

POLICY 101, PART 1: STAGES OF POLICY DEVELOPMENT
For California Commercial Tobacco Control Grantees
COLIN WELKER AND COLLEEN HEALY BOUFIDES (JULY 21, 2025)

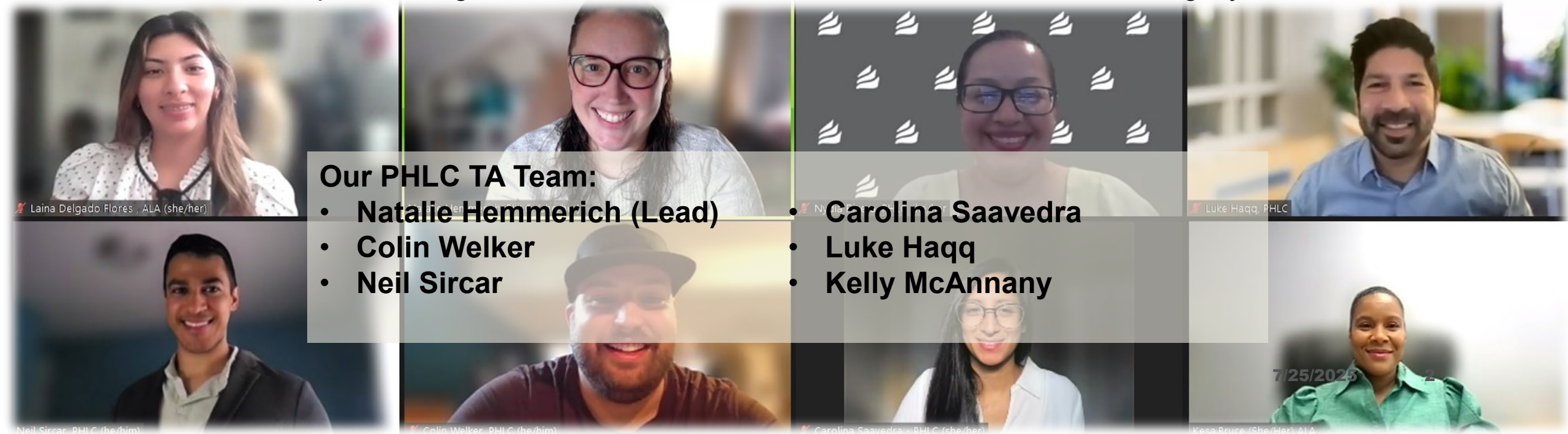
WHO WE ARE

The Law and Policy Partnership to End the Commercial Tobacco Epidemic (the Partnership) is a joint initiative of the American Lung Association and the Public Health Law Center to support tobacco control professionals in their work to end the commercial tobacco epidemic in California.

The Partnership provides free technical assistance, research, training, and analysis to help communities pass strong local tobacco ordinances that are both effective and legally sound.

Our PHLC TA Team:

- **Natalie Hemmerich (Lead)**
- **Colin Welker**
- **Neil Sircar**
- **Carolina Saavedra**
- **Luke Haqq**
- **Kelly McAnnany**



