sitting very near the bar could smoke, but people sitting in the “dining area” could not smoke.
- If the ordinance permits a certain percentage of a public area to be set aside for smoking, such as 25% in hotel lobbies, how does a business determine the smoking area? In San Francisco, this question was answered on a case-by-case basis.
- Are residential hotels and shelters for the homeless covered by the ordinance? In San Francisco, if a manager worked on the premises, then common areas were



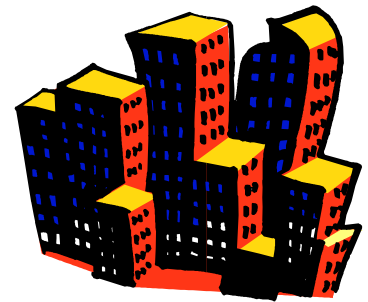
considered workplaces that had to be smoke-free. Homeless shelters, however, were considered exempt as “private residences.”

- Can a business prohibit minors from entering the premises to qualify for a small business exemption or to allow smoking in the employee break room? In San Francisco, it was decided that minors could not generally be excluded due to equal protection concerns.
- Are windows “adequate ventilation” under the terms of the ordinance? In San Francisco, it was not.

The San Francisco City Attorney’s office provided support for the enforcement efforts in the city, and even sued bars that continually violated the statewide Smoke-free Bar Law. In February 2000, a Superior Court judge upheld the city attorney’s right to sue bar owners for creating a public nuisance and engaging in unfair business practices by allowing patrons to smoke in violation of the California Smoke-free Workplace Law and the Smoke-free Bar Law.¹¹

San Jose: Designing an Effective Enforcement Protocol

San Jose set up a smoothly functioning enforcement protocol that serves as a good model.



A typical complaint follows these steps:

1. Most complaints about smoking law violations are routed to the secondhand smoke complaint line maintained by the American Lung Association (ALA). (Note: ALA was funded to carry out this portion of the enforcement protocol.)
2. ALA forwards a copy of the complaint to the county health educator working in that jurisdiction.
3. The county health educator visits the business anonymously and notes any evidence of a possible violation, such as patrons or employees smoking, the presence of ashtrays or smoke odors, and the absence of No Smoking signs.
4. Based upon his or her observations, the health educator sends a warning letter. The health educator may choose to educate the management about the smoke-free law.
5. The warning letter gives a business ten days to stop the violation and to post signs.
6. The health educator refers the matter to the code enforcement officer in charge of that area.
7. If the business does not comply with the law within ten days after receipt of the warning letter, the business owner and the landlord receive citations and a copy of the complaint is sent to the District Attorney’s office.

*“Whatever you can do
or dream you can,
Begin it. Boldness has
genius, power and
magic in it. Begin it
now!”*

—J W Goethe

8. If violations continue, the District Attorney files an injunction against the business under the unfair trade practices provisions of the California Business and Professions Code, which is intended to keep violating businesses from gaining an unfair competitive advantage over law-abiding businesses.

One of the best characteristics of the San Jose enforcement protocol is that anonymity is built into the process:

“Vital papers will demonstrate their vitality by moving from where you left them—to where you can’t find them.”

—Anonymous quote seen on a wall of a paper-filled office

- The ALA assumes the role of the complaining party after receiving a complaint.
- Anonymous visits by the county health educator avoid direct (and potentially hostile) confrontations with smokers and business managers.
- Code enforcement officers send copies of reports to the court, and except for hearings on administrative citations, they need not be present when violators appear in court.

San Jose’s enforcement program benefited greatly from the effort of the City Attorney’s office, which identified a number of city and state laws that could be applied to violators. In addition to the local smoke-free laws themselves and the state’s unfair trade practices provisions, the City Attorney recommended using a provision in the city’s building code that enabled the city to fine a property owner when a tenant broke a law. In such cases, the property owner received a copy of the citation and notice of liability. According to code enforcement staff, this legal finding increased compliance dramatically and saved administrative time.

When asked to share their advice, San Jose smoke-free advocates offered these observations:

- A well-staffed telephone line, such as ALA’s secondhand smoke line, enables the public to make anonymous complaints.
- A well-designed enforcement protocol protects code enforcement staff and violators from unnecessary personal conflict.
- The city attorney can analyze other city laws, such as building codes and business practices codes, to determine how they can be used in the enforcement effort.

Enforcing Smoke-Free Bar Laws: Conquering the Last Bastion of Resistance

Throughout California, some of the most heated resistance to smoke-free laws arose around freestanding bar establishments. Even after all the previous efforts surrounding earlier smoke-free laws, the enactment of AB 3037, the Smoke-free Bar Law, required a whole new round of educational, implementation and enforcement activities.

In anticipation of the Smoke-free Bar Law going into effect on January 1, 1998, coalitions across the state sent new information packets to bar and restaurant owners, implemented new media campaigns, and facilitated additional meetings between business owners, city officials and law enforcement agencies.

Field Notes from Smoke-Free Bar Law Enforcement

Marin County: In November 1997, two months before the statewide Smoke-free Bar Law was scheduled to go into effect, a local bar owner threatened to organize opposition to the law. He called many members of the coalition and promised to “tie up the courts” for months and to organize other local bar owners in a massive non-compliance effort. At the time, local smoke-free advocates were convinced that neither the county nor any of the cities within the county were prepared to enforce the new law.



In response to this threat, the Smoke Free Marin Coalition arranged a meeting for county law enforcement, the fire marshal, restaurant inspection personnel, the Tobacco Education Program, county counsel’s office, the media contractor for the Marin County Department of Health and Human Services (DHHS), other DHHS staff, and representatives of the county administrator’s office for the purpose of developing an enforcement plan.

The Tobacco Education Program also sent memos to the city managers of the incorporated cities within the county, reminding them of the upcoming law. The City of San Rafael responded by hosting a meeting of law enforcement personnel from all the cities, together with a representative of the Department of Alcoholic Beverage Control regional office.

Law enforcement officials and city managers expressed reluctance to enforce the law, but the Tobacco Education Coordinator was able to persuade them of its importance with arguments such as the following:

- California voters had expressed themselves clearly by rejecting Proposition 188, the tobacco industry’s effort to repeal the Smoke-free Workplace Law.
- The California Restaurant Association (CRA) had pushed the Legislature for a level business playing field for their restaurant bars. The CRA opposed smoke-

free legislation in earlier years, but switched to supporting these laws.

- State and local health services undertook education and media efforts to support implementation.
- Communities across California were engaged in similar planning efforts.

The enforcement protocol that was developed in Marin County provided that health educators and restaurant inspectors would only make referrals and not issue citations. In addition, the health department handled all the enforcement-related publicity and responded to initial complaints with informational or warning letters. City managers were pleased with this protocol.

When the Tobacco Education Coordinator met with police chiefs from the county's various jurisdictions, they had these concerns and comments:

- They wanted to know whether the Department of Alcoholic Beverage Control and the District Attorney would back them up.
- They appreciated the advance education and media efforts.
- They knew that existing smoke-free ordinances tended to be largely self-enforcing because of the public education campaigns conducted by local health departments.

In private follow-up meetings with the police chiefs, the Tobacco Education Coordinator was aware of some lingering resistance to enforcing the Smoke-free Bar Law. On the other hand, the threat of organized civil disobedience struck a nerve with some of the police chiefs, as evidenced by subsequent citations.

If the law designates a state agency for enforcement, effective action at the local level may be impaired due to logistical problems created by bureaucratic inertia or perceived distance from the problem.

One of the most surprising outcomes of the smoke-free bar experience was the role played by the "smoky motorcycle bars" in the county. They had been vocal opponents of the Smoke-free Bar Law, but once the law went into effect, these bars complied with the law and kept a lookout for violations in other bars, as well.

The Tobacco Education Coordinator recalled that several of these bar owners were very unhappy when they learned of efforts to repeal the law. The bar owners and their employees liked the new law and did not want to go back to the way it was before. Yet, when they were asked to appear in ads promoting smoke-free bars, they all refused for fear of alienating their customers (and perhaps their fellow bar owners).

When asked to share their advice about enforcing smoke-free bar laws, Marin County advocates suggested the following:

- Be persistent in looking for a city official or law enforcement officer who will cooperate with the coalition's enforcement efforts. Sometimes a sympathetic city

clerk or building inspector can make the job a little easier.

- Bar owners were not prepared to appear in advertising that highlighted smoke-free establishments. Gimmicks such as free cocktail napkins, coasters and swizzle sticks were not received with much enthusiasm.
- Even though bar owners did not “buy in” to the ads and gimmicks, the conversations between the bar owners and health department staff fostered friendly relations and allowed the airing of issues that were resolved amicably.
- January 1 might not have been the best date for a smoke-free bar law to go into effect. Administrative work seemed to take longer around the first of the year, and the new law was blamed in some quarters for a dip in bar revenue that was actually due to bad weather and reduced post-holiday spending.



Santa Clara County: In San Jose, the law enforcement officers were a major component of the successful smoke-free bar enforcement effort. As part of the city’s “sweep” program, plainclothes code enforcement staff paired up with uniformed law enforcement officers. The code enforcer made observations inside the bars, and reported any infractions to the law enforcement officer waiting outside. The law enforcement officer had the responsibility to cite smoking patrons and bar owners.

San Jose police officers included observation of compliance with clean indoor air laws in their evening bar checks. Code enforcement officers always worked in pairs with police officers when inspecting bars.

In the city of Gilroy, every bar and liquor store establishment needed a permit to operate legally, and the permits were reviewed every six months. Because infraction of any law could affect permit eligibility, the bars and liquor store establishments had a very high rate of compliance with the smoke-free bar laws.



Statewide: Coalitions reported being vexed by misleading and biased reporting in the media. Angry bar owners graced the front pages of newspapers up and down the state. The opposition delivered press kits on a weekly basis, making it difficult to counter the misinformation.

In spite of their vehement opposition before implementation of smoke-free bar laws, bar owners and employees sang a different tune after the laws went into effect:

“We are used to it now. Our customers are used to it now.”

“Everyone is used to smoking outside. Don’t bring the smoke back inside again.”

“We can taste the food now.”

“We can see our customers now.”

“Our customers can see the dartboard now.”

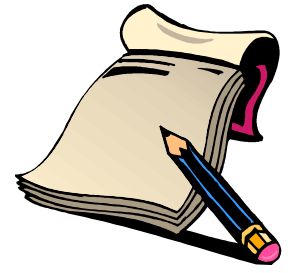
“We don’t stink when we come home.”

“Our eyes don’t burn, and we feel so much better.”

“It is so much cleaner now. I have remodeled my bar. We would never go back to the old way again.”

Enforcement Checklist

The following list summarizes the lessons learned in the enforcement arena:



- ✓ Be the “good cop.” Tobacco Education Program staff members should maintain their roles as helper-educators. Issuing citations to non-compliant businesses conflicts with this role. Only county or city departments experienced in imposing fines should carry out this activity. However, producing written educational warnings are compatible with the public health role, especially when they include information about cessation resources, when appropriate.
- ✓ Do not count on businesses picking up signs and materials. They must be mailed directly from a governmental agency.
- ✓ Work out the enforcement protocol with other governmental departments and agencies well in advance of the date the ordinance goes into effect.
- ✓ Avoid making site visits, if possible. Letters that are well written and “legal-sounding,” on health department letterhead (not tobacco program letterhead), are more effective than site visits and help create a good paper trail for legal purposes.
- ✓ Do not let the government department in charge of restaurant inspections shirk its responsibility. It needs to add just one question to the inspection checklist. Offer to give staff training for restaurant inspectors and free signs for them to take out on routine inspections. Building inspection personnel have the expertise to check on ventilation systems and other aspects of enforcement that health educators are not equipped to analyze.
- ✓ Do not let the few businesses that refuse to comply take up health department time or undermine the law for the whole community. After the initial educational warning letter has been sent, the responsibility for enforcement should lie with other city or county departments that specialize in law enforcement. Once a template for the warning letters has been developed, the work of sending out the letters gets easier as time goes on.
- ✓ Do not be intimidated by city or county officials. When they realize that the health department is contributing solutions to the problems of enforcement, cooperation is usually forthcoming. County-city partnerships or agreements do not have to be formalized in writing. The more mutual communication and problem solving there is, the better.
- ✓ Run positive media campaigns. Try to place ads in the Entertainment section, the Lifestyle section and the Sports sections of newspapers. Seek venues for free publicity,

such as organizations' newsletters. Always provide a telephone number and perhaps a website where the public can get more information.

- ✓ Timing is critical. Give businesses time to prepare their employees and customers for the upcoming changes. Although some coalitions found that January 1 might not be a good date for the law to become effective, other coalitions found that the "New Year's Resolution" theme worked well in their materials. Independence Day works well.

- ✓ Try to combine mailings about smoke-free laws with other mailings from the city or county, such as business license renewal materials. Include small adhesive decals with the international No Smoking symbol. The decals do not have to include the name or designation of the ordinance.

- ✓ One year after the law goes into effect, conduct some publicity to congratulate the city on its first year of being smoke-free and to remind the public about the requirements of the law. Include information about the complaint line, even if it goes by another name. Distribute more decals and signs to businesses.

Part 2: Sustaining Advocacy

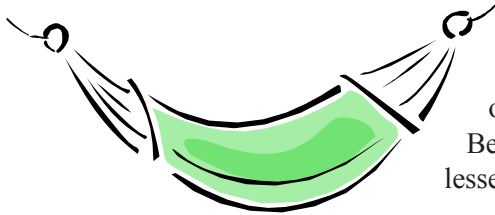
In the 1990s, the tobacco industry's unsavory activities belied its increasing desperation to stop the smoke-free momentum in California. Local tobacco control program coordinators and staff became convinced that one of Big Tobacco's primary strategies was to make their lives as miserable as possible.

- Tobacco control programs, often consisting of only one or two individuals, were bombarded with demands for legal discovery (interrogatories, depositions and document searches) that dominated the staff's working hours for months at a time.
- Public health educators were forced to defend good public health initiatives after the tobacco industry fed misleading stories to the press. For example, one county sponsored smoke-free baby showers with smoke-free promotional items as an intervention strategy to reach low income, low literacy pregnant women. The tobacco industry went to the media with the story, characterizing it as a waste of taxpayer money on baby showers and parties.
- Public health educators had to find the time to become experts on economic and building code issues such as the effects of smoke-free laws on the hospitality industry and the ineffectiveness of ventilation systems in order to counter tobacco industry propaganda.
- Tobacco control program coordinators had to fight their own county bureaucracies and local politicians to preserve existing and planned health initiatives when the tobacco industry tried to redirect funding away from public health goals.

Needless to say, spending their time and energy in this way was not what many health educators had in mind when they entered the public health profession. The relentless state of conflict began to take its toll on many health educators working in tobacco control programs.

Helpful Workshops: Self-Preservation and Crisis Management

Just when many local tobacco control professionals were feeling pretty beat up, the California Department of Health Services, Tobacco Control Section provided workshops that brought together local tobacco control advocates from all over the state and proved invaluable to those who attended.



One of the most valuable outcomes was the ability to share stories with other local program staff who were going through the same experiences. Being able to hear their own experiences mirrored in the stories of others lessened many people's feelings of isolation.

A valuable component of the workshop was a session on stress management, in which smoke-free campaigns were characterized as an “information war.” That characterization struck an immediate chord with advocates who were literally feeling that their brains were getting tired. Participants in the session exchanged stress management techniques, many of which are described throughout this manual.

Many of the contributors to this manual remarked that, even years later, that session had inspired them to change their working styles, take more frequent breaks throughout the day, and take long weekends once in a while—without bringing work home with them!

Each person left the first workshop with the name of two colleagues that they could call on for support. As a result, lasting friendships developed that sustained people for years to come.

Another workshop focused on crisis management, in which local tobacco control coordinators learned how to deal proactively with public attacks. One activity was particularly valuable: someone posing as a hostile reporter interviewed each participant on videotape. A public relations expert then analyzed each videotape and provided constructive feedback. The exercise was repeated so that each participant had the chance to improve his or her performance based upon the feedback.

Other public relations principles taught at the workshop included the following:

- Be aware of misconceptions that are being circulated through the media that could be damaging, such as false claims of economic losses from clean indoor air laws, or attacks about the program, such as allegations of misuse of funds or illegal lobbying.
- Form a “crisis management strategy” with the program’s staff and coalition.

- The longer a false impression or concept gets circulated, the more it becomes crystallized as true in the minds of the public. As soon as damaging misinformation appears in the media, proactively counter with the truth immediately. Ask reporters for equal and fair coverage. If they do not respond, write an article for the opinion page or a letter to the editor to counter the wrong information.
- Have your media spokespersons ready with their angle and “sound bites” in case the media phones them. Make sure you don’t have 20 coalition members and five staff people all saying different or conflicting messages. Just a few people should speak for the group. Use a telephone tree or email. The spokespeople representing the program should be organized and focused in their message.
- If a reporter calls and asks questions, respond to the inquiry. It is perfectly acceptable to say, “I need to check with my superiors, but I will get back to you when I have the answer.” Never evade or avoid them or refuse to comment. This kind of response only makes things worse. Reporters understand why people need to check with their organizations first. Give the coalition chair’s telephone number, but alert him or her first. Use the opportunity to present the most positive image of your program possible. Turn it into an opportunity to promote your program’s goals.

Consistency is the key to self-care. Jennie Cook, cancer prevention activist with the American Cancer Society, shared that she remained steadfast in her daily program of exercise, positive affirmation, solitude and restful breaks. She said she knows when she has “had enough” and takes a vacation.

These state-sponsored workshops transformed local health educators from victims of tobacco industry harassment to empowered and united messengers who carried their issues to victory for the people of California.

Coalitions: How to Live Long and Prosper

Who are the California coalitions?

Coalitions are groups of people representing voluntary health organizations as well as individual volunteers. (Many of these private citizens are people whose lives had been impacted by a tobacco related tragedy). There is a state coalition, but in the context of this manual the term “coalition” refers to local groups. Health departments handled logistics, (assisting with agendas, minutes and scheduling), but coalitions generally made decisions about their activities that were independent of government.

Coalition involvement is critical in smoke-free policy work. Presented here are tools and guidelines to help in the creation and maintenance of a successful coalition.

Every Coalition Needs a Mission Statement and Philosophy

A mission statement keeps the group’s purpose in focus and helps new members understand the group culture and values. The following example is the Mission Statement and Philosophy of the Smoke Free Marin Coalition.

The Coalition provides a leadership and coordinating role on tobacco issues with regard to addiction prevention and treatment of tobacco addiction, tobacco use by youth, retailing, advertising and youth access, smoke-free environments, and expenditures of public funds with regard to tobacco addiction prevention and treatment, as well as passage and enforcement of legislation governing these areas. The Coalition is also a resource of up-to-date technical assistance to local legislators, the media and the public on tobacco issues.

The Coalition has achieved successes, through a working style that is respectful of its members. Those who represent the Coalition at public meetings do so in a way that is diplomatic and professional. While many community groups work with force, agitation and confrontation to achieve their goals, the Coalition has found it more effective to work in more positive ways. The group culture values listening and patient learning from each other, unity and camaraderie, while embracing divergent viewpoints that compliment one another. In this way, the whole is greater than the sum of its parts.

The philosophy of the Coalition is to work with the culture of each individual community and its legislators in a respectful way, not to dictate policy but to inform, educate, collaborate, and invite participa-

tion by legislators in a manner that engages long-term involvement and partnership in tobacco issues. This approach has worked well with local legislators and local populations. It has paid off in the passage of very advanced tobacco control legislation in our county.

Coalition Management

The following advice was gathered from tobacco control advocates throughout California:

- Provide training for members who are inexperienced in public policy work. In California, Americans for Nonsmokers' Rights provided a tremendous amount of training for the local grass roots effort.
- Invite health department staff and coalition chairs from neighboring counties to speak; work with them to create region-wide policy initiatives.
- Have two co-chairs for the coalition with complementary skills.
- Recruit your members carefully. Coalitions need constructive people who work well within a group; avoid competitive personalities.
- Help members of the coalition find niches and roles in which they can excel and that interest them.
- Members of executive or policy committees should be chosen because they work well with the team and bring leadership skills, not on the basis of what organization or group they represent.
- Nurture camaraderie among coalition members: In Marin County, the coalition prepared for city council meetings with what they called their "Pre-Game Huddle." They met in a supportive, nonsmoking restaurant before each hearing. They always invited the children and teens who were going to testify to dine with them, and during dinner, everyone strategized and help prepare for a successful hearing. Besides helping the coalition representatives with their testimony, the experience of sharing meals built strong bonds among the coalition members, and prepared them for the long evening.
- Use the principles of volunteer management:
 - Keep individuals and groups from burning out by rotating assignments and roles, redistributing tasks and giving the whole group or individuals a break when they need it. (Some coalitions take a break during the summer months, recharging for the fall season.)
 - Acknowledge the time members of the coalition are devoting to the cause; never take coalitions for granted. Arrange for individuals and the coalition as a whole to receive recognition from the City Council or County Board of Supervisors.

