Framework for Analyzing Tobacco Policy Interventions
**Step One: Big Picture**

**WHY?**

**Why is the policy being proposed?**
- Identify the problem you are trying to address.
- Collect information and statistics about the existence of the problem.
- Include local data whenever possible.

**WHAT?**

**What is the goal of the policy?**
- Identify the goal(s) of the policy.
- Identify what the policy will do to meet the goal(s).
- Collect information and statistics to show how the policy will meet the goal(s) and address the identified problem.

**WHO?**

**Who are your stakeholders?**
- Identify and involve key stakeholders.
- Identify potential supporters and opponents.

**Who will be required to follow the policy?**
- Consider who will be expected to follow the policy, and how to educate them once it passes.
Step Two: Details

Examples

Has this or a similar policy been implemented elsewhere?
- Consider whether other similar efforts have been successful. If not, why not?
- Note what factors might be the same or different for your location (for example, different state or local laws, stakeholders, community needs, etc.).

Legal Challenges

Authority?
- Determine if there are any concerns regarding the authority to adopt the policy.

Preemption?
- Evaluate whether state or federal laws preempt the policy.

Constitutional?
- Consider whether the policy affects constitutional rights (such as the right to free speech, equal protection, or due process).

Other?
- Investigate whether there are any other legal considerations.

Practical Challenges

Enforcement?
- Determine who will be in charge of enforcing the new policy (and consider whether this group is a key stakeholder).
- Determine what the penalties will be for not following the policy.
- Consider what can be done to solve any enforcement challenges.

Costs?
- Consider the financial costs and benefits of the problem compared to those of the intervention.

Capacity?
- Determine if there is capacity to adopt and implement the policy. (Staff time, funding for education about the policy, and other resources?)

Measuring success?
- Decide how you will know if the policy is successful.

Legal defense?
- Consider whether there is capacity to defend the policy if challenged in court.

Unintended Consequences

Can you anticipate and address any unintended consequences?
- Check if any terms or rules are likely to be misunderstood or misinterpreted.
- Address any rules that create problematic incentives.

Can you identify and correct loopholes?
- Ensure that any exceptions are no broader than intended.
- Check that definitions don’t accidentally leave out an important group or category.
# Step Three: Review

## Elements of an Effective Policy

### Findings
- These are brief statements of facts or statistics that outline the issue being addressed and support the need for the policy.
  - The more local the data, the better.
  - The more evidence-based the findings are, the better.
- Strong findings anticipate challenges to the policy and include facts that will be helpful when defending the policy.

### Purpose
- This is a statement that explains the goal(s) the policy intends to accomplish.

### Definitions
- Clear, well-crafted definitions help avoid unintended consequences and loopholes when it comes time to enforce the policy.
- Key terms should be carefully defined to avoid confusion (and deliberate misinterpretation!)
- Strong definitions include existing and future products or business models.

### Main policy provisions
- This section establishes the prohibitions and requirements of the policy.
  - Consider whether the prohibitions and requirements are reasonable.
  - Make sure they fit the purpose of the policy.
  - Check that they identify who must follow the policy.
- If necessary, this section could identify any exceptions or exemptions. Consider legal and practical challenges to exceptions or exemptions, such as an argument that an exemption is unfair or is preferential treatment.

### Enforcement
- This section identifies the parties responsible for enforcement, as well as the enforcement procedures, and the penalties or fines.
- If an existing appeal process does not already exist, this section could create or identify an appeal process.

### Implementation
- This section identifies the effective date and could identify steps that will be taken to educate people about the policy.

### Overall clarity
- In strong policies, terms are used consistently within the policy.
- A well-written policy “fits” within the existing framework of policies or laws. This includes avoiding conflict with existing terms, procedures, penalties, or the general structure of related policies or laws.
- A successful policy is written so the people who are required to follow it can understand it (that is, it’s not just written for the lawyers!).
- Use of active voice can help clarify who is responsible for following a rule. (Compare: “ID’s shall be verified” to “tobacco retailers are required to verify ID’s.”)