THE PUBLIC HEALTH LAW CENTER



LEGAL TECHNICAL ASSISTANCE



Legal Research



Policy Development, Implementation, Defense



Publications



Trainings

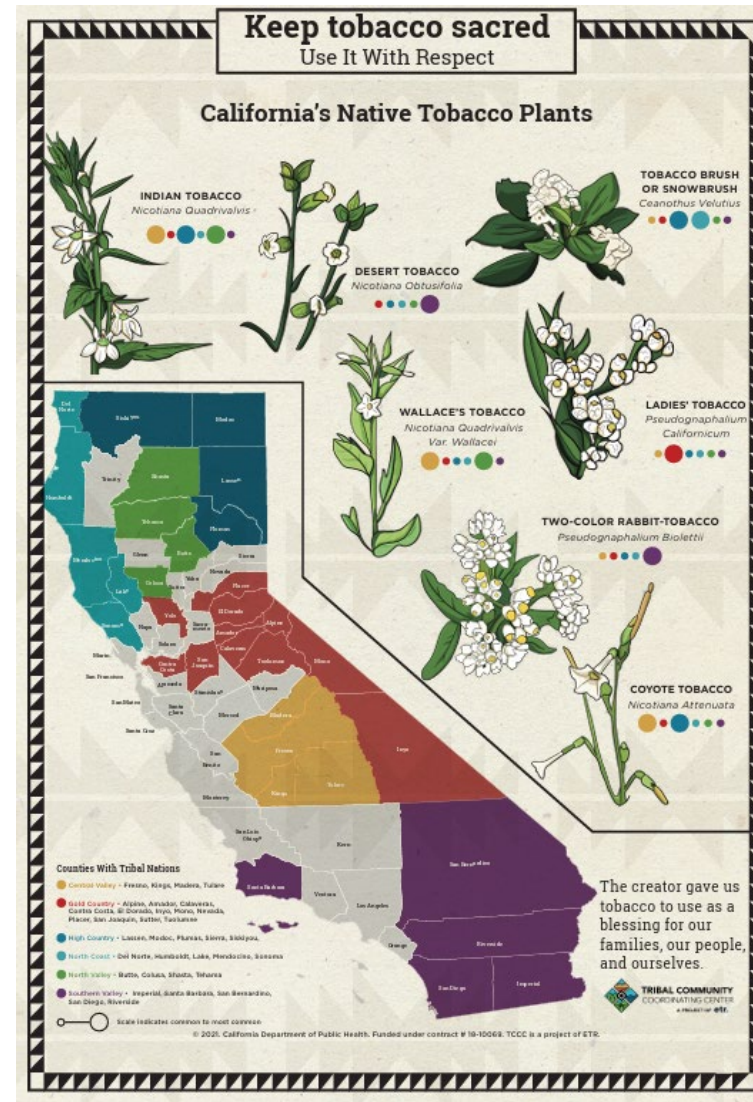


Direct Representation



Lobby

RESPECTING TRADITIONAL TOBACCO



<https://www.ca-tccc.org/>

AGENDA

1. Foundational concepts
2. Stages of public health law and policy development

Join us on August 4:
Policy 101, Part 2—Policy Components and Best Practices

FOUNDATIONAL CONCEPTS



Increasing
Population Impact

Increasing Individual
Effort Needed

HEALTH IMPACT PYRAMID

Thomas Frieden, *A Framework for Public Health Action*, 100 Am. J. Pub. Health 590 (2010), <https://doi.org/10.2105/AJPH.2009.185652>.