"Never forget the faces and words of our patients, friends, family and neighbors who have suffocated, starved to death and hemorrhaged before your eyes from tobacco-related illness. Never forget the elderly woman who couldn't sleep because she had to be awake to breathe. Never forget the man who had to sit up all night because every time he lay down, he began to suffocate. Never forget the restless man who was too confused to know he couldn't make it to the bathroom because his brain was hypoxic and lungs clogged by cancer. Useless pain and suffering."

—Beverly Heintz,
Solano County

Several activists noted that taking three-day or four-day breaks throughout the year helped them more than waiting for that one big annual vacation.



- Do not have meetings on religious holidays that may be observed by various members of the coalition.
 - Provide new members with orientation materials.
 - Check in with coalition members personally and through surveys to determine satisfaction levels.
 - Include youth and older adults in meetings and planning activities.
 - Spin off “ad hoc” committees to deal with new projects that require more time than can be given in a regular meeting. Let the committee disband when its task has been accomplished.
 - Continue to bring in new members.
 - Recognize that some people are issue-focused; they will come and go.
 - Do not allow meetings to be simply “provider reports.” This mode is fine for resting from a strenuous campaign, but at some point, the coalition should consider a new menu of policy options to work on.
 - Try not to allow tobacco industry representatives or affiliates to become members of the coalition. Americans for Nonsmokers’ Rights can provide resources to deal with this situation.
 - If the coalition meets bi-monthly or quarterly, which is just about right for a busy agenda, keep members informed between meetings with news bulletins or other mailings.
 - Evaluate campaign activities and celebrate all successes, no matter how big or small.
 - Avoid conflicts of interest by making sure that coalition chairs do not receive public tobacco education or prevention funds or make funding decisions during coalition meetings.
 - If the coalition is under the strain of making funding decisions, make sure they also work on policy issues together, which can reunite coalition members.
 - More participation, not less, makes for increased satisfaction among coalition members. When members feel that their contribution is making a difference, they are much more likely to attend meetings and stay involved in the coalition’s activities.
- Take advantage of the resources that local health departments can contribute to the coalition:

- Consistent meeting times and space
 - Useful up-to-date resource materials to assist coalitions in advocacy work
 - Interesting speakers from other fields or localities
 - Problem-solving skills and experience of the staff
- Practice good conflict resolution strategies. Resolving issues behind the scenes requires a combination of professionalism, strength and “looking out for the greater good.”

Things occur at one time or another in the life of many coalitions: one person’s controlling tendencies start to drive away other good people, or new members bring organizational baggage or old history with them. The coalition’s leaders must mediate and resolve these conflicts without repeating negative statements or getting caught up in the conflict themselves.

Resolve the difficulties in the interim between coalition meetings so that they do not affect the entire group. Provide a safe forum for airing issues. Most conflicts should be resolved in face-to-face meetings rather than by telephone or email.

Do whatever needs to be done to solve the problem. One coalition asked a member to leave the group and work on his own because he had so dominated the coalition’s discussions and agenda and had threatened to pull his project out of the county unless the coalition went his way on all the major issues. In that case, the resolution was to say, “Good bye and good luck.” In another case, an agency director who turned out to be a negative force on the coalition was quietly asked to send a staff person instead, so that his agency could still be represented.

Sometimes, people who are causing the coalition difficulty can become constructive allies if someone works with them behind the scenes and helps them see how they might be more effective. Almost everyone dreads these interactions and procrastinates for far too long, prolonging a problem that can be solved. The conversation can start like this: “You have such great skills and information to offer the coalition. It is sad to see how you neutralize your effectiveness. Would you like some suggestions that might help make your participation on the coalition more productive for you and others?”

If the person asks for names of people who may have complained, avoid providing this information by all means, and try to get them focused on their own behavior. Use the “sandwich approach:” Begin with something positive, tuck some constructive criticism in the middle, and end with another positive note.

How to Have Great Coalition Meetings

Here are some tips on how to run a successful coalition meeting (or any meeting, for that matter):



- Have a vision of what can be accomplished by the group. Every meeting must support that vision.
- Meeting facilitators can benefit from the practice of visualization: visualize the meeting in advance; arrive at the meeting place early, sit quietly and focus on the desired outcomes.
- Begin each meeting with a reminder of the “big picture.” For example, in the AIDS field, some meetings are begun with a moment of silence to help people focus on the population they are serving. Similar sentiments can be expressed in the context of tobacco control.
- Every meeting must have a specific purpose; meet in order to get work done.
- Keep in mind the motivations of each member of the coalition, and reward them during the course of the meeting according to the principles of volunteer management: affiliation-oriented people seek camaraderie, achievement-oriented people need tasks, and creative people need to brainstorm and play.
- Use meetings to acknowledge each success, however small.
- Strive for group harmony—energy not expended in discord is available for powerful work in the community. Allow people to express their true feelings and thoughts during meetings while maintaining an atmosphere of mutual respect.
- Handle negativity with a problem-solving approach. When appropriate, try to deal with problems behind the scenes or after the meeting, so that they do not affect the whole group. Be trustworthy. Never spread negativity. Make coalition meetings the place where negativity and complaints stop and become solutions.
- Pay attention to aesthetics. Meet in rooms with windows—people feel more comfortable and think more creatively.
- Have an agenda prepared, but be flexible. Allow brainstorming and creativity, but get the meeting’s business done, as well.
- Begin and end on time. If the meeting runs over, give people permission to leave to get to their next appointment.
- Have fun! Incorporate humor and play as much as possible.

A Coalition's Work Is Never Done

Many coalitions proved to be wonderful additions to their community's landscape. Even after the smoke-free ordinances were safely on the books, coalition members were eager to continue working for the public good. Among the tasks taken up by coalitions were the following:

- Smoke-free home and car campaigns
- Countering the annual tobacco industry attempt to repeal smoke-free laws in the state legislature
- Reviving, reinforcing and strengthening enforcement of existing laws
- Encouraging local universities and other institutions to divest their portfolios of tobacco stocks
- Promoting youth tobacco access laws, such as banning self-service displays, licensing tobacco retailers, and requiring conditional use permits for tobacco stores
- Linking the tobacco issue to other issues, such as social justice, environmental issues, and transnational projects, such as adopting "sister cities" around the world
- Ensuring that Master Settlement Agreement funds are directed toward tobacco control programs.

See Resource list for Websites that provide links for coalition projects.



Expert Advice from Tobacco Use Prevention Specialists Working in County Health Departments

Tobacco use prevention specialists working inside the halls of government had a unique perspective on the smoke-free experience. They learned how to navigate public health programs through the thicket of bureaucracy and they provided valuable resources and expertise to their local coalitions.

Some tobacco use prevention specialists were fortunate enough to work in health departments that supported smoke-free campaigns. When asked to describe their departments, these public health professionals reported the following:

- The department is an advocate for the program and facilitates interdepartmental and interagency communication to facilitate enforcement.
- The department management understands public policy work and knows how staff-intensive it can be to counter well-funded tobacco industry opposition.
- The department provides adequate staffing, equipment and technical support when it is needed.
- Communication flows in both directions, not just top to bottom.
- Management responds to requests for information or clarification in a timely manner.
- The department protects its staff when they undertake difficult smoke-free work, such as facing misinformation campaigns or harassment from tobacco industry front groups.
- Department administrators educate themselves about secondhand smoke issues and become articulate spokespersons to the media and policy makers.
- Department managers do not count on email as a substitute for meetings in which real problems need to be discussed in person.
- The department does not expect its health education staff to take on the opposition alone.

These progressive health departments created a climate in which highly effective policy advocacy could flourish. They often paved the way for surrounding counties to follow, thereby establishing clean indoor air laws throughout entire regions. These departments' administrators served as media spokespersons on the issues and provided their staff the freedom to conduct full-scale community campaigns on the effects of second-hand smoke.

These kinds of departments really do exist! For example, Dr. Wendel Brunner, director of Contra Costa County's Public Health Division facilitated smoke-free environments in the nineties. He represented the issues articulately and passionately to the media, the County Board of Supervisors and the general public. He supported and protected his tobacco control staff. As a result, Contra Costa County was one of California's first smoke-free counties and led the way for others.

Not every tobacco control professional was fortunate enough to work in such an environment, however.

"I play, I laugh and have a good staff."

—Dawn Dunn, Santa Barbara County

Many tobacco control coordinators working in rural county health departments reported that they found themselves fighting for tobacco control on two fronts. First, there were the seemingly endless obstacles set up by tobacco industry allies, and second, their own county bureaucracies tried to prevent them from doing smoke-free policy work.

What factors brought about this unfortunate situation? Throughout California, in jurisdictions large and small, urban and rural, the tobacco industry waged a campaign of fear. It struck fear in legislators, business owners, and government officials, including health department administrators. Among its most potent weapons was the threat of lawsuits. Few rural counties had the resources to fight the tobacco industry or its allies in court, so this threat of lawsuits motivated many county bureaucracies to try to avoid a legal conflict if at all possible. Many of the barriers put in the paths of health educators by their department administrators could be traced to this perceived threat.

A Tough Job: Fighting Fear at the Local Level

One of the tobacco industry's common tactics was to try to convince legislators that their local health departments were engaging in illegal lobbying. One state legislator allied with the tobacco industry even introduced a law that would have prevented health departments from engaging in clean indoor air policy work. Fortunately, this legislative attempt failed. In some rural counties, health department administrators and legislators sought to avoid even the appearance of lobbying by forbidding health educators to engage in any tobacco control policy work at all. This kind of overreaction was unwarranted; it is possible to carry out health education activities related to tobacco control and abide by the rules against illegal lobbying.

The lobbying policy of the California Department of Health Services, Tobacco Control Section (CDHS/TCS) serves as a model for many jurisdictions:

CDHS/TCS engages in and funds policy and advocacy activities that are legitimate tools of health education, health promotion, and public health. TCS funds *are not* and *may not* be used to support lobbying activities.

Lobbying is communicating with a member or staff of a legislative body, a government official or employee who may participate in the formulation of the legislation, or the general public with the specific intention of promoting a yes or no vote on a particular piece of legislation. Such communication is considered lobbying only if its principal purpose is to influence legislation.

“Everything worthwhile I did in my life, I caught hell for.”

—Supreme Court
Justice Earl Warren

Educating legislators, their staff, government employees, or the general public about your program or about tobacco-related issues is *not* considered lobbying.

Generally speaking, a health educator or health department official that is testifying at the request of a city manager or city council member about the topic of secondhand smoke is not lobbying, as long as the discussion focuses on issues such as local health data, survey results, information in the scientific literature, and enforcement of proposed legislation. The same guidelines govern brochures, ads, and other materials produced by a health department.

Health department staff must consult with appropriate legal counsel to determine the definition of illegal lobbying activities in their jurisdiction.

Another fear tactic employed by the tobacco industry that affected the working lives of health department tobacco control staff was the relentless misinformation campaign waged in the business community. As soon as the tobacco industry learned of a smoke-free campaign, its representatives attempted to convince business owners and politicians that smoke-free laws were bad for business. The industry’s propaganda was very convincing, and frightened business owners who used their influence with politicians to try to put an end to any smoke-free policy work in the county. Some health department administrators bowed to the will of the politicians. Even formerly supportive health department managers buckled under the edicts from the top to stop any involvement in smoke-free campaigns. Health department tobacco control staff often described this as the most isolating and painful time of their careers.

Professional Ethics and Social Conscience: Fueling Advocates’ Perseverance

Their own sense of professional ethics motivated many tobacco control advocates to continue the work in the face of so many obstacles. They felt a professional obligation to persevere for many reasons, including the following:

- They had contractual obligations to complete work that had been approved by their County Board of Supervisors and funded by the California Department of Health Services.

- The public demanded and expected the health department to reduce and/or eliminate smoking in indoor workplaces.
- Local legislators who had sponsored clean indoor air laws needed help from their health department tobacco control program.
- Their personal and professional conscience gave them the sense that working on tobacco control was simply the right thing to do.

Dr. Carol Bryant, formerly Public Health Director for Mariposa County, spoke of her five years in this kind of situation: “There were fear-based people who suddenly made it (clean indoor air work) very hard. Everyone’s character was tested in that work. The test was whether people were going to take a self-serving stance of maintaining the status quo, or work for the greater good, which required a higher standard of integrity. This work raised the bar on professional ethics when the tobacco industry cranked up the heat.”

Ross Payson, a health educator from central California, was working on a smoke-free campaign along with his coalition. Things were proceeding well until one day a health department administrator said, “I’m supposed to communicate this message to you from the Board of Supervisors that if you and your coalition don’t back off and stop your campaign, we are going to replace your position with a Ph.D. and you will be out of a job.” Despite this threat, Ross found a new way to contribute to the smoke-free campaign by working with a new community-based coalition of health care providers. He did not stop working on smoke-free policy when that seemed the safe choice. In fact, he remained on the job another five years, until an opportunity for career advancement beckoned him to leave.

Another public health professional working in government shared confidentially that his job was threatened many times, yet he never let concern for his job prevent him from initiating important public health objectives. “Any health officer who is not willing to risk his job for the sake of public health is not worth his salt. That’s what we get paid to do!” He has walked a political tightrope during most of the years in his job. Yet he remained true to his convictions, never compromised his integrity as a health professional, and continues to inspire and support colleagues in the public health profession.

Practical Strategies: Overcoming Internal Health Department Roadblocks

Strategy One: Let coalitions do things that health departments cannot do.

Many county tobacco control programs had a symbiotic relationship with their coalitions. Just as the county programs supplied the coalitions with everything from meeting space to media campaign experience, so too the coalitions were able to help their county programs. Community members of a coalition can open doors and get the attention of



elected officials.

Coalitions can help cut through the bureaucratic chain of command. For example, one county tobacco use prevention coordinator tried to call a meeting of county department heads to prepare for implementation of the Smoke-free Bar Law. He wanted to invite administrators of the Sheriff's Department, County Counsel, Health and Human Services, Environmental Health (restaurant inspectors,) the Fire Marshall, Code Enforcement, and the District Attorney's office. He made his initial request one year before the law was scheduled to go into effect. Eight months later, after his memos apparently died untimely deaths in various managers' mailboxes, he gave up on the memo approach.

As the effective date of the law approached, he asked the chairs of his coalition to meet with members of the county Board of Supervisors and request that they call for such a meeting. He provided the coalition chairs with the names and telephone numbers of everyone who should attend the meeting. Within one week, the meeting was held, and every person on the list was present, along with an aide to a local legislator.

Sometimes coalitions can save the tobacco control coordinator's job. In one county, the coalition wrote a letter to the county administration about how much they appreciated the work of the tobacco control specialist. The health department director at the time said, "I would like to fire [that person] for all the political work, but I can't because I will hear from the community."

Strategy Two: Let contractors do things that health departments cannot do.

Media advocacy projects contracted through community public relations firms or social service agencies did not require unwieldy county bureaucratic protocols or approvals.

Contracted non-profit organizations had more freedom to conduct campaigns. They often paid for print ads from donated funds. They sometimes served as fiscal agents for county governments, making it easier to get people hired for short-term jobs. They also had professional liability insurance to cover private consultants, which some counties require for very small contracts.

Strategy Three: Let youth do things that health departments cannot do.

Funding youth advocacy projects was an important strategy in both rural and urban counties. They were very effective advocates, and hard for public officials to ignore.

Youthful representatives of a smoke-free coalition can also be the most powerful speakers during legislative hearings. They can speak from the heart of their experiences, hopes and dreams in ways that adults cannot. Many times, it was the testimony of children and

teens that silenced the opposition and caused legislators to sit up and take notice of the issues at stake.

Strategy Four: Be on the lookout for administrators who say “yes” when they mean “no.”

When an administrator is blunt about his or her opposition to a smoke-free project, the coalition and the tobacco control program know to pursue other avenues. When, on the other hand, an administrator appears to be supportive and then never follows up on his or her commitments, the coalition and tobacco control staff are left in a holding pattern that can go on for a very long time. Look for language such as “You just wait. We’ll take care of everything.” It is especially difficult when an administrator rescinds his or her support after an earlier commitment. Not much can be done when a program runs into this kind of roadblock; try to overcome the painful surprise and move on.

Strategy Five: If the county environment is impossibly hostile, work with the cities instead.

One tobacco control coordinator gave up on her county system for a while and concentrated on developing good working relationships with the local city governments. The positive publicity resulting from the health department’s involvement with the cities eventually convinced the county government to join the effort.

City governments benefited from valuable assistance that was not available to county governments. The League of California Cities received a state grant for a California Smoke Free Cities Project. State staff worked with city managers, city attorneys and city council members through trainings at League of California Cities annual conferences, through online electronic bulletins, a Guide to Smoke Free Legislation, and telephone technical assistance, often connecting city officials with their local coalitions and health departments. Campaigns in the context of county government would have been easier if there had been an equivalent program for counties.

Strategy Six: Run a barter economy.

One tobacco use prevention specialist in a rural county was a nurse. He provided nursing services to other divisions within the health department. In this way, he received support for his program from throughout the department. He worked through the allies he gained. He said, “At times I feel resentful that I have to do so much extra work just to win people over here all the time, far more than the average employee, but I need as many allies as I can get.”

Strategy Seven: Seek help from colleagues at the local, state and national levels.

- Local health departments supported one another technically and emotionally.

- Staff from the California Department of Health Services, Tobacco Control Section provided technical assistance to local programs.
- The League of California Cities Smoke Free Cities Project and Americans for Nonsmokers' Rights helped with networking and knowledge about the latest developments at the state and national level.

Strategy Eight: Expand the program's outreach to an array of community groups.

Coalitions expanded from being a collection of voluntary health organizations to include representatives from neighborhood groups, the faith community, environmental organizations, ethnic community groups, older adult groups, youth groups, women's groups, alcohol and drug prevention programs, and dental and medical organizations. Many counties involved local schools' parent and teacher associations, sending action alerts for public hearings via "backpack express."

A health educator from a rural county said, "In the rural counties, you work through the health care professionals, doctors, dentists and nurses to get support. You give talks at Rotary, Kiwanis, Elks, PTAs and any place they look for lunch or breakfast speakers. You can do this legitimately, even if your health department does not want you to do ordinance work. You are just educating the public on secondhand smoke issues, which is in your county plan and scope of work. This furthers the work without you ever referring to the law."

Strategy Nine: Continue to emphasize traditional educational and counseling programs.

Many counties continued cessation activities during policy campaigns, which was good public relations strategy. For example, the Marin County Department of Health and Human Services held health fairs for smokers called "No Nag, No Guilt Smokers' Wellness Fairs" featuring speakers on pharmaceutical replacements and alternative non-medical methods for quitting smoking, and panel discussions by former smokers. These panel discussions were filmed and shown on local cable television stations. They softened the "big government" image and reminded the general public of the health department's role in supporting smokers in their smoke-free journeys. These fairs also won support from local city councils.

Strategy Ten: Develop extraordinary people skills.

Some tobacco control professionals reported that they worked to improve their "people skills" to develop relationships with potential allies. A tobacco control specialist from a rural county recalled:

“We learned to form relationships with the business owners who opposed us. We had to make cold calls and schedule times to meet with them. We had to let them vent and talk about their fears about this law, as well as other problems they were facing in their business. We learned to listen much more than we talked. Finally, they would listen to us explain that there was a misconception about business losing money promoted by the tobacco industry. I explained the legal and health problems they faced with secondhand smoke in their establishment. The education took about a year before they were comfortable.

People tend to fear change, and this was a big change for smokers and businesses that catered to them. Later those businesses called me when they had questions (or) needed materials, and I could call them, too. I went from being ‘big brother from the government’ to a person who was there to help them. I also shifted their anger away from the health department to the tobacco industry by showing them how they had addicted them or their smoking patrons from the time that they were twelve years old. No one wants to be addicted. Ultimately, they went from a position of focusing on how they could continue addictive behavior to a position of working together for what was ‘the right thing for everyone in the community.’”

Tobacco control coordinators learned to be diplomatic. They learned to keep issues separate from personalities. They put the most positive spin on every situation. They brought all kinds of people to the table, coordinated their efforts, and quietly resolved problems behind the scenes before they could interfere with the work to be done. Sometimes, passionate zealots learned to tone down their rhetoric and become calm, articulate educators.

Strategy Eleven: Take action now and beg for forgiveness later.

In many counties, the tobacco control coordinator and staff were blazing a new trail in public health policy. Despite protests of hostile administrators, most public health departments did not have actual regulations or policies prohibiting smoke-free policy work. Often, the situation had not come up before, so in the absence of rules against it, smoke-free advocates accomplished a lot of good work.

In addition, when push came to shove, most public health administrators had to admit that smoke-free policy work was consistent with the department’s mandate to protect the public’s health.

“Sometimes I feel like I am just treading water when I must really ‘go for the gold’ instead. I keep a ‘warm fuzzies’ file of letters of success, thank you notes, copies of good evaluations, and lists of how we made a difference in people’s lives. I walk before work and for half an hour at lunch. It is energizing and something I do for me instead of someone else. I try to appreciate my coworkers who are generous, supportive and cheerful. We are going through this time of our lives together and boost each other along the way. Without them, the work would be very tedious and draining.”

—Beverly Heintz,
Solano County Health
Department

County Health Departments: Looking on the Bright Side

Many tobacco control professionals working in county health departments did have a lot of negative factors to contend with, but they also enjoyed some benefits. Successful tobacco control programs learned to take advantage of the health department's resources, credibility and access.

- Health departments have credibility. Businesses open mail from the Health Department, and they call back when a message from the Health Department is on the answering machine. They may not be so responsive to communications from the "Tobacco Control Program."
- Health department staff can gain access to other governmental departments and agencies to discuss implementation and enforcement.
- If requested to do so, health department staff can testify at meetings of city councils and the county Board of Supervisors about topics such as the following:
 - The number of people who have called the health department to complain about secondhand smoke exposure in their workplace or other public places, even if no clean indoor air ordinance is in place.
 - The nature of the symptoms described by these callers, such as headaches, allergies, asthma attacks and burning eyes. Health departments should keep detailed records of these calls, just as they would with reports about any other environmental contaminant.
 - The health department's involvement in implementation and enforcement of a proposed ordinance.

The chair of a local coalition in an upscale tourist area made the following important point: "Every time the health department testified, the city council members leaned forward and listened. You could visibly see the credibility meter rise. They paid attention to how the health department was going to support them in making this smoke-free law work."

Nancy Mahannah, a rural county tobacco coordinator wrote:

“Allow yourself to move into and out of periods of activism. It is OK to stick your neck out and then rest for a short time in a fetal position in your office. Always send the best messenger, not the person whose job it is. Choose two to four colleagues or mentors in the Tobacco Control arena and use them to develop ideas, for perspective, to run problems by, and to cry on their shoulder. Use them as frequently as needed. Be open and identify opportunities and changes in direction and flow of the program or issue and use those to your advantage. It is better to beg forgiveness (of a bureaucrat) than to ask permission. After exhausting all known possibilities, it is OK to “go on hold” until some unforeseen change brings new possibilities. But, meanwhile, keep visualizing your goal frequently. People will forgive you for acting with little planning, but they won’t forgive you for planning with no action—just do it.”



Preventing Combat Stress: A Guide for Tobacco Control Advocates

Make no mistake about it: the tobacco industry considered itself to be in a war against California's smoke-free campaigns. Tobacco control advocates in every local health department, coalition, and voluntary health organization in the state found themselves directly in the line of fire. Tobacco control advocates were shocked and dismayed at the intensity, malice and cunning with which the tobacco industry and its allies fought this war.

Smoke-free advocates had threat after threat hurled at them: threats of recall elections, threatening calls to people's offices and homes, threats of people losing their jobs at county health departments, and, of course, threats of lawsuits.

In Marin County, Cynthia Murray, then a city council member in Novato, recalled hearing death threats on her answering machine after her first public hearing on the smoke-free ordinance she had introduced; her two small children also heard the message. She was confronted by picketers outside of city council chambers with signs that read "Down with the Dragon Lady!" The business community accused her of being "anti-business." Yet, she was not dissuaded from pursuing her goal of making the city of Novato a healthier place to live and work.

The tobacco industry seemed to think that if it used enough scare tactics, filed enough lawsuits and riled up enough tough-looking bar owners, the ranks of tobacco control advocates would turn tail and run. The tobacco industry was wrong.

As time went on, individuals working in health departments developed their personal strengths, county programs shared advice with one another, and national organizations such as Americans for Nonsmokers' Rights provided information on what to expect and how to succeed.

The following is a collection of techniques learned and words of wisdom collected from individuals with years of experience in the tobacco control marathon.

Be the proverbial duck. Health department staff and coalition members became accustomed to being called "health fascists," "anti-smoking zealots," "health Nazis," "tobacco cops," "health nannies," "big government," and the all-time favorite, "well-paid professionals." They learned to not let the insults stick, but to laugh it off or just let it roll off their backs—like water off a duck's back. One person who was attacked personally through the Internet said, "It was so ludicrous, how could I take it seriously?"

Don't take it personally. Smoke-free advocates came to realize that the fight was not

about personalities; it was about the health and safety of their families, friends and neighbors. It was a battle not about individuals, but about issues: the protection of workers from secondhand smoke versus the protection of tobacco company revenue.

Try to see the humor in the situation. When asked how he managed to deal with so much constant opposition to his reports and studies, Dr. Stanton Glantz smiled and said, “I try to have fun with them!”

“I do long distance running at the end of each day.”

—many contributors

Dr. Michael Johnson, former Chief of the Evaluation Unit of the California Department of Health, Tobacco Control Section, shared that he used humor during the rough years in which his data was under attack. “I’m a former wrestler and I enjoyed a good fight,” he laughed.

Frame issues in a positive way. Embrace alternative strategies and viewpoints, such as reframing the issue in a positive way—“*for* clean air” rather than “*against* smoking” and “smoke-free environments” rather than “smoking bans.”

Nurture the aspects of life that provide insight and inner peace. Many tobacco control professionals stated the importance of nurturing and replenishing the spiritual parts of their lives through a variety of means, such as relaxation, meditation, prayer, inward listening, exercise, hobbies, or time spent in nature.

Listen to intuition. Public health activists who shared about “going with a gut feeling” have learned to still their active minds, their own egos, even their organization’s demands, to sense the answer that is for the greater good. “Getting yourself out of the way” and “letting go” take self-discipline and humility and constant practice: the intellect tends to intrude itself upon the process and mask the inner “hunches.”

Be the voice of reason. City council members were very turned off by the fearful hysteria of the opposition—“You’re going to put us out of business!” “I won’t have any more tips!” In contrast, local legislators often remarked how respectful and reasonable smoke-free advocates were, and their demeanor made a difference in how these legislators voted.

Demonstrate compassion to smokers. Offering compassion and assistance to smokers went a long way in neutralizing the opposition’s portrayal of health groups as being intolerant anti-smoking zealots.

Remember to breathe during hostile telephone calls. Tobacco control advocates learned to remain calm when talking with angry callers. They explained that they did not write the laws and that their jobs were mostly about preventing youth from smoking and running smoking cessation programs. They reassured callers that they were listening to their concerns.

Remaining calm was especially important when dealing with calls about enforcement. People would get very upset when they learned their establishment did not qualify for an exemption or after they had received a warning letter about a violation of the law. Even irate callers calmed down, however, once they understood that the tobacco control professional was there to help them avoid a fine or otherwise solve their problem.

“On my lunch hour, I drive away from the office. Sometimes, I park in a safe parking lot, lower my car seat, lock the doors, put up the windshield sun screen for privacy and take a short nap. It makes all the difference in the afternoon. Coworkers wonder why I seem so rested and alert all the time. If it’s too hot outside, I lock my door and stretch out on a small portable rollout sofa in my office and close my eyes for ten minutes.”

—An anonymous county health department professional

On very rare occasions, a caller would be rude or abusive, and the only solution was to hang up and screen calls by voice mail for a while. A terribly persistent caller would be told, “I have provided you with all the assistance I can. I’m sorry; I can’t add anything to what I have already told you. Now I need to help others.” One health department tobacco use prevention specialist told a constant caller that for every minute of her time he was on the phone with her, he was preventing a youth from getting vital information, and didn’t he care about kids not smoking? The man apologized and never called back.

Demonstrate detachment with compassion. Theresa Boschert and Dian Kiser worked on the smoke-free bar issue with BREATH—The California Smoke-free Bars, Workplaces and Communities Program—A Statewide Project of the American Lung Association of the East Bay. These two women traveled throughout California facing groups of hostile bar owners, who were angry at the new law and fearful that the tobacco industry’s prediction of severe business loss would come to pass.

On several occasions, Dian and Theresa faced an angry mob at a meeting of bar owners, who arrived in a “we’re not going to take this anymore” mood. Some threatened lawsuits on their way in.

Dian and Theresa were excellent listeners, never defensive or reactive. Even though the bar owners often yelled at them, Dian and Theresa spoke in calm, respectful tones, letting the bar owners know that they heard their concerns. They emphasized that they would not lead them into anything that would hurt their businesses.

They provided a safe environment for the bar owners to express their feelings of anxiety and anger, but also gently and respectfully corrected inaccuracies and misinformation about the effects of smoke-free laws on business and the content of the law. They made sure everyone had a chance to speak.

Dian and Theresa were successful because they were sincere and really cared about what would happen to their audience, they were knowledgeable and credible, they listened in confidence to all the information the bar owners wanted to share with them, and they offered them practical tools and advice. They answered the bar owners’ concerns by convincing them that the smoke-free law would level the playing field and the law would be enforced fairly.

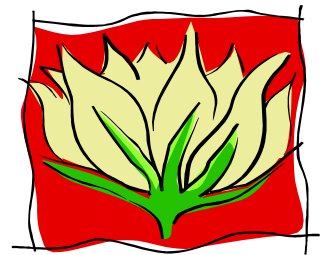
At the end of the meeting, the group filed out of the room, calmly talking to one another.

Public health advocates everywhere can learn from Dian and Theresa’s empathetic and respectful approach.

Find courage and take comfort from the fact that this conflict will all be over someday. As terrible as it may seem during the campaign, the hostility and anger die down after a smoke-free law is passed and people have time to get used to it. It really is best to stay calm and just try to weather the storm. Opponents today may become allies tomorrow, if professional, pleasant, and trustworthy relations have been maintained all along.

Self-Preservation: Preventing and Treating Extreme Burnout

Although most tobacco control advocates survived the tobacco wars with only a few scars, California campaigns did suffer some casualties. Some were simply due to job ergonomics, such as work-related injuries. Health problems, however, may have been easier to resolve than problems with discord. Under extreme pressure, a few people became less constructive and less civil, regrettably neutralizing their effectiveness. As stated in the coalition maintenance section, at times these people could be helped to become constructive allies. Burnout was often the cause of loss in effectiveness. But long term veterans who are still around learned that it can be prevented. It is important to recognize signs of burnout before they get to the following stages:



People suffering from extreme burnout exhibit these behaviors:

- They cannot bear to see or hear another fact about tobacco; they “shut down.”
- They have a constant sense of being overwhelmed; they can’t find anything in their offices and are too tired to look any longer.
- They have no more patience or understanding for others; some become resentful.
- They sit at their computers; their minds refuse to function, everything takes much longer than it used to.
- They find no enjoyment or fulfillment in their work.
- They suffer from health problems caused by working too many hours and not having time to exercise.
- Their personal time is consumed by the job—thinking about the job or simply trying to recover from it.

If burnout is impairing an advocate’s quality of life, it is time to take action:

- Practice the positive behaviors, attitudes and strategies described throughout this manual.

- Take a restful vacation or retreat that lasts *at least* two weeks.
- Get longer nights of sleep after calming evening activities; do not watch the evening news before falling asleep.

If the above actions are not enough to get back on track, it is imperative to do whatever it takes to get more staff. As difficult as this can be, it is often absolutely necessary to prevent getting damaged by the job.

Finally, if other actions do not alleviate the symptoms of burnout, it is time to take a sabbatical from the work. Some advocates who made important contributions to tobacco control campaigns were like runners in a relay race, handing the baton to others, coming in and out of the work over the years.

If burnout persists, it is okay to walk away—take time to pursue another career or to focus on family and friends. Better yet, prevent burnout by maintaining balance between work and personal life.

Health Organizations: Sustaining Advocacy Through Policy and Practice

People working in public health tend to be very motivated because they believe strongly in the ideals for which they are working. They get a lot accomplished and the public benefits from this enthusiasm and dedication. The other side of this is that sometimes they neglect their own health in favor of the public health. This paradox can be exacerbated in organizations that have an unspoken value that workers who are not going above and beyond the call of duty are lacking in commitment. Even some organizations that profess to encourage a healthy working environment fall short of putting their philosophy into practice. When a clean indoor air campaign enters this picture, with opposition, the health worker can face enormously long workdays over long periods of time, losing personal time and sleep time. Year after year, this kind of grind can cause costly mistakes and burnout casualties.

In all fairness, this is not true for every organization. Many community-based organizations provide reasonable workloads, personal time off after “crunch” times, and a work culture that fosters self-care. For those organizations needing a little help with this, the following tips have helped some organizations strive for a better balance between serving the public while taking care of staff and volunteers:

- In contract negotiations, avoid promising more deliverables than can reasonably be accomplished. In calculating units of service for each year, allow 20% - 25% window for unexpected work that comes from the community (such as clean indoor air campaign opposition), as well as recovery time from intensive work loads, and finally personal leave time without the double message: take care of yourself, but do all this first.

- Leadership should model self-care and make it acceptable for staff and volunteers. Everyone should get the message that the organization is committed in action, as well as theory, to organizational health.
- Self-care principles should be practiced with consideration for others. An employee who consistently limits his/her schedule and contribution can unfairly imbalance the organization workload.

Both the organization and staff are responsible for burnout prevention. When the work load seems out of control, (such as during clean indoor air campaigns or the labor-intensive implementation period), encourage rest whenever possible, mornings off, longer weekends. More staff and volunteers may need to be recruited, or other parts of the organization's work adjusted. Be honest with demanding citizens or coalition members about staff limitations.

The perception may be that there is no time for self-care, that all the work has to be gotten out of the way first. But that is an illusion because one never gets caught up in tobacco control. Maintaining good health and a rested mind means being able to accomplish the work in more efficient and creative ways in the long run.

The following story, (shared by a state lobbyist for a health organization from another state) dramatically illustrates the importance of balancing a personal life with one's professional life:

I am a state lobbyist for a voluntary health organization. I meet regularly with the governor and legislators from my state on health issues. One morning, my father called me and asked me to stop by, as he was feeling ill. I told him that I had a meeting with the Speaker of the House of the State Assembly on an important bill. I asked if I could come by after work to see him. He was silent at first, but then said OK. I spent the morning preparing for the meeting, which happened in the afternoon.

At the end of the day, while getting ready to leave work, I received a phone call from the hospital, where my father had been taken in an ambulance that afternoon. My father had collapsed earlier in the day on the bathroom floor, where he lay dying without help for many hours. By the time I got to the hospital, he was incapable of speech. He passed away late that night.

I wasn't there for him when he had asked for me. I missed the last day of his life, and had I been there, I may have saved him from suffering on that bathroom floor and made him more comfortable. The irony did not escape me: while I was trying to save the health of the whole state

during my meeting with the Speaker of the House, I was not there for my own father as he lay dying.

This experience caused me to reflect on how I missed out on a family life, even my own children's lives, while serving a cause. I began my work at a local voluntary health organization. At the local level, we spent weekends on relays and other events and fundraisers, then back to work on Monday as advocates without any downtime. Some voluntary health organizations do so much to honor their volunteers, but they do not honor their staff. We could not even take days off to make up for the weekends we worked. We were expected to do twelve-hour days. Many of us missed our private lives, even sleep time. There was never any recovery time.

After I lost my father in such a horrible way, I looked at how the organization (for which I have worked for fifteen years) asked us to give all our time, even our personal time, and how I allowed that imbalance to happen. Now I am placing myself and my family first. I am still a state lobbyist. I don't work the long days I did before, but I am happier now. Nothing can bring back my father, but I have a life now.

Despite the battle scars, campaign labor pains, backed up paperwork piles, rowdy public hearings, and lost nights of sleep, California's public health advocates have no regrets. Dr. Stanton Glantz, (when asked what kept him going through all the challenges), said simply, "We keep winning, so it's worth it."

There is consensus that the victory made it all worthwhile. Local legislators, coalitions and health departments heard from numerous members of their communities about how pleased they were about their new smoke free working environments. People who never came to hearings, never wrote letters or made phone calls before enactment came "out of the wood work" to express gratitude for their healthy new workplaces. Restaurant owners, and even bar owners, have expressed, "Please don't ever let all that smoke come back in here." Local smoking cessation classes reported waiting lists of people wanting to quit smoking; heavy, chronic chain smokers cut down, and light smokers quit (according to UCSF studies). Business improved according to hospitality studies (see fact sheets), and a San Rafael fire station closed down saving the city \$450,000, which the Marin Independent Journal newspaper said was due to a decrease in smoking related fires. Overall compliance with the ordinances and laws tends to increase each year. Coalitions, keeping up their momentum, are now using their newfound advocacy skills on other tobacco control measures.

For the sake of realism, it took about 15 years from the time of the early separate smoking section laws to the 100% smoke free environments.

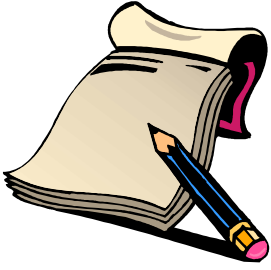
As the hoopla from the opposition dies down, residents are already taking smoke-free environments for granted: until they leave the state. They come back saying, “I can’t believe we used to smoke inside.”

Why the Effort is Worthwhile: Focusing on the Big Picture

Although this section of the manual necessarily put a spotlight on some of the difficulties faced by tobacco control advocates, it is important to remember that, for most of the people who worked on smoke-free campaigns, the rewards equaled the challenges. When times were tough it helped to focus on the benefits of successful smoke-free campaigns, included the following:

- Smoke-free campaigns generated tremendous public awareness and education about tobacco issues.
- Smoke-free environments changed social norms related to smoking.
- Nonsmokers have recourse when subjected to second-hand smoke in the workplace.
- Alliances were forged between the business community and the public health community.
- Experienced communities, knowledgeable about tobacco issues, went on to enact youth access ordinances, divest tobacco stocks, and assist other states and countries with their tobacco control efforts.





Checklist: Survival Strategies for Smoke-Free Advocates

- ✓ Be generous; share information, tools and camaraderie.
- ✓ Unify rather than separate people. Settle differences between people behind the scenes, not in public, so that the work can proceed to victory.
- ✓ Maintain a sense of humor.
- ✓ Have a positive “can do” and “why not?” attitude, a sense of openness and tolerance to other people’s viewpoints and ideas. Don’t be rigid. Demonstrate creativity, flexibility and a willingness to experiment with the new and untried.
- ✓ Calmly maintain sight of the larger picture. Do not “sweat the small stuff.” Keep the vision of the final outcome in mind at all times.
- ✓ Demonstrate compassion towards co-workers in the Smoke-Free Movement. Recognize that people are doing the best they can, given their organizational constraints.
- ✓ Let the science speak for itself and do not “round off the numbers.” Demonstrate accuracy and integrity in your work.
- ✓ Do not “talk down” to people. Treat volunteers, coalition members, professional colleagues and clerical staff with respect. Acknowledge the unique contribution of each person.
- ✓ Be persistent.

Part 3: Resources

Checklist: Major Lessons from California’s Smoke-Free Experience

Go Local First: Adopting a Strategy That Will Work

Nuts and Bolts: Working with Local Government

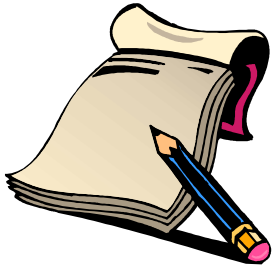
Group Exercise: Finding Creative Ways to Overcome Barriers

Comic Relief: “Grassroots Lobbying: How Not to Pass a Local Smoking Law—How to Cause Yourself Unnecessary Aggravation in Smoking Ordinance Work,” by Walt Bilofsky and Randy Greenberg

Sample Materials:

1. Fact Sheet: Short Term Effects of Second-Hand smoke
2. Fact Sheet: Smoke Free Bars
3. Smoke-Free Model Ordinance
4. Smoke-Free Entrance Ordinance Language
4. Letter from Health Department to the City Council
5. Letter from Health Department to the City Manager
6. Interagency Memo
7. Memo: Confirmation of City-County Agreement
8. Ad: Smoke-Free Cities
9. Ad: Smoke-Free Communities
10. Smoking Complaint Form
11. First Warning Letter
12. Legal Warning Letter
13. Letter to Private Club re: Smoke-Free Bar Law
14. Smoke-Free Policy for Private Clubs
15. Letter to City Employers re: New Smoke-Free Law
16. Restaurant Survey
17. Restaurant Guide Application and Follow-up
18. Tri-fold Brochure
19. No Smoking signs

Publications, Websites, and Resource People



Checklist: Major Lessons from California's Smoke-Free Experience

- ✓ Coalitions learned: Educate, then legislate (ANR)
- ✓ Coalitions also learned: If an ordinance is too weak, work with the ordinance sponsor to withdraw it and take the time to do the necessary work to create good ordinances (see ANR model ordinance).
- ✓ Another major coalition lesson: Count votes before the first reading. If there are not enough votes, do another year of education. Then try again.
- ✓ Develop an enforcement plan before the ordinance is enacted to ensure compliance from the law's effective date.
- ✓ Clean indoor air laws are largely self-enforcing and cost-effective if the community is provided with sufficient information.
- ✓ In the absence of public funds, local coalitions or health groups may have to get donations for publicity and enforcement materials.
- ✓ Smoke-free campaigns can be so labor intensive that taking on many other public health projects simultaneously is unwise. Once the campaign is underway, it is like staying on a runaway train, so plan accordingly.
- ✓ County bureaucracies can be unsupportive to policy work. If administrators are “self-serving” instead of public servants, an influential and active coalition can help.
- ✓ Clean indoor air campaigns are political roller coasters. Do not waste valuable energy by reacting emotionally. If the victory does not come now, it will come later. Staying calm conserves energy. All of the hysterical opposition to proposed clean indoor air laws quiets down after the law is passed and implemented.
- ✓ People are more important than funding.
- ✓ Each small action step builds momentum for a smoke-free planet.

Minimum Statewide Law vs. Local Ordinance Debate: Go Local First

Note: The following section is adapted from remarks given by Anne Klink at the Tobacco Prevention Use Summer Institute in Albuquerque, New Mexico on June 20, 1997.

The history of tobacco control in California strongly suggests that smoke-free efforts should begin at the local level rather than at the state level:

1. Local ordinances allowed researchers to study their impact on business and helped build public awareness and support. Before California's statewide Smoke-free Workplace Law was enacted, about 50% of Californians lived in places where some form of strong smoke-free ordinance had already been enacted (providing for 100% smoke-free workplaces, restaurants or both). These local laws demonstrated that such laws did not have the negative effect on local businesses that the tobacco industry claimed.
2. The lengthy process to get a state law passed opened the door for attempts to weaken it. Despite the positive reception of local laws by the public, it still took two years to get the state law passed in California. During those two years, the tobacco industry and its allies made many attempts to weaken the bill. Although a fairly strong law survived, compromises were made; exemptions and ambiguous language found their way into the final legislation.
3. During the long fight to pass a state law, the tobacco control community became quite fractured and just plain tired. Coping with intense internal conflict along with the unceasing harassment from tobacco industry forces put a serious strain on public health professionals.
4. Once the law was taken up at the state level, local advocates quickly lost control of it. The voluntary health organizations, medical associations and other groups assigning lobbyists to the bill had different perspectives on the bill than local advocates, and these pro-health groups were often not the most powerful lobbyists at the capitol. Smoke-free advocates saw lobbyists from all sorts of organizations seek influence with the politicians crafting and voting on the bill, and a lot of these organizations did not have tobacco control as their primary interest. For example, the League of California Cities was very interested in the debate over preemption, but less interested in other aspects of the law, and the California Medical Association (CMA) made behind-the-scenes deals with tobacco industry lobbyists in order to further the CMA's position on liability insurance for doctors.
5. The delay between the law's adoption and the date it went into effect gave the tobacco industry time to interfere with its implementation. In California, the Smoke-free Workplace Law was scheduled to go into effect on January 1, 1995. In 1994, the tobacco industry sponsored an initiative, known as Proposition 188, to repeal the law and replace it with a much weaker version. This proposed law would also have preempted stronger local laws. The tobacco industry tried to

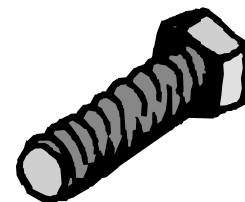
hide its authorship of the initiative, and its campaign framed the proposed law as being responsive to the public's desire for clean air. It was an enormously expensive and deceptive campaign. Nevertheless, at practically the last minute, tobacco control advocates were able to expose the tobacco industry as the true force behind the initiative. Voters defeated Proposition 188 because they were mistrustful of the industry, and they did not want their local smoke-free laws weakened.

Even though Proposition 188 failed, the campaign to defeat it took its toll on the tobacco control community. Just when implementation activities were needed for the Smoke-free Workplace Law, scarce resources were used to fight the industry's initiative and public education campaigns were put on hold until the outcome of the election was known.


6. Where the state law did not have public support, enforcement was difficult. Some local governmental agencies were reluctant to enforce a state law when no funding was provided for its enforcement. In the study "Implementation of AB 13: The Impact of Social Will on Tobacco Control in California Cities," the authors found that action to implement the state law was positively related to the previous presence of a strong local law. Cities with strong local laws normally welcomed the state law to further back up their restrictions, but they still expressed a strong desire to maintain "home rule." In contrast, communities that had little or no restrictions on smoking before the state law went into effect resisted enforcing the state law at all. Respondents in these cities used terms such as "big brother," "state imposition" and "unfunded mandate" when referring to the state law.¹¹

Even after enactment by the legislature, state laws remained vulnerable to amendment; the resulting uncertainty created delays in implementation and enforcement. In California, the Smoke-free Workplace Law was amended shortly after its first year to allow a one-year extension of the date by which bars taverns and gaming clubs had to become smoke-free (AB 3037). As long as the effective date for the legislation was in doubt, the necessary public education efforts and implementation activities were delayed.

Nuts and Bolts: Working with Local Governments



Here are ten items that summarize how to effectively work with local government. Although the items below refer to “city council” members, the same principles apply to Boards of Supervisors and other governmental entities.

 Learn how the city government is organized and understand the roles of the various players. The League of Women Voters is an excellent source of information about state and local government.

- Communicate with elected officials and appointed staff. Elected officials are responsible to their constituents, whether the whole city or one district; appointed staff may be more concerned with the practical aspects of implementation and enforcement of a law because of implications for budgeting and staffing. Know their respective concerns and address them. The influence of city staff varies from city to city – Get to know whose opinion is really important and make allies of them.
- Usually, council members in most small and medium cities do not have aides, but in big cities, the city council staff people are critical to your campaign effort. Legislators often depend heavily on their staff.
- Have a firm grasp of legislative procedures. Do not underestimate the importance of the second reading in situations where it takes two votes to pass a law.
- Be aware of laws that affect public participation in legislative meetings. In California, for example, the Brown Act requires that “all meetings of the legislative body of a local agency shall be open and public...”

 Become familiar with the current context and issues before the city council.

- A gestational period may be necessary.
- Timing may be very important.

 Keep city staff and council members well informed.

- Many city officials hold their positions in addition to their full-time jobs—their time is very valuable to them. Therefore, make your communications brief and to the point. Give them fact sheets with information in tidy bullets. Avoid giving them lengthy documents and superfluous information. Do the research for them, but let them take the credit.
- Listen carefully to the concerns of city officials. Solicit information from them about what issues need to be addressed before the legislation can be passed.

Because most elected city officials do not have aides (unless they serve in a large city), expect to do a lot of the needed background work for them.

- Only present them with facts you can substantiate from credible sources. Find out what sources of information the council considers reliable and meaningful.
- Involve a broad base of local constituents to tell their personal stories. If no members of the coalition are local residents, councils will be less likely to take action. Be wary of using “outsiders” or “hired guns.”
- Document the problem in local terms. For example, for an ordinance that restricts the sale of tobacco to minors, collect data showing the extent of the local problem. It might also be necessary to show that a voluntary approach such as merchant education has not worked.
- Be honest about the identity and motives of the opposition.
- Communicate with council members and city staff before the formal introduction of the legislation. While lining up a broad base of good speakers for council meetings is important, it is not a substitute for good advance work.

🔒 Use existing educational opportunities and communication channels.

- Contact local civic groups and organizations that serve local officials. Also identify organizations to which officials are likely to belong, such as county associations and chambers of commerce.
- Write articles for newsletters of community groups with which council members and appointed staff might be affiliated.

🔒 Engage council members’ peers as spokespersons and allies. Whenever possible, have them speak to each other in formal and informal settings.

🔒 Prepare speakers to abide by time limits when speaking at council meetings.

🔒 Publicly thank appropriate members of the council who vote in the coalition’s favor. Saying a kind word in the local media is an effective way to say “thank you.”

🔒 Carefully select spokespeople to do interviews with the media.

🔒 Because public education is usually critical to smooth implementation of a law, strategize with city staff about how the coalition can assist the city.

🔒 Initiate positive working relationships with new council members when they get elected. What one council enacts, another council can overturn.

Contributed by Anne Klink.

Group Exercise: Finding Creative Ways to Overcome Barriers

A panel of trainers from California presented the following scenarios at a training conference in a neighboring western state. The situations are based upon the trainers' experiences as tobacco control advocates in relatively rural counties in California.

Read and discuss the following scenarios with your staff, contractors, or coalition members. Have the participants describe local challenges, outline the action steps they could take to address these hypothetical situations, and then read and discuss the solutions presented at the end of the exercise.

~ The Scenarios ~

Scenario #1: How to be a moving bush in five invisible steps.

You've gotten the word from your supervisors that you are not to work on getting ordinances passed, and that you should discourage your coalition from working on clean indoor air policies. Yet, your scope of work from your funding source allows for and encourages policy work. Even more importantly, you sense the need in the community for smoke-free environments. What are some things you can do to fulfill your work contract and yet keep your supervisors from getting too nervous?

Scenario #2: Gagged but not silenced.

A reporter is working on a story in your community about an upcoming smoking ordinance. Your county health officer has made it clear that no one except him is to talk to the media or answer any reporter's questions on any issue. Yet, you know that he has no interest or knowledge about clean indoor air laws or environmental tobacco smoke and he will never get back to that reporter in a timely or effective way. How do you make sure the opportunity to further the issue is not lost?

Scenario #3: Policy work is declared off limits.

Your supervisors have been told that no member of the health department may talk to the policy makers in the community. You want to get the smoke-free ordinance work moving forward, but you cannot even ask your supervisors to ask their supervisors to talk to policy makers, as policy work has been forbidden. Worse yet, communication is from the top down. Yet, the community is interested in having the health department do something about second-hand smoke exposure in workplaces and restaurants. The community does not understand your reluctance to do something about the problem and it is getting embarrassing. What kinds of things can you do to get things moving forward?

Scenario #4: Lone Ranger or Rangerette out on a limb.

Out of the clear blue sky, a local city council decides to have a smoking ordinance hearing, with no advance preparation. They don't even know the coalition exists, and worse, they have come up with a very strange and weak ordinance. Your superiors have expressed concern about ordinance and policy work. Yet you cannot just let the city council go ahead unprepared, because it may take them years to try again if they fail. What steps do you take to try to improve the outcome?

Scenario #5: An eleventh hour crisis in need of a twelfth hour miracle.

A local city council just passed your coalition's model ordinance during the first reading. You helped a lot behind the scenes, as did the coalition. It is the Friday before the second reading. You just picked up the council packet for the meeting, which occurs on Monday night. In reading the ordinance, you realize that the language got changed: the "no retaliation against employees" clause was deleted, and smoking will be allowed in restaurants after-hours when restaurants may change into bars. None of this was discussed or passed at the first reading, nor would it be acceptable to the coalition (who understands about ventilation issues.) What do you do between now and Monday night?

Scenario #6: The media got it wrong again—surprise!

The smoke-free ordinance finally passed both readings. However, because of a misinformation campaign from the opposition, the newspaper reported the law incorrectly. The restaurants think they have six months to phase in the no smoking policy. While this was an option that was discussed, it is not in the final legislation. The restaurants are celebrating a perceived victory when, according to the ordinance, they will have to be completely smoke-free in 30 days.

Scenario #7: Life in the country.

Your coalition has met with your County Commissioners. Four out of five of these Commissioners do not want anything to do with smoke-free ordinance work, which they perceive as "big government over-regulating and interfering with constitutional rights." Furthermore, these Commissioners (part of the "good old boy" system) do not want staff or contractors to work on smoke-free ordinances. The fifth Commissioner, who is a supporter of clean indoor air laws, is hesitant to go ahead until she gets the votes from her fellow commissioners. This could mean at least a year of preparation work, but for whom? What are the next steps?

Scenario #8: "It can't happen here, because we're unique!"

The County Commissioners have finally agreed to a hearing on a smoke-free ordinance.

after over a year of public pressure. But, a tobacco industry front group called “Smoked and Pickled Customers Against Unfairness” has organized and contacted the Commissioners, telling them that they will be responsible for a 30% drop in business if the ordinance passes. Insiders close to the Commissioners sense they are already faltering under the pressure. The public hearing is only four days away. What steps do you take to help ensure a victory against the misinformation campaign and for the ordinance?

Scenario #9: Coalition of the meek, mild and apologetic for tough clean air laws.

You have a community that could be organized into action around a smoke-free ordinance, and some well-educated local legislators who could be supportive. But, your coalition members are too timid and easily intimidated to talk to legislators, the media or business luncheon audiences such as the Rotary Club. Besides holding your coalition meetings at Toastmasters, what are some of your options to get things moving forward?

Scenario #10: Fools rush in where angels fear to tread.

The city council has just passed the entire smoke-free ordinance on the first reading, 3 in favor and 2 against. The problem is that they decided to include all bars, including stand-alone bars, instead of using them as a bargaining chip. The coalition senses that the timing is not right for bars to go smoke-free and fears the possibility of a backlash. Already, the opposition has hired a lawyer who is threatening to sue the city or start a referendum campaign. It is a week before the ordinance’s second hearing. What do you do next?

~ Possible Answers ~

Remember, for each scenario, there are many possible right answers. The following suggestions were collected from panel discussions in various localities.

Scenario #1: How to be a moving bush in five invisible steps.

Possible steps include the following:

- Set up a smoking complaint hotline for the public even if you have no ordinances in place. Record detailed data about the calls you get. The data can be used later as evidence of the need for a smoke-free law. Create a database of names, addresses, telephone numbers and email addresses of possible supporters whom you can call upon at a later date to receive your newsletter, write to the city council, testify at ordinance hearings, or join a coalition. (Just make sure that no one references your name if they begin advocacy work any time soon.)
- Conduct an innocent voluntary smoke-free restaurant survey for a Smoke-Free Restaurant Guide. This would not be a true scientific survey unless you inter-

viewed all restaurants or did a random phone sample. But, by offering the public a voluntary Smoke-Free Restaurant Guide, you (1) start developing good relationships with the restaurant community and Chamber of Commerce, (2) you can put the smoke-free concept out there as a viable business option and characterize it as the newest trend, (3) if you publicize it through radio and television and print media instead of putting it out on restaurant counters, then you get a great database of people and addresses who are interested in smoke-free restaurants. Marin County, California got over 730 people this way who later made phone calls, wrote letters to city council members, testified at public hearings for smoke-free restaurants, and volunteered in other ways. If you can, get a local business to donate the printing, make it look elegant and stylish with beautiful graphics—that way it won't get thrown away.

- Have Americans for Nonsmokers' Rights come to your area and do a Back to Basics Training for your coalition and new people you would like to recruit onto a your coalition from medical societies, boards of voluntary health organizations, etc.
- Put out newsletters to large mailing lists; include city council members on your mailing list. Educate the recipients of your newsletter as well as policy makers or those who influence policy makers about all aspects of second-hand smoke. (You won't be lobbying because you won't be talking about legislation.)
- Have coalition members start meeting with local legislators on an on-going basis. Have them follow up those meetings with thank you notes that include news articles about second-hand smoke and other ways to keep the issues alive.

Scenario #2: Gagged but not silenced.

When a reporter is on a deadline, he or she will talk to reputable sources immediately. If the County protocol for talking to reporters requires an act of Congress before you can speak to them, then refer the reporter to your coalition members, staff and boards of local voluntary health organizations, your contract agency, oncologists, etc. Try to have a media contact list near your phone, and include youth spokespersons on it. It is always a courtesy to call people right away and let them know that a reporter will be calling them. If possible, let them know what the reporter's angle is, what they are looking for. Fax them fact sheets or other information that might be helpful.

Scenario #3: Policy work is declared off limits.

Only a good, independent coalition can make things happen in this situation. Some California local coalitions were tied so closely to their health departments that they, too, were forbidden from doing any policy work. For example, Ross Payson, from central California, started a second grass roots coalition during his off hours, recruiting people from the health care field as well as other citizens. This group called itself CEASE: Citizens Encouraging Smoke Free Environments. It placed small educational ads in the newspapers that gave many facts about tobacco and second-hand smoke, but did not

refer to a proposed smoke-free law. When the County Board of Supervisors in that area refused to pass a smoke-free law, the group gathered enough signatures in a petition drive to place their own smoke-free workplace and restaurant law on the county ballot. Sixty-eight percent of the rural population voted in favor of the ordinance. This grass roots coalition campaigned successfully for smoke-free legislation, while the original coalition worked on meeting county requirements.

Scenario #4: Lone Ranger or Rangerette out on a limb.

Get the city council member who is sponsoring the ineffective legislation in touch with the local coalition immediately. Next, send the sponsor a good model ordinance quickly (on paper and electronically). Get the sponsor connected to counterparts in other communities who have recently passed better laws. Make sure they understand the need to line up the votes before proceeding any further.

In one community where this kind of situation occurred, the county tobacco education program sponsored a countywide legislators' breakfast meeting where speakers presented information about the most effective local ordinance language. All of the local communities received the same good information at the same time for a uniform countywide effort, including the city that almost botched it. These kinds of meetings are good for city managers, city council members and other types of policy makers. City officials like the idea of countywide uniform laws to streamline public information campaigns and enforcement.

Scenario #5: An eleventh hour crisis in need of a twelfth hour miracle.

Sorry to say, it seems that all city council meetings are preceded by at least one crisis. Make sure the coalition takes the following precautions:

- Picks up the city council packet as soon as it becomes available and reviews it carefully.
- Forewarns city council members about the tobacco industry's last-minute tactics.
- Discusses the problem by conference call or email, and then gets the key sponsor on the city council to bring the coalition's concerns to the rest of the council.
- Works to convince the city council to restore the necessary language before the public hearing.
- Calls city council members at home on weekends, when necessary.

Some further discussion about that last bullet is warranted here. City council members welcome and expect public input. They know that being contacted at work or at home, even on weekends, before an important hearing comes with the territory. In large cities,

they have legislative aides that collect this input for them. However, in small communities, local legislators have no staff. If there is sufficient time before a public hearing, a scheduled visit or phone call to the council member's office is welcomed. But, there are occasions when a city council member has to be contacted at home. For example, if the city council is going to meet on a Monday night and the coalition learns on Friday afternoon, after picking up the city council packet, that the ordinance had been watered down to the point that the coalition can no longer support it, then the coalition chairs need to email or phone their sponsor over the weekend in time for him or her to get the city attorney to change the language so that it will be acceptable at the Monday hearing.

This scenario occurred in Sausalito, California, when the coalition's model ordinance had been altered to delete the clause protecting employees from retaliation for exercising their rights to a smoke-free workplace. The coalition chairs saw that change in the Friday packet and called the ordinance sponsor over the weekend. By Monday evening, the ordinance had been restored to its original form and, with the coalition's support, was passed by the city council.

Scenario #6: The media got it wrong again—surprise!

When the Sausalito city council first introduced its ordinance, CNN reported that smoking was banned outdoors in Sausalito. Actually, it was banned in building entrances (which are sort of outdoors) as well as in workplaces and restaurants. The lesson learned was that the press needed accurate copies of the ordinance as soon as it was passed. It is a good idea to issue a press release from a coalition member's home or office immediately after the public hearing, or have coalition members talk to the press right after the hearing. Media mistakes can double your work later on. Newspapers are usually willing to print corrections and some television stations will announce corrections during the next broadcast. However, the public education campaign will have to correct any implementation information that was reported incorrectly. Print ads and business notification kits mailed to businesses by the city in advance of the effective date will help get the right information out so that everyone complies at the proper time. (A funny story from the mid-1990s: In one community, the newspaper incorrectly reported that bars had to go smoke-free. A number of bars banned smoking and threw out their ashtrays before learning the actual language of the law.)

Scenario #7: Life in the country.

This situation may take a year or two of coalition presentations at Kiwanis Clubs, Rotary Clubs, Lions Clubs, Junior League, hospital boards, etc, with an educational effort directed toward the conservative members of the local governing body. Meetings with the Chambers of Commerce and local editorial board will help. It may be necessary to work through a statewide or regional technical assistance organization serving local city governments, such as the League of California Cities. Also seek help from organizations such as Americans for Nonsmokers' Rights, which can provide training, newsletters, and electronic bulletins on health issues.

Scenario #8: “It can’t happen here, because we’re unique!”

Dr. Stanton Glantz parodied the tobacco industry claim heard in every jurisdiction: “It can’t happen in Wisconsin because it’s too cold. It can’t happen in Palm Springs because it’s too hot. It can’t happen in San Francisco, because that’s a tourist city. It can’t happen in ‘fill in the blank’ because it’s too ‘fill in the blank.’ But, tumors from second-hand smoke are the same everywhere!”

The only way to fight this claim is with the facts: no jurisdiction has suffered a loss of revenue due to a smoke-free ordinance.

Scenario #9: Coalition of the meek, mild and apologetic for tough clean air laws.

The author began in 1990 with just such a coalition. The members preferred reviewing health education videotapes and pamphlets to doing policy work. This original coalition turned into a service provider group, and another group of community “movers and shakers” was recruited to form a policy work coalition.

This new coalition went through training from Americans for Nonsmokers’ Rights and conducted a mock city council debate in the empty city council chambers (thanks to the city manager). A public speaking coach was hired to help the timid ones speak up and tone down the verbose ones. The coalition videotaped people giving practice speeches.

Scenario #10: Fools rush in where angels fear to tread.

This scenario actually occurred in one of the author’s local communities. Three members of the city council became overly zealous and insisted on banning smoking everywhere, including all bars, years before the community was ready for it. The coalition chairs tried to tell the city council members that bars were supposed to be the bargaining chip. Their response was, “If the coalition won’t support us, who will?” The inclusion of bars in the city’s first smoke-free ordinance doomed it to failure.

There is consensus among smoke-free advocates that bars should not be introduced into a campaign until the public has had a chance to get used to smoke-free restaurants for a year or two.

Conclusion: Do not assume that the local government necessarily reflects its constituents in matters of public health. Even politically conservative counties in California did go smoke-free after tobacco control programs and coalitions carried out enough education, persuasion, and mobilization.

Grassroots Lobbying: How Not to Pass a Local Smoking Law

Or

How to Cause Yourself Unnecessary Aggravation in Smoking Ordinance Work

A Tongue-in-Cheek Checklist

by

Walt Bilofsky and Randy Greenberg^a

This checklist arose from our work with the Smoke-Free Marin Coalition, which successfully pressed for enactment of strong local smoking ordinances in all twelve jurisdictions in Marin County, California. Although it deals directly with smoking ordinances and California's local government structure, much of the material is applicable to other jurisdictions and legislative topics. To enjoy it fully, you should be familiar with how laws get enacted in your community, and with the rudiments of grass roots organizing. If not, a good resource is Americans for Nonsmokers' Rights.

Author's note to reader: Remember, this is supposed to be humorous and not to be taken literally.

Contents:

- I. Before Going Public
- II. Before the First Hearing
- III. At the Hearing
- IV. After Enactment
- Notes

I. Before Going Public^b

Don't line up legislative supporters.

Once the public hearing is over, the City Council will discuss and make decisions, and your chance for input may be over. Why line up one of them beforehand to focus on and support your ordinance, when you could watch five legislators creatively rewriting every section?

Don't check out the council.

Why waste a perfectly good evening at a council meeting when you're not even on the agenda? Who cares about observing the procedure, how hearings are conducted, and the dynamics of interaction among council members and with staff?^c Speaking of which...

Ignore staff.

In many cities, a little research (or simply observing a council meeting) can reveal that considerable moxie is in the hands of the city manager, city clerk, or even the city attorney. Getting their support can eliminate a fun free-for-all later on. You might even get yourself stuck with writing or polishing the staff report and recommendations to the council—who needs that kind of work?

Snub your opposition.

Meetings with business leaders, particularly prominent restaurant owners and managers and the president and/or exec of the local Chamber, may deprive you of future fireworks by neutralizing opposition or even uncovering unexpected support.^d You might also find out in advance about local organizing by tobacco industry representatives and front groups (handing you one of your best issues), and who the leaders against you are, thus robbing you of the opportunity for high pressure creativity during critical council hearings.

Ignore the pressure points.

Often there are one or two impacted locations—the town's favorite restaurant, for example—that are of special concern to the council. It would be unfair to cut a deal with those favorites and deprive other, less cherished opponents of their best leverage.

Avoid a "Citizen's Committee."

Don't let the council get off the hook by sticking in you in a series of boring meetings with your opposition.^e

Don't network.

This way, you get all the glory. Beside, legislators will listen just as hard to the truth when it comes from you instead of some doctor from the county medical society or volunteer from the Lung Association. And don't talk to other coalitions, or [contact] information clearinghouses like ANR, who can give you the refutation to the tobacco folks' latest sneaky ploy. After all, you'll learn more from making mistakes than avoiding them.

Always answer the exact questions asked by the press.

Why shouldn't the media control the coverage of your issue? That way, you avoid the work of preparing a list of major selling points, reducing them to succinct quotable quotes, and weaving them into any and all questions the media asks. Is it worth all that effort just to look savvy and have your best arguments in the local media?

Don't try to influence the media.

Your local paper's attitude, and the letters to the editor, may well define the entire debate in your community. If your paper doesn't want to present boring facts and figures about death and dying from secondhand smoke, why do their job for them by meeting with editors, providing background materials, asking to write guest columns, and conducting a letter-to-the-editor campaign? And if your community's leading doctors and other health professionals are too busy to write their own letters, they don't deserve to have you provide them with drafts. If the opposition's letters, appearing unopposed, convince the council that this is a rights issue, not a health issue, the hearing will be that much more lively.

II. Before the First Hearing

Don't check the packet or agenda.

Perusing the public folder on the agenda item, available a few days before the hearing, would show you the same information packet sent to the council members, usually containing the staff recommendation to the council, just what council action is being considered^f, the precise language of any draft ordinance (often with a surprise change or

two), and sometimes all letters received on the subject. Why ruin a carefully prepared speech by focusing your testimony on the issues before the council?

Don't talk to legislators the day before.

Often they will tell you if they or another council member has a specific amendment or issue in mind. It would spoil the surprise if you spoke to that issue during testimony.^g

Don't provide specific recommendations.

If you don't like a provision of a draft ordinance, just show up and say so at the hearing. Providing a specific recommended amendment or alternative, in writing, in advance, either to the staff or council, might stop them from exercising their own creativity. Fascinating amendments have been crafted in hearings that run to 2 a.m.

Don't compromise.

Sometimes the opposition^h will support your ordinance in return for a fairly minor compromise (such as excluding bars) that the council is likely to give them anyway. Why give those lowlifes the chance to look like health heroes?ⁱ

III. At the Hearing

Show up only when necessary.

If you have reason to think a hearing won't be controversial, save your energy. Only turn supporters out when you're planning to put on a big show. If you're wrong and the opposition turns out in force, you'd be happier your people missed it.^j

Show up just in time for your item.

Avoid the boring stuff at the start of the meeting. If you're told your item will come up later, plan to arrive then. If earlier items are taken off the agenda, or your hearing is moved up to accommodate a large crowd of speakers, you may save even more time than you had hoped.

Communicate your position in every possible way.

Shake your head violently and mutter “No, no” under your breath when opponents speak, and boo and hiss when they finish. If people are smoking, fan the air and hold your nose. The council will respect your maturity and the sincerity of your convictions.^k

“Get” the smokers.

After all, this isn’t just about a toxic substance in the air. If smokers take this all personally, they really must be bad people. If this ordinance restricts their freedom and forces them to quit, so much the better.^l

Don’t talk to staff or council members during a recess.

Show your good manners by staying in your seat. So what if this is your best opportunity to find out about any last minute surprises about to blindsides you?

Don’t hassle the press.

Stay away from reporters (often identifiable by steno pads in hand.) If they want your side of the story, they’ll come to you.^m

IV. After Enactment

Don’t worry about a referendum.

If angry business leaders threaten a ballot referendum to overturn your spanking new law, call their bluff. Don’t waste your time poisoning the well by calling attention to tobacco industry involvementⁿ and the cost to taxpayers of an election.

Forget your old opponents.

Going back to them a few months after the ordinance has taken effect will often produce glowing testimonial letters about how great it’s working.^o Why confuse the opposition in the next city?

Notes

a. Walt Bilofsky is a board member and past president of Americans for Nonsmokers' Rights. Randy Greenberg is a member of the Planning Commission of Tiburon, California. They were co-chairs of the Smoke Free Marin Coalition from 1992 to 1994.

b. "Going public" may mean announcing your campaign to the press, or later on, the first public discussion of an ordinance by a city council or county board of supervisors.

c. Council procedures vary widely. The main hearing is usually on first reading, but in some cities is on second, meaning input to drafting takes place outside the council chamber. Some cities make decisions in study session. In planning testimony, it is important to know if the public can "butt in" during council discussion after the hearing is closed, and how the order of witnesses is determined, so your "closer" can go as close to last as possible. And so on.

d. Example: In several communities with which we have worked, a sympathetic ex-smoker executive director of the chamber has smoothed the way in the business community. It is also wise to put as much as time possible between the first shock of raising the issue to the business community and the time the council takes action.

e. If the council is wishy-washy, this can be an effective way to get consensus, but it must be handled carefully; a watered down proposal can sink your effort in this and neighboring jurisdictions. Make sure you get control, either by having a majority on the committee to start with, or by forming a coalition with opponents with specific interests (e.g., bowling alley operator). If you have to make important concessions, consider dissolving without making a recommendation; determined opponents may chip away in committee and then submit a minority report asking the council for even more weakening.

f. Possible actions include a first reading, a general discussion of the issue, giving direction to staff on researching the issue and/or drafting an ordinance.

g. One great experience was going up to a council member during a recess and learning he was considering weakening the amendment, then in the hearing making the argument that persuaded him to drop it.

h. Or important members of the opposition—divide and conquer!

i. “Always talk to your enemies. You’re not going to make the deals with your friends.” But, don’t give away too much. Remember you may be setting a precedent for other jurisdictions nearby.

j. For example, always have some support at a second reading, especially if the opposition is surprised by passage of a first reading. Often weakening amendments are brought up at this generally routine stage. Another good time to get blindsided is when the agenda item is up for discussion only, and you’re saving your forces for a formal hearing later on.

k. This should not discourage applause, at least until the mayor says otherwise.

l. Important: if this sounds fine to you, take a careful look at differentiating between legitimate reasons for legislating, and things which might be good side effects, but poor reasons to pass a law. Zealots look bad. To look good, oppose smoke in the air but sympathize with the smokers, whose feelings are understandably hurt when we point out they’re walking toxics sources.

m. Best time to speak to press, especially radio and TV, is before the hearing, when they’re waiting around bored and not on deadline. Spokespersons should always identify themselves to any media present; often this results in a chance to present your viewpoint using the pithy quotes you’ve prepared beforehand.

n. The absolute best way to head off a referendum by local business people is to demonstrate that they will be tarred, loudly and often, with their ties to the tobacco industry. If you have any evidence for such ties, discuss them persistently in the press, in interviews and letters to the editor, starting about five seconds after the word “referendum” is first spoken.

o. This happens more often than you think, because (1) they don’t want to look like bad guys, (2) their fears never measure up to the reality, and (3) even if they hate it, they’re stuck with it and so will want to encourage neighboring jurisdictions to put everyone in the same boat.

Preferred Terminology

Avoid These Terms (even in jest)	Use These Terms and Ideas
Smoking prohibitions	Smoke-free environments
Smoking bans	Clean indoor air environments
Anti-smoking	For clean indoor air
Ventilation discussions	100% smoke-free provisions
Environmental Tobacco Smoke (ETS) (acceptable in scientific documents)	Secondhand smoke, involuntary smoke
Economic impact	Economic effects
Tough smoking regulations	Comprehensive smoke-free provisions
Tough on smoking/tough on smokers	Free from smoking pollution
Tobacco cop, smoking police	Self-enforcing laws
Enforcement operations	Compliance checks

Sample Materials

1. Fact Sheet: Short Term Effects of Second-Hand Smoke
2. Fact Sheet: Economics of Smoke Free Bars
3. Smoke-Free Entrance Ordinance Language
4. Letter from Health Department to the City Council
5. Letter from Health Department to the City Manager
6. Interagency Memo
7. Memo: Confirmation of City-County Agreement
8. Ad: Smoke-Free Cities
9. Ad: Smoke-Free Communities
10. Smoking Complaint Form
11. First Warning Letter
12. Legal Warning Letter
13. Letter to Private Club re: Smoke-Free Bar Law
14. Smoke-Free Policy for Private Clubs
15. Letter to City Employers re: New Smoke-Free Law
16. Restaurant Survey
17. Restaurant Guide Application and Follow-up
18. Tri-fold Brochure
19. No Smoking signs

Short-Term Effects of Secondhand Smoke

In the few minutes it takes to eat a restaurant meal or take a car ride, exposure to second-hand tobacco smoke may cause nonsmokers to experience headache and nausea, burning eyes, sinus irritation and impaired concentration.

According to the California Environmental Protection Agency, Office of Environmental Health Hazard Assessment, regular exposure to secondhand tobacco smoke can lead to these health impairments:

Cardiovascular Problems

Damage to cell walls in the circulatory system

Thickening of the blood and arteries, blood platelets sticking together

Arteriosclerosis (hardening of the arteries) or heart disease, increasing the chance of heart attack or stroke

Respiratory Problems

Increased susceptibility to and aggravation of colds, flu and other viruses

Increased susceptibility to pneumonia and bronchitis

Increased frequency of asthma attack

Aggravation of allergies—humans are allergic to many of the 4,060 toxic chemicals in smoke, including hydrogen cyanide

Immune System Problems

Increased middle ear infections in children

HIV-positive people may develop full blown AIDS four times as quickly

☹ **Developmental Problems**

Exposure to second-hand smoke increases the risk of SIDS by a factor of 4

Increased likelihood of low birthweight

☹ **Cancer**

Cell mutations caused by the mutagens and carcinogens in smoke

Increases a non-smoker's risk of pre-cancerous lesions in the lungs

Increased likelihood of lung cancer—up to 3,000 deaths from lung cancer per year in the U.S. are attributed to secondhand smoke

Smoke-Free Bar Fact Sheet: Economics

- ❖ The California Smoke-Free Workplace Law went into effect in restaurants in 1995 and in bars in 1998. Final *Taxable Sales Figures* from the California Board of Equalization for 1998 showed a 6.3 % increase in revenues for bars and restaurants for all of 1998 over revenues in 1997. By the fourth quarter of 1998, bar and restaurant revenues increased over fourth quarter revenues for 1997 by fully 7.3%. (*California Board of Equalization, November 1999*)

- ❖ Final Taxable Sales Figures showed revenues for bars and restaurants continued to rise in the second and third quarters of 1999, increasing over 1998 figures by more than 8%. (*California Board of Equalization, August, 2000*)

- ❖ Sales tax data showed that an additional \$879,816,000 in sales were made in California's beer, wine and liquor serving establishments during 1998 - after the California Smoke-free Workplace Law went into effect for bars - as compared to 1997. (*California Board of Equalization, November 1999*)

- ❖ The rate of growth in beer, wine and liquor serving establishments outpaced all retail outlet taxable sales in 1998, compared to 1997, by 7.7 %. (*California Board of Equalization, November 1999*)

- ❖ A study of bar revenue data provided by the California Board of Equalization found that: "Implementation of the smoke-free restaurant provisions was associated with an increase in the fraction of all eating and drinking establishment revenues that went to establishments with liquor licenses, and a larger increase following implementation of the smoke-free bar provisions. **As with claims of adverse effects on restaurant and tourist industries, these data further discredit tobacco industry claims that smoke-free bar laws are bad for the bar business. Quite the contrary, these laws appear to be good for business.**" (*Institute for Health Policy Studies, Cardiovascular Research Institute, University of California, San Francisco, 1998*)

- ❖ Eighty-six (86) % of Californians, working outside their homes, agreed that all employers - including owners of bars and restaurants - have a responsibility to protect employees and customers from second-hand smoke. (*Christiansen, E. A Survey on California's Law For a Smokefree Workplace AB 13: Attitudes after the First Year of Implementation, The Gallup Organization, March 1996*)

BREATH—The California Smoke-Free Bars Program
A Statewide Project of the American Lung Association of the East Bay
5495 Carlson Drive, Suite 'D'
Sacramento, California 95819
Phone: (916) 739-8925 Fax: (916) 739-8927 E-mail: breath@jps.net

This material was made possible by funds received from the Tobacco Tax Health Protection Act of 1988—Proposition 99, under Grant Number 96-26624 with the California Department of Health Services, Tobacco Control Section.
rev. 04/01

Drafting Smoke-Free Entrance Language

Drafting smoke-free entrance language for businesses can be difficult; interpreting it for the public can be even harder. However, smoke-free entrances are important for public places where people need to be able to enter a building without inhaling smoke. Following are examples of smoke-free entrance ordinance language:

“Immediately adjacent:”

“Smoking shall be prohibited in outdoor areas immediately adjacent to any entrance or exit of any building within which smoking is prohibited. For purposes of this section, entrance or exit shall mean an opening into a building from a contiguous street, sidewalk, walkway, or parking area.”

Source: Marin County Smoking Ordinance No. 3150, Section 7.70.040.

In Marin County, interpretation of the “immediately adjacent” language has been difficult to enforce at times because of vagueness. In retrospect, Marin County officials recognize that including specific distance language in the ordinance would have helped resolve conflicts over outdoor smoking. To try to offset this ambiguity in the law, the Marin County Department of Health and Human Services offers businesses a policy kit that includes more specific language (the ordinance language they now wish they had):

“Smoking shall be prohibited in outdoor areas immediately adjacent to any entrance or exit of any building within which smoking is prohibited. For purposes of this section, entrance or exit shall mean an opening into a building from a contiguous street, sidewalk, walkway or parking area. Where this is not feasible, smoking shall be prohibited (except while passing on the way to another destination)—within 20 feet of or close enough to areas for smoke to travel into another area where smoking is prohibited.”

—Model ordinance drafted by Marin County Counsel Allen Haim

“Specific distances:”

Smoking shall be prohibited in the following outdoor areas, and smoking, except while passing on the way to another destination, shall be prohibited within twenty feet of or close enough to the following areas

for smoke to travel into an area or building, where smoking is prohibited, whichever is greater; (1) Public events including but not limited to sports events, entertainment, speaking performances, ceremonies, pageants and fairs, (2) Seating provided by eating establishments and bars, (3) Entrances and exits to enclosed public areas, (4) Within the entryway of any enclosed public area, (5) Stairways, (6) Within courtyards and other areas where air circulation may be impeded by architectural, landscaping or other barriers, (7) Areas not open to the sky, (8) Any place where people are using or waiting for a service, entry, or a transaction, including but not limited to ATM's, bank teller windows, telephones, ticket lines, bus stops and cab stands, (9) Any place where food and/or drink is offered for sale, (10) Children's play areas, (11) Public gardens, (12) Open windows of any enclosed public area.

Source: City of Davis Municipal Code, Section 34.02.010, part x.

Davis officials report that enforcement has been successful and there is widespread compliance because people understand the requirements of the law and it is enforced uniformly.

The language suggested by Americans for Nonsmokers' Rights in its model ordinance eliminates the problem of vagueness and also provides businesses with some flexibility:

“Smoking shall occur at a reasonable distance of 20 feet or more outside any enclosed area where smoking is prohibited to insure that tobacco smoke does not enter the area through entrances, windows, ventilation systems or any other means.¹²

Remember—It is important to conduct public education about smoke-free entrances. Updated information brochures, smoke-free entrance signs for businesses, and informational ads in local newspapers are helpful in the implementation of safe, smoke-free entrances.

Introduction Letter from County Health Department to City Council

[County Health Department Letterhead]

[Date]

Dear [City Council Member]:

As you embark on your upcoming tobacco ordinance process, the County Health Department would like you to know that both the department and the local tobacco control coalition are available as resources for education, publicity, and enforcement of your city's smoking ordinance. Smoking ordinances are most successfully enforced through county-city partnerships; these partnerships are most cost-effective, as well.

The [full name of Coalition] can assist the city before and during the hearing process. The Coalition has a speaker's bureau drawing from community representatives such as local physicians, youth and parent groups, voluntary health agencies, and other expert witnesses. In fact, over 700 residents have contacted the Coalition to express their support for smoke-free environments in their communities. The Coalition has assisted other cities in our county and has a wealth of information to share about the process, as well as a good model ordinance. The Coalition Chair will probably be contacting you soon.

Assistance from the County Health Department includes the following:

Technical assistance: We can provide up-to-date information on health effects of second-hand smoke, ventilation standards, and business impacts of ordinances as measured by recent studies by our Health Department, UCSF, and other research organizations.

Educational kits for businesses and restaurants about the ordinance: We will develop the kits, which include an international no smoking decal and a brochure explaining how to comply with the ordinance. Your city would mail the kits to the individual businesses with a cover letter from your office. These kits eliminate most enforcement problems, since smoking ordinances tend to be largely self-enforcing when the public is aware of the ordinance and can refer to signs on the premises for guidance.

Enforcement assistance: The Health Department has always responded to complaints about secondhand smoke or other air or water quality problems. Our program utilizes an educational rather than a punitive approach. We help businesses develop a policy that

includes information on how employees can quit smoking (such as the California Smokers' Helpline: 1-800-NO-BUTTS) and how employers can provide incentives for employees. Additionally, our [restaurant inspection] officers are willing to include compliance with smoking ordinances on their routine restaurant inspections once your ordinance is in place. The city's smoke-free ordinance will not add a new layer of bureaucracy, because we will utilize existing programs. Our experience shows that when we handle the first level of publicity and business education, then respond to initial complaints with educational letters, phone calls or site visits to help businesses avoid getting fined, there is very little left for cities to do. Your city would impose a fine only as a last resort, when all the other educational efforts have been made. Only a handful of complaints would escalate to this level in a given year, based on what has occurred in other cities.

Positive Publicity: We will work with your Chamber of Commerce and your city staff to design newspaper ads publicizing the new smoke-free status of your restaurants. Many cities like to emphasize that a majority of the city's population (84%) do not smoke and that many of them will start patronizing restaurants they used to avoid when the smoke is gone. We will also take care of press releases and run free Public Service Announcements on radio and television stations publicizing the ordinance.

I will call you within the next few days to answer any questions you might have about the county's assistance. I look forward to working together in the implementation of a very effective public health measure.

Sincerely,

[Signature]

Enclosure: Business Ordinance Kit

Letter to City Manager

[Date]

[City Manager]
[Mailing Address]

Dear [City Manager's Name]:

This letter outlines the amount of funding available from the county for the education kits for your businesses and for the advertising and publicity of the smoking ban.

Funds available for publicity.....\$1660

Funds available for ordinance
education kits.....\$2250

Total.....\$3910

If our estimates are correct, it will cost approximately \$1500 to print the signs and mail out the kits to the 1400 businesses in your community. (Unit costs per business: \$0.45 for postage, \$0.35 for each sign, and \$0.50 for each brochures x 1400). This would free up \$750 for advertising. Also, if the city of [Name of City] mails the kits, that would add another \$630 for the advertising, bringing the advertising funds up to \$3040, which would cover ads for your restaurants both in the [Newspaper] and the [Newspaper].

In terms of enforcement, my office will respond to the initial complaints with an educational presentation on how to develop a policy within the business. If that doesn't work, the next step is your office. Therefore, please feel free to refer first time complaints to the county. Additionally, [department in charge of restaurant inspections] will include the restaurants' compliance with the law on their regular inspection checks.

Congratulations on an excellent ordinance. I look forward to working together on its successful implementation.

Sincerely,

[Signature]

Interagency Memo

DATE: November 26, 1997

TO: City Managers, Code Enforcement and Police Departments and any staff involved with enforcement of state and local laws

FROM: Marin County Department of Health and Human Services

RE: Upcoming meeting to discuss smoke-free bar law

The City of San Rafael is hosting a meeting about how all local towns and cities in Marin can develop a uniform enforcement plan for AB 13 (Labor Code 6404.5) prohibiting smoking in bars, effective January 1, 1998.

The purpose of this meeting is to undertake the following:

- Become aware of the public education campaign already underway to inform the bar owners of the upcoming law
- Discuss a cost-effective enforcement protocol
- Learn how the law interfaces with local smoking ordinances
- Develop a county-wide enforcement strategy that will ensure a “level playing field” for all towns and cities in Marin
- Discuss coordination with CAL-OSHA, County restaurant inspectors, and Alcohol and Beverage Control regarding bar owners who violate the law
- Ask any questions about local implementation of the new law

The meeting will be held: Monday, December 15th at 10:00 a.m.
San Rafael City Hall
Public Works Conference Room
1400 Fifth Avenue, San Rafael

All cities are invited, so please send the staff person(s) most involved with enforcement of bar regulations. For more information, please contact the Code Enforcement Officer for the City of San Rafael at 485-3097.

On a separate note, our office will be contacting you to schedule a meeting to discuss any educational supplies or media support you might need to help with public education about the law.

Memo Confirming County–City Agreement

TO: San Rafael Code Enforcement Officer

FROM: Elizabeth Emerson, Marin County Health Services

RE: County-City Tobacco Ordinance Enforcement Protocol

Pursuant to our conversation, following is a summary of the County and City of San Rafael protocol on enforcing Ordinance #1653.

1. All calls made to the City or County are kept confidential. The City becomes the Complainant in investigating the violation.
2. Referrals may be made to the Health Department (my office) to write an educational warning letter that helps the business correct the violation. The business is given 10 days to resolve the violation and to respond to the warning letter describing how it resolved the violation.
3. If the violation continues even after the educational warning letter and the business has not responded to the warning about how it will correct the problem, the case is referred to City of San Rafael Code Enforcement for citation.
4. Copies of all correspondence will be sent to CAL-OSHA. After the third violation, CAL-OSHA may fine the business \$7,000.
5. Injunctive action may be taken under the California Business Practices Code, Unfair Trade Practices Section, governing competitive advantage.
6. Restaurant violations are referred to County Environmental Health at the County Planning Department.
7. The violating business may pay the fine or appeal in court. Evidence may include a written deposition from the person making the complaint or evidence of smoking such as ashtrays, no signs posted or residual smoke fumes.

8. The violation is an infraction, unless the violator refuses to respond, which would constitute a misdemeanor for failure to appear in court.

9. Either the smoker or the employer may be fined. Penalties are put forth to a bail schedule by the court. See ordinance for graduated penalties.

10. The case is closed when the violation stops. Both the City and the County copy each other on all correspondence pertaining to the case, including the County Environmental Health restaurant inspectors and the County Tobacco Education Program.



**AS OF JANUARY 1, 1995, YOUR FAVORITE SHOPS,
BUSINESSES*, AND RESTAURANTS ARE SMOKE FREE!!!**

If a business still needs help going smoke free, or for free brochures on the new California law, call your City Hall or:

- County Health Department
- American Lung Association
- American Cancer Society
- American Heart Association

Smokers wishing to quit need support, not judgment. It takes planning, preparation and practice to stop smoking. For information on classes, self-help materials, or how to receive seven free counseling sessions for smoking cessation at your convenience, call 1-800-NO-BUTTS.

**With few exemptions, listed in the brochure*

This ad was paid for by Prop 99 Tobacco Tax funds.



SAN RAFAEL, SAN ANSELMO AND MARIN COUNTY UNINCORPORATED AREAS

Including: Belvedere, Greenbrae, Kentfield, Larkspur, Marin City, Marinwood, Mill Valley, Novato, Ross, Santa Venetia, Strawberry Village, Tam Junction, and Tiburon.

All of West Marin, including: Dillon Beach, Forest Knolls, Inverness, Lagunitas, Marshall, Muir Beach, Nicasio, Olema, Point Reyes Stn., San Geronimo, Stinson Beach, Tomales and Woodacre

IF A BUSINESS STILL NEEDS HELP GOING SMOKE FREE, CALL 899-8623

“The ordinances alleviate the public from the discomfort, physical irritation and health hazards of second-hand smoke.” — Gus Kanis, Former Mayor, San Anselmo

***Bars are exempt. When attached to a restaurant, a bar must be smoke free by January 1, 1995, unless it meets ventilation standards. Cigarette vending machines are no longer legal in any locations (including bars) in these cities, except in Novato.**

Smokers wishing to quit need support. For information on classes, call Smoke Healthline at 924-3012. For free counseling sessions for smoking cessation, call the California Smokers' Helpline (1-800-NO-BUTTS), the Spanish Quitline (1-800-45NO-FUME), or the Asian Quitline (1-800-400-0866).

This ad was paid for by Prop 99 Tobacco Tax funds.

SMOKING COMPLAINT FORM

INTAKE

Name: _____ check if confidential Date: _____

Address: _____ Telephone: _____

Location of Building: _____

More than one office? Yes No

No smoking signs posted? Yes No

Building Manager Name/Company: _____

Address: _____

Telephone: _____

Comments/Complaint: _____

ACTION TAKEN

Material mailed: _____

Date: _____

Person Contacted: _____

Discussion Content: _____

Date: _____

Site visit findings: _____

Additional comments: _____

REFERRAL

Date continued complaint received: _____ Date referred to city authority: _____

Drafting Smoke-Free Ordinance Language

The following model ordinance is provided by Americans for Nonsmokers' Rights (ANR). More information about drafting ordinance language is available on the ANR website at <http://www.no-smoke.org>.

MODEL ORDINANCE ELIMINATING SMOKING IN WORKPLACES AND PUBLIC PLACES (100% SMOKEFREE)

Revised December, 2000

Sec. 1000. Title

This article shall be known as the [City or County name] _____ Smokefree Air Act of [year] _____.

Sec. 1001. Findings and Purpose

The City Council [or Board of Supervisors] does hereby find that:

Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of disease, including lung cancer, in nonsmokers. At special risk are children, elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and

Health hazards induced by breathing secondhand smoke include lung cancer, heart disease, respiratory infection, and decreased respiratory function, including bronchoconstriction and broncho-spasm.

Accordingly, the City Council [or Board of Supervisors] finds and declares that the purposes of this ordinance are (1) to protect the public health and welfare by prohibiting smoking in public places and places of employment; and (2) to guarantee the right of nonsmokers to breathe smokefree air, and to recognize that the need to breathe smokefree air shall have priority over the desire to smoke.

Sec. 1002. Definitions

The following words and phrases, whenever used in this article, shall be construed as defined in this section:

“Attached Bar” means a bar area of a restaurant. An “attached bar” for the purposes of this ordinance shall not include any area where full meals are served, but may include the service of appetizers and snacks. Although a restaurant may contain a bar, the term “bar” shall not include the restaurant dining area.

“Freestanding Bar” means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages, including but not limited to taverns, nightclubs, cocktail lounges, and cabarets.

“Business” means any sole proprietorship, partnership, joint venture, corporation or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural or other professional services are delivered.

“Employee” means any person who is employed by any employer in the consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services for a non-profit entity.

“Employer” means any person, partnership, corporation, including a municipal corporation, or non-profit entity, who employs the services of one or more individual persons.

“Enclosed Area” means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of door or passage ways) which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, “office landscaping” or similar structures.

“Place of Employment” means any area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and restrooms, conference and classrooms, employee cafeterias and hallways. A private residence is not a “place of employment” unless it is used as a childcare, adult day care or health care facility.

“Public Place” means any enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, educational facilities, health facilities, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing/grocery establishments, retail service establishments, retail stores, theaters and waiting rooms. A private residence is not a “public place.”

“Restaurant” means any coffee shop, cafeteria, sandwich stand, private and public school cafeteria, and any other eating establishment which gives or offers for sale food to the public, guests, or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities, except that the term “restaurant” shall not include a cocktail lounge or tavern if said cocktail lounge or tavern is a “bar” as defined in Section 1002 (1).

“Retail Tobacco Store” means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

“Service Line” means any indoor line at which one (1) or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.

“Smoking” means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, weed, plant or other combustible substance in any manner or in any form.

“Sports Arena” means sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.

Sec. 1003. Application of Article to City-Owned [County-Owned] Facilities

All enclosed facilities including buildings and vehicles owned by the City [County] of _____ shall be subject to the provisions of this article.

Sec. 1004. Prohibition of Smoking in Public Places

A. Smoking shall be prohibited in all enclosed public places within the City [County] of _____, including, but not limited to, the following places:

Elevators.

Restrooms, lobbies, reception areas, hallways and any other common-use areas.

Buses, taxicabs, and other means of public transit under the authority of the City [County] of _____, and ticket, boarding, and waiting areas of public transit depots.

Service lines.

Retail stores.

All areas available to and customarily used by the general public in all businesses and non-profit entities patronized by the public, including but not limited to, attorneys' offices and other offices, banks, laundromats, hotels and motels.

Restaurants.

Public areas of aquariums, galleries, libraries and museums.

Any facility which is primarily used for exhibiting any motion picture, stage, drama, lecture, musical recital or other similar performance, except performers when smoking is part of a stage production.

Sports arenas and convention halls, including bowling facilities.

Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council, commission, committee, including joint committees, or agencies of the City [County] or any political subdivision of the State during such time as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the City [County].

Waiting rooms, hallways, wards and semiprivate rooms of health facilities, including, but not limited to, hospitals, clinics, physical therapy facilities, doctors' offices, and dentists' offices.

Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.

Polling places.

Bingo games.

B. Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment or facility may declare that entire establishment or facility as a nonsmoking establishment.

Sec. 1005. Prohibition of Smoking in Places of Employment

A. It shall be the responsibility of employers to provide a smokefree workplace for all employees, but employers are not required to incur any expense to make structural or other physical modifications.

B. Within 90 days of the effective date of this article, each employer having an enclosed place of employment located within the City [County] shall adopt, implement, make known and maintain a written smoking policy which shall contain the following requirements: Smoking shall be prohibited in all enclosed facilities within a place of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.

C. The smoking policy shall be communicated to all employees within three (3) weeks of its adoption.

D. All employers shall supply a written copy of the smoking policy upon request to any existing or prospective employee.

Sec. 1006. Reasonable Distance

Smoking shall occur at a reasonable distance of 20 feet or more outside any enclosed area where smoking is prohibited to insure that tobacco smoke does not enter the area through entrances, windows, ventilation systems or any other means.

Sec. 1007. Where Smoking Not Regulated

A. Notwithstanding any other provision of this article to the contrary, the following areas shall be exempt from Sec. 1005:

Freestanding bars which meet the requirements of Section 1002 (2) of this article.

Private residences, except when used as a childcare, adult day care or health care facility.

No more than twenty-five percent (25%) of hotel and motel rooms rented to guests.

Retail tobacco stores.

Restaurants, hotel and motel conference or meeting rooms and public and private assembly rooms while these places are being used for private functions.

Outdoor areas of places of employment except those covered in Section 1006 of this article.

B. Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment described in this section may declare that entire establishment as a nonsmoking establishment.

Sec. 1008. Posting of Signs

A. "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every building or other area where smoking is prohibited by this article, by the owner, operator, manager or other person having control of such building or other area.

B. Every public place where smoking is prohibited by this article shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

C. All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited by this article by the owner, operator, manager or other person having control of such area.

Sec. 1009. Enforcement

A. Enforcement of this article shall be implemented by the Department of Health [or City Manager], or his or her designee.

B. Notice of the provisions set forth in this article shall be given to all applicants for a business license in the City [County] of _____.

C. Any citizen who desires to register a complaint under this chapter may initiate enforcement with the Department of Health [or City Manager].

D. The Health Department or the Fire Department shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance of this ordinance.

E. Any owner, manager, operator or employee of any establishment regulated by this article shall inform persons violating this article of the appropriate provisions thereof.

F. Notwithstanding any other provision of this article, a private citizen may bring legal action to enforce this article.

Sec. 1010. Nonretaliation

No person or employer shall discharge, refuse to hire or in any manner retaliate against any employee, applicant for employment, or customer because such employee, applicant, or customer exercises any right to a smokefree environment afforded by this article.

Sec. 1011. Violations and Penalties

A. It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to regulation under this article to fail to comply with any of its provisions.

B. It shall be unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this article.

C. Any person who violates any provision of this article shall be guilty of an infraction, punishable by:

A fine not exceeding one hundred dollars (\$100) for a first violation.

A fine not exceeding two hundred dollars (\$200) for a second violation of this article within one (1) year.

A fine not exceeding five hundred dollars (\$500) for each additional violation of this article within one (1) year.

D. Notwithstanding any other provision of this article, an employee or private citizen may bring legal action to enforce this article.

Sec. 1012. Public Education

The Department of Health [or City Manager] shall engage in a continuing program to explain and clarify the purposes and requirements of this ordinance to citizens affected

by it, and to guide owners, operators and managers in their compliance with it. Such program may include publication of a brochure for affected businesses and individuals explaining the provisions of this ordinance.

Sec. 1013. Other Applicable Laws

This article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

Sec. 1014. Severability

If any provision, clause, sentence or paragraph of this article or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

Sec. 1015. Effective Date

This article shall be effective thirty (30) days from and after the date of its adoption

Friendly Enforcement Letter

[Put your Health Department Logo here]

[Date]

Dear [Name]:

This letter regards a complaint that was filed about a violation of the new State Smoke-Free Law, Labor Code 6404.5, which went into effect on January 1, 1995. Since you may not be aware of this law, we have enclosed an informational brochure to help you implement the law in your workplace. The enclosed sign must be posted at eye level on your entrance. Please let us know if you need to order more signs for additional entrances.

This letter is an educational warning letter to help you prevent being fined for non-compliance. Your business will be fined only if the violation continues. To help your employees comply, please circulate the brochure to them and be sure and communicate the smoking law to all new employees.

We recognize that smoking is a difficult addiction to deal with, and urge compassion and support, not judgment, towards smokers. For your smoking employees who would like help in cutting down or quitting, we can provide free information on local classes and self help materials. For those who cannot fit a class into their schedule, California now has a toll free telephone smoking cessation program. Your employees can call 1-800-NO-BUTTS to schedule free phone sessions at their convenience.

Please don't hesitate to call if you have questions concerning the new law, or wish to receive a copy.

Sincerely,

Program Director

cc: City of [name]

Legal Warning Letter

[Date]

Dear Store Owner:

A member of the public has notified the San Rafael Police Department and the County Health Department regarding violations of SAN RAFAEL CITY ORDINANCE #1653 and LABOR CODE 6404.5, which concerns cigarette smoking in workplaces. In order to comply with the law, your store must be smoke-free.

You must post the enclosed No Smoking sign in your entrance. Communicate your smoke-free policy to your customers and staff by removing ashtrays and informing them that you need their cooperation to protect you from legal action. If you need more signs, please call the County Health Department or the San Rafael City Office. For your employees who smoke, it is helpful to designate an area for breaks outside the building, well away from entrances.

Following are the fines that we wish to help you avoid. Your business will be fined only if smoking continues to occur inside your establishment. The penalties for violating Labor Code 6404.5 are as follows:

FIRST VIOLATION: \$100
SECOND VIOLATION (within one year): \$200
THIRD VIOLATION (within one year): \$500

After the third violation, your business may be subject to CAL-OSHA penalties of \$7,000 per violation.

You may also wish to consult your attorney to determine your legal liabilities under state and federal laws that protect employees. Under the *Americans with Disabilities Act*, any member of the public may sue for \$50,000 (\$100,000 for the second violation), plus attorney's fees, if their health was damaged by involuntary smoke exposure in your place of business. Additionally, employees filing under the Workman's Compensation law have received judgments up to \$85,000 for damage to their health from working in a smoke-filled environment.

Failure to comply with Labor Code 6404.5, which protects employees from involuntary smoking, increases your legal liability under these other laws. These laws have a non-retaliation clause, which legally prevents employers from retaliating against their employees for exercising their right to a smoke-free workplace.

You must provide a written response about your plans to comply with the law within ten (10) working days or this case will be referred to the city of San Rafael for legal action.

Cordially,

[Signature]

Elizabeth Emerson
Program Coordinator, Tobacco Education Program

EE/bms
cc: City of San Rafael (Code Enforcement)
cc: CAL-OSHA
Enclosures

Letter to Private Club re: Smoke-Free Bar Law

[Date]

Dear [Name/Organization]:

Effective January 1, 1998, all California bars (including stand alone bars) and restaurants must be smoke free, according to Labor Code 6404.5, which pre-empts the bar provisions in our local ordinances. Private clubs, gaming clubs and businesses with five or few employees are *not* exempt from this law. Please disregard this notice if your club does not have a bar or is already smoke-free.

In order to create a fair and uniform business playing field for all of our local businesses, the law will be enforced by a combination of local and state law enforcement agencies.

The law also requires posting of a no smoking sign. You may use the enclosed sign for your entryway. The County (899-8623) also has indoor signs for your convenience as well as copies of the law. You will need to remove all ashtrays and smoking paraphernalia from indoor dining and cocktail areas. However, the law does permit smoking in outdoor patio areas, as long as smoke does not drift back into the building through doorways and windows.

Please communicate this law that affects all private clubs to your Board, membership and employees. You may call us at City Hall [number] if you have any questions.

Sincerely,

[Signature]

City Manager

[or Police Chief]

cc: Regional Alcohol Beverage Control (ABC) Office

Enclosure: No Smoking sign required by law

Sample Smoking Policy for Private Clubs

[To be adapted by boards of directors of private clubs, typed on club letterhead and mailed to members, or posted in conspicuous locations.]

[Date]

To: Club Members

From: Board of Directors

Re: New Smoke-free Policy

According to the Marin County health Department, private clubs are not exempt under local ordinances or the statewide Smoke-free Workplace Law. The city of San Rafael ordinance and the State law consider private clubs to be in the same category as restaurants and bars, and volunteers are treated as employees. Therefore, private clubs are treated as places of employment under these laws. Other private clubs in Marin County are being informed about the need to comply with these laws by the County Health Department. In order to avoid penalties ranging from \$100 for the first violation to \$7,000 for the fourth violation, these laws require us to maintain and implement a smoke-free policy. Additionally, under the Americans with Disabilities Act, we can be sued for \$50,000 to \$100,000 plus attorneys' fees, if a person with a respiratory condition such as asthma, emphysema, or allergies experiences damage to their health while visiting our club.

Although many organizations in California now disallow smoking throughout their entire property, indoors and outdoors, we are designating a special outdoor dining area on the deck for the convenience of our members who still smoke. The Health Department has informed us that this is permissible as long as one wall is open to the outdoors so that the area is well ventilated. Outdoor ashtrays are provided for your convenience. In order to reduce fire hazards and to protect the safety and cleanliness of the building and entrances, please extinguish all cigarettes in the outdoor ashtrays and refrain from carrying them inside. Also, please be aware that the city of San Rafael ordinance also requires that all building entrances be kept completely smoke-free. Therefore, please refrain from smoking near our entrances.

We thank you for your cooperation in helping us keep our maintenance, fire insurance and legal costs to a minimum while meeting the needs of our club members.

Letter to City Employer

(To be included in business notification kits and signed by city administrators)

[City or County Letterhead]

[Date]

Dear Employer:

On [Date], the City Council adopted an ordinance prohibiting smoking in workplaces, restaurants and all public places. This ordinance includes private offices sharing ventilation, heating or cooling systems with other offices. It also includes restrooms, employee lounges, and all other indoor areas. The enclosed signs must be posted in a conspicuous place on all entrances.

The ordinance went into effect for all workplaces on [Date]. Businesses selling tobacco products have 90 days to comply with the merchandizing requirements of the ordinance and will be contacted by [Name], who will provide the required signs and merchant education packages. Businesses have until [Date] to eliminate cigarette vending machines. Bars have until [Date] to enclose bars with four walls and to install negatively pressurized ventilation systems. For more specific requirements, you may order a copy of Ordinance No. [number].

The ordinance requires each employer to establish a smoke-free policy. The enclosed brochure is intended to help you implement the policy and should be circulated among all of your employees. It includes guidelines such as removing all ashtrays and designating an outdoor smoking area for employees.

Any citizen wishing to register a complaint under this ordinance may initiate enforcement by calling [Telephone Number]. If you have technical questions about how to comply, or need more decals for your entrances, call [Telephone Number].

The county also assists businesses with helping their smoking employees quit this difficult addiction. You may call the county at [Telephone Number] or call the American Cancer Society at [Telephone Number] to order self-help kits for smokers. Smokers may also wish to call the California Smokers' Helpline at 1-800-NO-BUTTS for free telephone cessation counseling sessions.

If you have any questions concerning the ordinance, please do not hesitate to call us. Thank you for your cooperation in making [City] workplaces smoke-free.

[Signature]



**Restaurant Survey
December 1991**

Dear Restaurant Owner/Manager:

The **Marin County Health Department** is surveying all restaurants in the county. Please take a minute to answer the following questions and return this questionnaire in the enclosed self-addressed envelope as soon as possible. For questions or comments, call 415/499-5737. Thank you for your cooperation.

Name of Restaurant _____

Owner/Manager _____

Address _____

Phone(s) _____ Number of Seats _____

1. Does your restaurant provide a non-smoking section? Yes No

If yes, please answer the following:

A. How much of your restaurant is non-smoking? ____%

B. Has this non-smoking section grown larger over the years? Yes No

C. What do your patrons request most often?

To be seated in smoking section ____

To be seated in non-smoking section ____

To be seated in first available seating ____

Other (please explain) ____

2. Is your restaurant 100% smoke-free? Yes No

If yes, please answer the following:

A. Do you wish to be included in the **Marin County Smoke-Free Dining Guide**? (If so, we will contact you.)
Yes No

B. Do you wish to be included in the upcoming 100%Smoke-Free Dining Guide (for tourists) to be published by the California Restaurant Assn? Yes No

We appreciate any comments you may have:

Restaurant Guide Application and Follow-Up

APPLICATION

How long have you been in business?

How long have you had a 100% smoke-free policy?

Why did you decide to go 100% smoke-free?

Disregarding factors such as the general state of the local and national economy and time of year, what statement best describes the financial/economic effect of a smoke-free policy to your business?

_____ Business has significantly improved

_____ Business has somewhat improved

_____ There has been no change in business

_____ Business has decreased somewhat

_____ Business has significantly decreased

How have customers responded in general to your smoke-free status?

How have your employees responded?

What advice do you have for other restaurants considering going smoke-free?

If your restaurant has a bar, is it also smoke-free?

Optional: You may provide an additional statement (of fifty words or less) to describe your restaurant in the County Smoke-Free Dining Guide.

[Follow-Up Questionnaire on Reverse Side]

FOLLOW-UP QUESTIONNAIRE

Date:

Hello, I'm [Name], a [County Name] public health department volunteer. Our recent survey of restaurants shows that you would like your restaurant to be included in the upcoming County Smoke-Free Dining Guide. There is no charge for inclusion in these guides. They will be available to anyone searching for restaurants that provide a clean indoor air environment.

In order to be included in the Smoke-Free Dining Guide, would you mind answering a few questions?

Name of restaurant:

Location:

Reservations necessary?

Phone number for reservations:

Office phone:

Price range (based on the average entrée): Breakfast _____ Lunch _____ Dinner _____

Days and hours of service:

Type of restaurant (select all that apply):

- _____ Food court
- _____ Fast Food
- _____ American
- _____ Continental
- _____ Regional/Ethnic (Specify): _____
- _____ Deli
- _____ Steakhouse
- _____ Health Food
- _____ Seafood
- _____ California
- _____ Live music
- _____ Other (Specify): _____

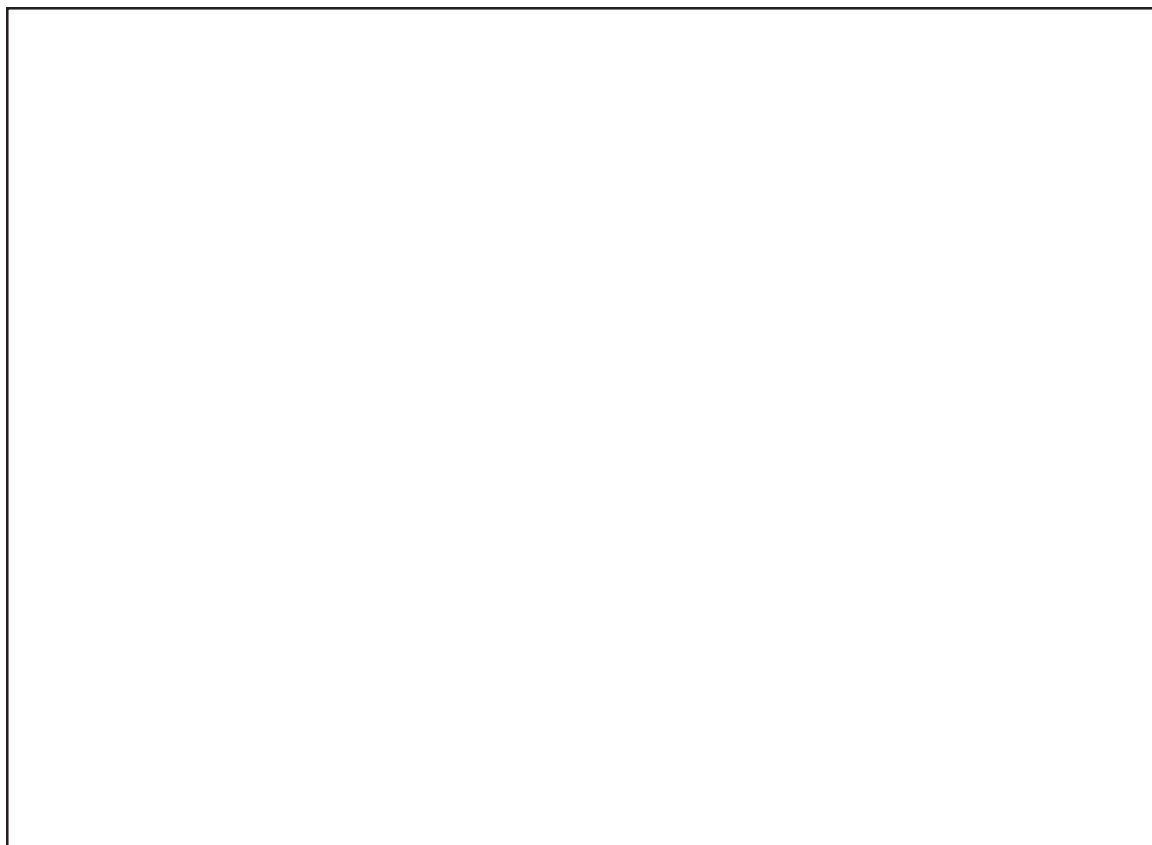
Sample Signs and Decals



Sample Brochure



Sample Guide of Smoke-Free Restaurants



Resources: Publications and Websites

The Advocacy Institute

Smoking Control Advocacy Resource Center
(SCARNET) 202-777-7575
Washington, D.C.
www.advocacy.org

Americans for Nonsmokers Rights

510-841-3032
www.no-smoke.org

Tobacco Products Liability Project (Ed Sweda)

1-800-ETS-SUIT
www.tobacco.neu.edu

Action on Smoking and Health (ASH)

www.ash.org

Voluntary Health Organizations

American Cancer Society: 1-800-227-2345

American Lung Association: 1-800-586-4872

American Heart Association: 1-800-242-8721

National Cancer Institute: 1-800-4-Cancer

www.nci.nih.gov

Smoke Free Educational Services:

Lobbying for Smoke Free Legislation
212-912-0960
www.smokefreeair.org

Office on Smoking and Health

1-800-CDC-1311
Excellent website, data base, and links (including international FCTC)
www.cdc.gov/tobacco

Americans for Nonsmoker's Rights

www.no-smoke.org

Campaign for Tobacco Free Kids

www.tobaccofreekids.org

The Foundation for a Smoke-free America

www.tobaccofree.org

World Health Organization

www.who.com

Smokescreen

www.smokesreen.org

Cigarette Litter

www.cigarettelitter.org

Smoke Free Air for Everyone (SAFE), apartments

www.smokefreeapartments

Walt Bilofsky & Randy Greenberg

Second-hand smoke and community Laws with many helpful links

www.toolworks.com/bilofsky/smoking.htm

Resources for Clean Indoor Air Laws

Dr. Stanton Glantz

(UCSF - economic studies of smoke free ordinances)

www.library.ucsf.edu/tobacco/state.html

Cigarette Papers are on

www.library.ucsf.edu/tobacco/cigpapers

Councilman Marvin Braude or his Legislative Aide, Glenn Barr

(leaders in Los Angeles Multi-Year Smoking Ordinance Campaign)

213-485-3811

League of California Cities

Sacramento, 916-658-8200

California Healthy Cities & Communities

Sacramento, 916-646-8680

www.centerforcivicpartnerships.org

BREATH

The California Smoke-Free Bars, Workplaces and Communities Program
5495 Carlson Drive, Ste. D, Sacramento CA 95819
916-739-8925 FAX 916-739-8927
www.breath-ala.org

Information categories:

- 1) General information includes fact sheets, updates
- 2) Information for the Public on Labor Code 6404.5
- 3) Employee Information on Smoke-Free Workplaces
- 4) Business Owner Compliance Information
- 5) Law Enforcement Information

James Repace, MSc., Physicist/Air Toxicologist

Fact Sheets on Second Hand Smoke and “Ventilation in Hospitality Industry Report”
www.repace.com

Dr. Michael Siegel of Boston University

Smoking and Restaurants: A Guide for Policy-Makers (studies, charts and graphs)
Email: mbsiegel@bu.edu (Michael Siegel)

Jim Bergman

Smoke-Free Environments Law Project
The Center of Social Gerontology
Email: jbergman@tcsg.org
Smoke-free Regulations, Ordinances & Policies as They Affect Older Adults.
www.tcsg.org/sfelp/home.htm

Virtual Library on ETS sponsored by Canadian Council for Tobacco Control (CCTC/CNW)

Email: info-services@cctc.ca (for questions about the library)
www.ncth.ca (the virtual library)

Print and Electronic Resources

Publications and studies pertaining to clean indoor air campaigns

California BREATH Project

SMOKING AND BARS: A Guide For Policy Makers
c/o American Lung Association

5495 Carlson Dr. Ste D
Sacramento, CA 95819
Telephone: (916) 739-8925
Email: breath@ips.net

CLEAN INDOOR AIR RESOURCE MATERIALS and “Back to Basics Trainings” (highly recommended before beginning any campaign).

Compiled by Americans for Nonsmokers’ Rights (November 6, 1998)
2530 San Pablo Avenue, Suite J
Berkeley, CA 94702
Telephone: (510) 841-3032
Email: anr@no-smoke.org

IMPLEMENTATION OF AB 13: The Impact of Social Will on Tobacco Control in California Cities

Tobacco Education Clearinghouse of California (TECC)
1-800-258-9090 (831) 438-4060 FAX: (800) 435-8433
P O Box 1830 - Santa Cruz, CA 95061-1830

SUMMARY OF LEGAL CASES REGARDING SMOKING IN THE WORKPLACE AND OTHER PLACES

Prepared by Edward L. Sweda, Jr., Esq.
Tobacco Control Resource Center, Inc.
102 The Fenway
Boston, MA 02115
Telephone: (617) 373-2026

COALITION AND STAFF MAINTENANCE: Holistic Sustaining Techniques During Difficult Campaigns

Elizabeth Emerson, M.A.
Marin County Tobacco Education Program
1682 Novato Blvd. Suite 150-C
Novato, CA 94947
(415) 499-4216

A MOVEMENT RISING a Strategic Analysis of U.S. Tobacco Control Advocacy March 1999

Prepared by the ADVOCACY INSTITUTE
1629 K.. St.,
Washington, D.C. 20006
(202) 777-7575
FAX: 202-777-7577
Email: tobacco@advocacy.org

Department of Health Services, Tobacco Control Section

P.O. Box 942732, MS # 555
Sacramento, CA 94234-7320
(916) 327-5424

www.dhs.ca.gov/tobacco

Model projects, media campaign, enforcement and ETS statistics, prevalence rates

TOBACCO LAWS AFFECTING CALIFORNIA (Piecing It Together)

TALC - Technical Assistance Legal Center

505 14th St., Suite 810

Oakland, CA 94612

(510) 444-8252

FAX: (510) 444-8253

Email: talc@phi.org

www.phi.org/talc

Arizona Program for Nicotine and Tobacco Research

Excellent site and links for smoke free work.

www.nicnet.org

TOBACCO WAR

(Inside the California Battles, two chapters on smoke free campaigns)

Stanton A. Glantz, Ph.D. and Edith D. Balbach, Ph.D.

University of California Press (by The Regents of the University of California, 2000

www.ucpress.edu

(to download book): www.ucpress.edu/tobaccowar/

TURNING THE TIDE: Tobacco Industry Political Influence and Tobacco

Policy Making in California

Sheryl Magzamen, MPH

Stanton A. Glantz, Ph.D.

Institute for Health Policy Studies, School of Medicine

University of California, San Francisco - September, 1999

San Francisco, CA

www.library.ucsf.edu/tobacco/ca9499

Resources for Coalition Projects

Framework Convention Alliance (FCA)

A coalition of over 90 non-governmental organizations and networks from over 36 countries working on the FCTC

www.fctc.org

World Health Organization Tobacco Free Initiative

Website in six languages on the history, content, country delegate position statements, updates and minutes of proceedings of the FCTC.

www.who.int/tob/fctc/fctcintro.htm

<http://tobacco.who.int/en/fctc/index.html>

International Non-Government Coalition Against Tobacco

www.ingcat.org/html/fctc.html

Global Partnerships for Tobacco Control

A program that coordinates partnerships between tobacco control groups in the US/Canada.

Essential Action

P.O .Box 19405

Washington, D.C. 20036.

(202) 387-8030

FAX: 202-234-5176

Anna White: Coordinator

Email: awhite@essential.org

National Campaign for Tobacco Free Kids

A national tobacco program with a strong transnational component. Check out their website for updates, materials, action alerts and information on the international Framework Convention for Tobacco Control.

<http://tobaccofreekids.org/campaign/global>

<http://tobaccofreekids.org/research/webresources/international.shtml>

INFACT

A U.S. based NGO whose purpose is to stop life-threatening abuses by transnational corporations. For more information on INFACT Tobacco Industry Campaign please see their website.

www.infact.org

INFACT Treaty Check up Page

www.treatycheck.org/

Skill Building Resources for Coalitions

PR Professional Daily!

Provides tips for media advocacy and public relations

www.coolsheets.com

The Tao of Leadership

By John Heider
Humanics Limited
P.O. Box 7447
Atlanta, Georgia 30309

The Book of Leadership and Strategy

By Thomas Cleary
Shambala Publications, Inc.
Horticulture Hall
300 Massachusetts Avenue
Boston, Massachusetts 02115

Cessation Resources on the Internet

These are helpful in providing outreach and support to smokers during implementation of new smoke free laws

Blue Cross Blue Shield of Minnesota

Smoking cessation site for policymakers

www.mnbluecrosstobacco.com

Robert Wood Johnson Foundation

www.rwjf.org

Society for Research on Nicotine and Tobacco

www.srnt.org

New Public Health Services Guideline

Calls on health professionals to make treating tobacco-dependence a top priority, information on how to obtain a copy of the new guideline

www.surgeongeneral.gov/tobacco/default.htm

Arizona's cessation training site

www.tepp.org/actev/index.html

Information for health professionals and policymakers, on the tobacco industry's perspective and websites

www.tobacco.org

National Center for Tobacco Free Kids

www.tobaccofreekids.org

American Medical Association

Website with information on quitting, including preparing oneself to quit, a snack calorie chart, withdrawal symptoms, and tips for dampening urges.

www.ama.assn.org/insight/gen_hlth/smoking/smoking/smoking.htm

American Heart Association

www.americanheart.org

Center for Disease Control

Coordinates Network of Tobacco Prevention and control contacts and provides information on how to reach State tobacco control coordinators as well as information for consumers

www.cdc.gov/tobacco

The CDC's Tobacco information and Prevention Source (TIPS)

Provides up-to-date news and research reports, magazine articles, tips to quitting, and US government publications.

www.cdc.gov/nccdphp/osh/tobacco.htm

GlaxoSmithKline

Interactive resource center for smokers

www.committedquitters.com

Dr. Koop's smoking page

Includes a number of self-assessment instruments

www.drkoop.com/wellness/tobacco

Foundation for Innovations in Nicotine Dependence (FIND)

A free resource to physicians, smokers and anyone interested in current cessation methods and medications provided by this nonprofit corporation.

www.findhelp.com

Pacific Business Group on Health

Website for consumers, with tools for evaluating health plans that use preventive measures including smoking cessation activities.

www.healthscope.org

Mayo Health Clinic

Search the website for "smoking cessation" to find a comprehensive list of articles.

www.mayohealth.org

National Cancer Institute

www.nci.nih.gov

Arizona Program for Nicotine and Tobacco Research

Also includes information on how to keep children from smoking and the latest in smoking legislation. Very good site to find ETS solutions.

www.nicnet.org

GlaxoSmithKline

Free smoking cessation resources and Nicoderm/Nicoderm CQ product information with a link to their Committed Quitters Program.

www.nicorette.com

www.nicodermcq.com

Nicotine Anonymous ®

Quit site sponsored an organization self-described as a “fellowship of men and women helping each other to live lives free of nicotine.”

www.nicotine-anonymous.org

New Jersey’s smokers helpline

www.nj.quitnet.com

Oregon Self-help website

While the quitline is for Oregon residents, the site also contains quit tips and links.

www.oregonquitline.org

National directory of local resources

Search website for regional/local resources by state or by zip code.

www.quitnet.org/quitTools/Programs

Quit site for consumers

www.quitnet.org

General and product information

www.quitsmoking.com

Information and advice

www.quitsmokingsupport.com

Smoking Health Line

Offers a range of tools, tips, and strategies to help patients succeed in their struggle against nicotine addiction.

www.smokinghealthline.com

Society for Research on Nicotine and Tobacco

Links for consumers and healthcare professionals

www.srnt.org/resources/other.html

Zyban

Information on the Zyban Advantage Plan, a smoking cessation resource for consumers that is free of charge.

www.zyban.com

American Cancer Society

www.cancer.org

American Lung Association

www.lungusa.org/tobacco

Sources

Endnotes:

1. Christopher Freeman Adams, "Smoke-Free California: Democracy Meets Public Health," *Voices from America: Ten Healthy Communities Share Stories from Around the Nation*, published by the Health Research and Educational Trust of the American Hospital Association, 1998; available online at <http://www.communityinitiatives.com/articl13.html>.
2. Richard C. Paddock, "California Album: Smoke Clears Over Ban on Lighting Up," *Los Angeles Times*, July 20, 1992. Pg. A-3.
3. "Tobacco Lobby Works Smoke-Filled Rooms," *Los Angeles Times*, September 20, 1992, Pg. A-3.
4. Doug Dempster and Steve Gibson, "Advocates of Smoking Ban were Outspent 30-to-1," *The Sacramento Bee*, August 9, 1992, Pg B6.
5. Doug Dempster, "Smoking-Ban Fight Ignites War of Words, Ads," *The Sacramento Bee*, May 25, 1992, Pg B1.
6. Doug Dempster, "Anger All Around at Tobacco's Fake 'Emergency Numbers,'" *The Sacramento Bee*, May 28, 1992, pg. B1.
7. <http://www.s-t.com/daily/03-98/b04op068.htm>
8. Glantz SA, Charlesworth A. Tourism and hotel revenues before and after passage of smoke-free restaurant ordinances. *JAMA*. 1999;281:1911-1918.
9. <http://www.s-t.com/daily/03-98/b04op068.htm>
10. Repace, J. "Risk Management and Passive Smoking at Work and at Home," *St. Louis University Public Law Review*, 13(2): 763-785, 1994.
11. Nancy Mahannah, Mono County Tobacco Education Program
12. San Francisco City Attorney's website at <http://www.ci.sf.ca.us/cityattorney/smokefree/p022500.htm>

13. Klink, D'Onofrio, Emanuels, Twiss, "Implementation of AB 13: The Impact of Social Will on Tobacco Control in California Cities." California Healthy Cities and Communities, Center for Civic Partnerships Public Health Institute, 1999.

14. ANR: Model Ordinance Eliminating Smoking in Workplaces and Public Places (10% Smokefree) Revised December, 2000; available online at <http://www.no-smoke.org/100ord.html>

Other Sources:

Americans for Nonsmokers' Rights website: <http://www.no-smoke.org/>

Glantz and Balbach, Tobacco Wars. University of California Press, Los Angeles. 2000.

S.A.F.E. Smokefree Air for Everyone, <http://www.pacificnet.net/~safe/sfb.html>

Louis Sahagan, "Braude Sees Improved chances for Motion to Ban Restaurant Smoking," *Los Angeles Times*, October 29, 1991, Pg. B-1.

*Until one is committed
There is hesitancy, the chance to draw back,
Always ineffectiveness.*

*Concerning all acts of initiative (and creation)
There's one elementary truth,
The ignorance of which kills countless ideas
And splendid plans—
That the moment one definitely commits oneself,
Then providence moves, too.*

*All sorts of things occur to help one
That should never otherwise have occurred.*

*A whole stream of events issues from the decision
Raising in one's favor all manner
Of unforeseen incidents and meetings
And material assistance
Which no man could have dreamed
Would have come his way.*

—W.H. Murray of the Scottish Himalayan Expedition



Photo courtesy of Randy Ruiz©2001

Acknowledgments

The author would like to acknowledge the contributions of many generous people who shared their stories and expertise, and also to all of the individuals and organizations that worked tirelessly so that all of California's workplaces could be smoke-free.

The Contributors

People who provided history and background included Smoke Free Marin Coalition Co-Chair Walt Bilofsky, members Randy Greenberg, Sharon Baker, Jay McCubbrey, Mary Jo Williams, Sue Roberts, Tricia Brazil, Maureen Sedonaen, and John Coxford.

Local legislators and aides who assisted with information and insights for this manual were Marin County Supervisors Cynthia Murray and Annette Rose, Larkspur Mayor Ron Arlas, Glenn Barr, aide to former Los Angeles Supervisor Marvin Braude, San Ramon City Council Member Ron Raab, and former San Francisco Supervisor Angela Alioto and her legislative aide Gerry Windley.

Others who graciously provided interviews or contributions included Joe Mazza of Marin County Health Services, Dr. Michael Siegel of Boston University, Dr. Stanton Glantz of the University of California at San Francisco (UCSF), Karen Licavoli-Farnkopf of the American Lung Association of San Francisco and San Mateo counties and Co-Chair of the San Francisco Tobacco Prevention Coalition, Alyonik Hrushow and Mele Smith of the San Francisco Tobacco Free Project, Cynthia Hallett and Elva Yáñez of Americans for Nonsmokers' Rights Foundation, Theresa Boschert and Dian Kiser of BREATH—The California Smoke-free Bars, Workplaces, and Communities Program—a statewide project the American Lung Association of the East Bay, Dr. Michael Johnson, former Chief of the California Department of Health Services, Data Analysis and Evaluation Unit, Ross Payson of the Dental Health Foundation, Nancy Mahannah, Director of the Mono County Health Department Tobacco Education Program, Bonnie Mapes (formerly of Shasta County Department of Public Health), Jane Piper of Mendocino County Department of Public Health, Steven Rickards of the American Cancer Society, Jon Young of Siskiyou County Public Health Department, Dr. Carol Bryant, Shirleen De Resendes of Lake County Department of Health Services, Dawn Dunn of Santa Barbara County Public Health Department, Brian Doyle, Senior Deputy City Attorney, City of San Jose, Sandy Bouja and Kerry Simpson, Code Inspectors for the City of San Jose, Richard Nichols, Management Analyst for Santa Clara County Public Health Department, Dr. Roger Kennedy of the Santa Clara County Tobacco Control Coalition, Margo Sidener of the American Lung Association of Santa Clara-San Benito Counties, Beverly Heintz of Solano County Department of Health and Social Services, Kristi Hamilton of Alpine County Health Department, Vinh Luu of the Asian Advocacy Project of Catholic Charities in San Francisco, Brenda Bell-Caffee of the California Black Health Network, Dr. Dileep Bal, Acting Chief of the California Department of Health Services, Tobacco Control Section, Paul Knepprath of the American Lung Association, Government Relations, Anne Klink, formerly of California Smoke-Free Cities, and Jennie Cook, Chair of California's Tobacco Education and Research Oversight Committee.

Special thanks to the Oregon Department of Human Services Health Division for reviewing and field testing this manual, and for providing helpful feedback.

The author gratefully acknowledges the California Tobacco Control Section for providing funding and technical assistance for this manual.

Special Recognition

Local citizens: From the founders of GASP (Group Against Smoking Pollution) in Berkeley in 1975 to the citizens working to enforce current smoke-free laws, “ordinary” citizens have done extraordinary things in the fight to achieve clean indoor air.

Scientists: Scientific reports made a huge contribution to the success of California’s smoke-free campaigns. Among those deserving recognition are the following:

Dr. Stanton Glantz, who contributed cardiovascular studies and UCSF economic impact studies.

Dr. Michael Siegel, who studied the effects of second-hand smoke on restaurant and bar workers.

EPA scientists, who analyzed the effects of second-hand smoke on infants, children, spouses of smokers, and workers in various occupations.

James Repace, MSc., who contributed studies about the limitations of ventilation systems as a solution to the problem of second-hand smoke in the hospitality industry.

Local Coalitions with their core groups of voluntary health organizations, such as the American Cancer Society, the American Lung Association, and the American Heart Association, supercharged the effort with high-powered grass roots organization skills. They supplied campaigns with phone trees, action alerts, health spokespersons and links to other community groups. They brought citizens to public hearings, and leveraged their relationships with community leaders and the media to push for smoke-free legislation.

Americans for Nonsmokers’ Rights (ANR) proved to be a lifesaver for local coalitions and health departments. Smoke-free advocates frequently called them with frantic requests for research on new tobacco industry groups who appeared in town just before hearings. ANR helped locals keep in touch with events in other parts of the state and across the country, reducing feelings of isolation.

Ethnic Networks and Regions helped solidify the effort with trainings, mini-grants, and grass roots reinforcements to the front lines. They insured that the smoke-free campaigns reflected California’s rich diversity.

League of California’s Smoke Free Cities Project educated local legislators, city attorneys, and city managers through bulletins and conferences, and they linked city governments to local health departments and coalitions. Their help was critical in the efforts to persuade local governments to take the lead in enacting progressive public health policies.

Tobacco Education and Research Oversight Committee (TEROC) had the legislatively mandated role of overseeing the statewide program. TEROC protected the statewide efforts to enact smoke-free legislation, and fought especially hard to keep the statewide media campaign on the air.

California Department of Health Services, Tobacco Control Section (CDHS/TCS) administered Proposition 99 funds and provided a statewide framework for local efforts. CDHS/TCS organized and conducted technical assistance trainings, disseminated press packets to support local media efforts and developed a statewide smoke-free air media campaign. CDHS/TCS also provided invaluable assistance with the implementation and enforcement of the statewide Smoke-free Workplace Law and Smoke-free Bar Law. CDHS/TCS funded programs, such as BREATH—The California Smoke-free Bars, Workplaces and Communities Program—A Statewide Project of the American Lung Association of the East Bay, the Smoke Free Cities Project and public relations efforts that were invaluable to local clean indoor air campaigns.

Local Health Departments throughout California kept records on the quality of the air in workplaces, testified about the number of complaints they received about indoor smoking, staffed coalitions, and provided scientific reports, surveys, and data to various audiences. They also carried out the hard work of publicizing, implementing and facilitating enforcement of the new smoke-free laws after passage.

City Councils and Boards of Supervisors throughout California waded through the flood of misleading propaganda presented by the tobacco industry and its front organizations. They overcame fear of political suicide, as well as warnings of economic devastation. Some balked at challenges to long-held beliefs about constitutional rights and personal liberty, struggling to find the correct balance of rights and responsibilities in a democracy. All, in the end, served their constituents well by ensuring healthier indoor air in their jurisdictions.

California Youth helped with community organizing, testified at legislative hearings, and contributed energy and a fresh perspective to what was often a very long and exhausting process. In more than one community, testimony from youth volunteers played a key role in getting smoke-free legislation passed.

BREATH—The California Smoke-free Bars, Workplaces and Communities Program—A Statewide Project of the American Lung Association of the East Bay was instrumental in helping the state's bar owners accept the implementation of smoke-free legislation.

A Note to Readers

My colleagues working in tobacco control across the United States and around the world paint a picture that looks like California did ten years ago. They speak of great barriers; they appear to be encountering exactly the same opposition and obstacles we encountered in California. I have done consulting work outside of California to help repair failed ordinance campaigns and failed enforcement. Much of the material in this manual is what I have used to help local health departments and coalitions get back on track and on their way to victory.

As the director of a demanding countywide program with a small staff, I can relate to my colleagues in other states who have to squeeze clean indoor air campaigns into an already overcrowded workday. I wrote this manual out of empathy and compassion. It did not make sense to me that every community working for clean indoor air would have to endure the same frustrations over and over again when so many people had figured out shortcuts and detours around the opposition's roadblocks. My goal in writing this manual was to give you, the tobacco control advocates on the front lines, a guide with experiences and tools that we in California wished we had all along.

There is a misconception that California is so progressive that any law can pass here. This is far from the truth. California is a microcosm of the rest of the nation. It is an agricultural state, providing most of the nation's produce. It has large industrial cities and ghettos like the rest of the country. Our population consists of liberals and conservatives, anti-government groups, professionals, retired people, farmers and ranchers, families, blue-collar workers, retailers, and business owners just like the rest of the nation. Our population's diversity reflects countries of origin and cultures from every corner of the globe. We have large, mid-sized and small communities, as well as experience with tourists from all across the United States and from all over the world. They accept our smoke-free environments. Overall compliance with smoke-free workplace laws is over 90%, according to reports (See TCS Website).

It was during our most colorful chapter, the implementation of the Smoke-free Bar Law, that we learned the most about the diversity of our communities. We learned that there were fern bars, cowboy bars, yuppie bars, motorcycle bars, construction workers' bars, college bars, pubs, hotel lounges, ethnic bars, nonalcoholic bars, and senior citizen bars.

It is true that California is different now in terms of its clean indoor air laws, but ten years ago, California resembled the nation in every way. California is smoke-free now, but it took over ten years of intense battles at the local and state levels against the tobacco industry's well-funded response, town by town by town. Even when the state-wide law took effect, towards the end, implementation had to happen one city at a time.

My colleague, Dr. Stanton Glantz, who provides assistance to clean indoor air campaigns nationally and internationally, shared this perception: "In many ways, the current

battles are pretty similar to the early California fights. I was just at a hearing in another state, and it was like being in a time machine. This is an important point because the argument that ‘we are not progressive like California’ has become an excuse for settling for weak and poorly worded legislation that would not have been accepted here ten years ago. We became smoke-free in California by supporting *good* legislation. The lesson of California is that strong language is possible *anywhere* because it was possible here years ago. Other things that are different now are (1) a better understanding of just how bad secondhand smoke is, (2) proof that the tobacco industry’s economic claims are bogus, and (3) the fact that hundreds of places have passed ordinances that have worked well. If anything, *it should be easier* for other states to pass smoke free legislation now than it was for California. This is because the tobacco industry has more or less accepted the health arguments, there is now a stronger scientific base, there is now abundant research showing that business is unaffected by smoke free ordinances, and we now have the experiences of so many smoke-free communities across the country that we can learn from.” Dr. Glantz concluded, “What I hear from every community in my travels around the country and the world is the argument that ‘It can’t happen here because we’re unique.’ But the reasons for clean indoor air laws and the opposition’s strategies are the same everywhere.”

I agree with this scientist. My work in other states has shown me that the clean indoor air battles of today, the pitfalls, the issues and the political landmines are identical to our experiences of the past decade. The opposition in every community said, and will continue to say, “It can’t happen here, because we are different; we are not progressive; let someone else try it first, we don’t want to be out in front; we can’t afford health; business may suffer; let’s try ventilation or wait for the state to do it.” The tobacco industry has changed some of its tactics. Readers in the midst of tough campaigns are encouraged to read “Tobacco Wars” by Dr. Stanton Glantz and Dr. Edith Balbach, and to contact Americans for Nonsmokers Rights’ (<http://www.no-smoke.org>) for updates on how to deal with opposition.

To gather material for this manual, I interviewed 53 veterans of California’s tobacco control campaigns. I asked them to describe to you, the reader, the barriers they encountered and the ways they overcame them in the context of campaigning, implementation and enforcement. I also asked each person to share some of the techniques they used to get through the tough times. I have sought to convey the spirit of their voices—the conviction and faith that kept them going as they fought to attain the victory of a smoke-free state. I hope that by learning from the mistakes we made, you can save time, money and energy. My contributors and I also hope you derive a measure of inspiration from our stories. You are not alone in your experience.

Elizabeth Emerson, M.A.
May 2001

Table of Contents

Acknowledgments	i
A Note to Readers	iv
Part 1: Words of Wisdom	1
Background: Small Towns Led the Way	2
From Here to There: The Clean Indoor Air Timeline	3
Where to Begin: Assessing Community Readiness	4
Campaign Lessons: Working for a Smoke-Free California	6
This Meeting Is Now in Session: Convincing the City Council	6
Film at 11: Using the Power of the Media	9
From Asthma to DNA: Explaining the Science	10
Open for Business: Forging Alliances with the Business Community	11
Invasion of the Tobacco People: Lessons in Combat	12
A Campaign Case Study: Going Smoke-free in Mammoth Lakes	20
Campaign Lessons Checklist	23
Implementation Lessons: Laying the Groundwork for Behavioral Change	24
Novato: Learning Implementation Lessons the Hard Way	24

Implementation Is an Educational Process	25
Implementation Checklist	29
Enforcement: Ensuring Compliance With Smoke-Free Laws	31
Shasta County: Health Educators Walking the Beat	31
San Francisco: Warning Letters and Beyond	32
San Jose: Designing an Effective Enforcement Protocol	33
Enforcing Smoke-Free Bar Laws: Conquering the Last Bastion of Resistance	35
Field Notes from Smoke-Free Bar Law Enforcement	35
Enforcement Checklist	39
Part 2: Sustaining Advocacy	41
Helpful Workshops: Self-Preservation and Crisis Management	42
Coalitions: How to Live Long and Prosper	44
Every Coalition Needs a Mission Statement and Philosophy	44
Coalition Management	45
How to Have Great Coalition Meetings	48
A Coalition's Work Is Never Done	49
Expert Advice from Tobacco Prevention Specialists Working County Health Departments	50

A Tough Job: Fighting Fear at the Local Level	51
Professional Ethics and Social Conscience: Fueling Advocates' Perseverance	52
Practical Strategies for Overcoming Health Department Roadblocks	53
County Health Departments: Looking on the Bright Side	57
Preventing Combat Stress: A Guide for Tobacco Control Advocates	60
Self-Preservation: Preventing and Treating Extreme Burnout	63
Health Organizations: Sustaining Advocacy Through Policy and Practice	64
Why the Effort is Worthwhile: Focusing on the Big Picture	67
Checklist: Survival Strategies for Smoke-Free Advocates	68
Part 3: Resources	69
Checklist: Major Lessons from California's Smoke-Free Experience	70
Minimum Statewide Law vs. Ordinance Debate: Go Local First	71
Nuts and Bolts: Working with Local Governments	73
Group Exercise: Finding Creative Ways to Overcome Barriers	75
Comic Relief: "How Not To Pass A Smoking Ordinance"	82
Preferred Terminology	89
Sample Materials	91

Publications, Websites, and Resource People 126

Endnotes and Sources 136

California Lessons in Clean Indoor Air

The Author

Elizabeth Emerson, M.A., has been the Tobacco Education Program Coordinator for the Marin County Department of Health and Human Services since 1990. She has given presentations on the passage and implementation of clean indoor air ordinances at conferences of the League of California Cities Mayors, the National Cancer Institute and the American Public Health Association.

Elizabeth also provided training and technical assistance to the Texas Statewide Tobacco Education and Prevention Project, Idaho Department of Health and Welfare, Canadian Medical Association, Toronto City Council, and Oregon State Tobacco Prevention and Education Program. In addition, she was Course Coordinator of the Clean Indoor Air Class for the University of North Carolina Tobacco Use Prevention Summer Institute sponsored by the United States Centers for Disease Control and Prevention. Elizabeth has given workshops on sustained advocacy and coalition building for public health activists in many locations throughout the United States, and she has discussed American clean indoor air laws on several radio and television programs in Canada.

Prior to working in public health, she provided technical assistance to 106 Native American tribes on the development of legal services for older adults on Indian reservations. She is author of *Beyond the Turf Battles*, a federally funded study of how local communities in six western states overcame local politics to create positive inter-agency relationships.

This manual is dedicated to Carol Russell, M.P.H., the inspiration for this manual, who was a fearless champion of local clean indoor air campaigns during her 11 years of service with the California Department of Health Services, Tobacco Control Section.

Editing by Rhonda Robins

Design by Kim Dugoni

Cover photograph is California's Mount Shasta

Funding was made possible through Cooperative Agreement Number UIA/CCU916769 between the California Department of Health Services and the Centers for Disease Control and Prevention, Office on Smoking and Health.

Copyright 2001, California Department of Health Services