Changing the Context to Make
Individuals' Default Decisions Healthy

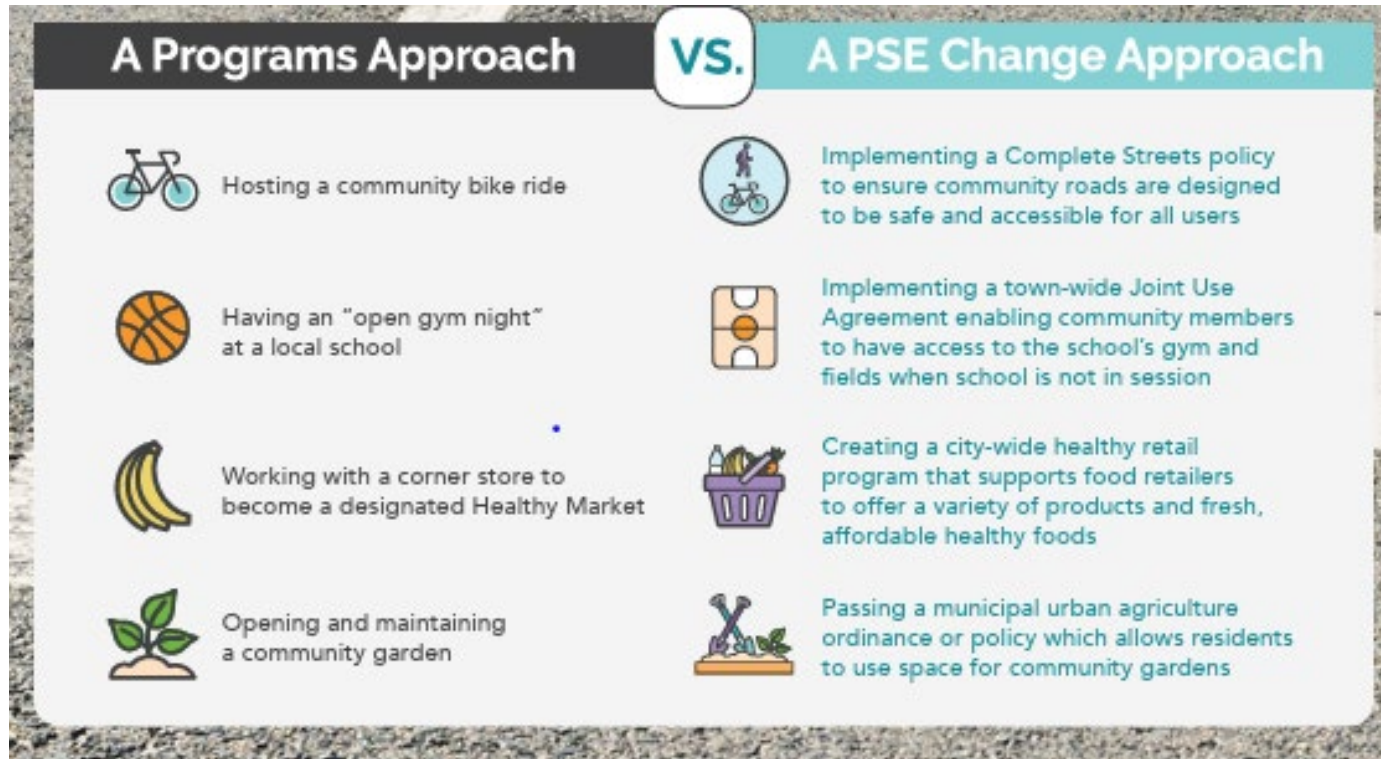
Socioeconomic Factors

Long-Lasting Protective
Interventions

Clinical
Interventions

Counseling
and Education

POLICY, SYSTEMS, AND ENVIRONMENTAL (PSE) CHANGE



Source: Infographic developed by Mass in Motion, a Massachusetts statewide initiative located within the Dept. of Public Health ([resource link](#)).

PROGRAMS AND POLICY CHANGE— WORKING TOGETHER



Programs build foundation for effective policy change



Programs can help implement changes
(education campaigns, training)



Policies can bring long-term sustainability
to programmatic efforts

GOALS AND OBJECTIVES OF YOUR PROGRAMS

- Are there policies you're interested in knowing more about?
- What programmatic work is going on?
- Who is your primary audience?



SOURCES OF LAW

- **Constitutions**
- **Treaties**
- **Statutes**
- **Regulations**
- **Court opinions (case law)**
- **Local charters, ordinances**
- **Contractual obligations**



KEY TERMS



- Executive order
- Resolution
- Code
- License
- Policy

LEVELS OF GOVERNMENT

- Federal
- Tribal
- State
- Local



PREEMPTION

- Higher level of government prevents action by lower level of government
- Preemption in CA: Taxation



FOUNDATIONAL COMMERCIAL TOBACCO CONTROL LAWS



- Taxation
- Youth access
- Smoke-free environment

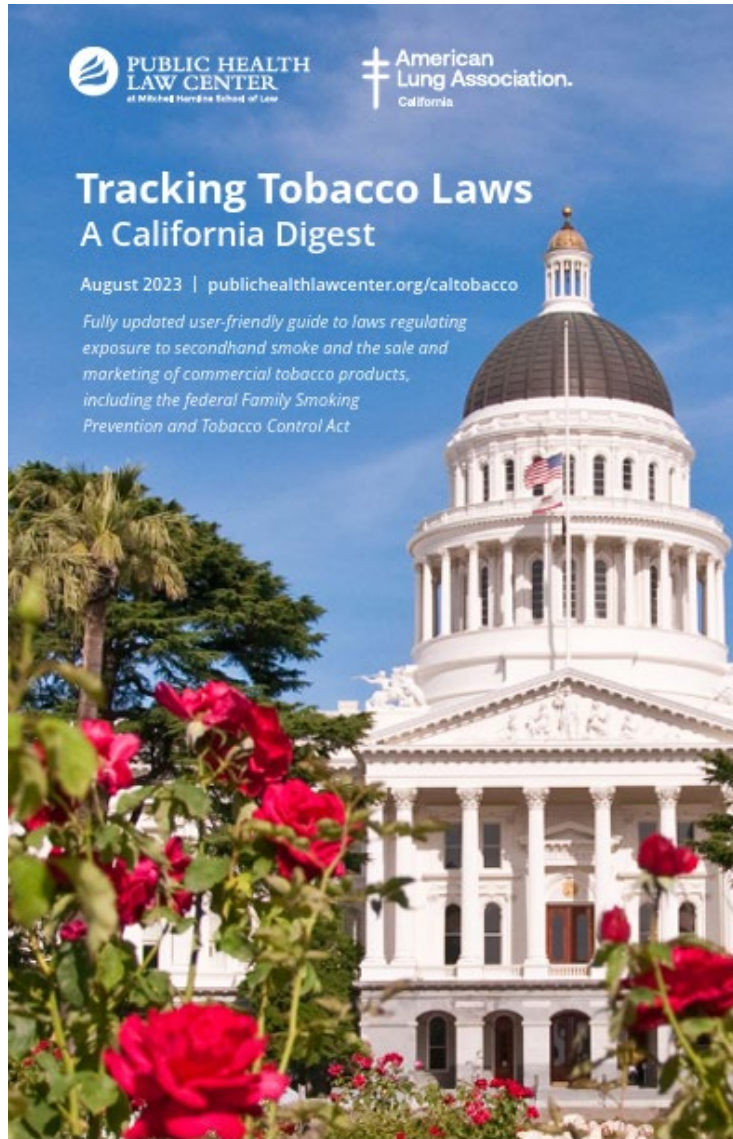
FAMILY SMOKING PREVENTION & TOBACCO CONTROL ACT

PL 111-31, 123 STAT. 1776 (2009) (as amended)

- Authorizes FDA to regulate the manufacture, marketing, and sale of commercial tobacco products
- Prohibits sale of flavored cigarettes (except menthol)
- Prohibits tobacco product sales to anyone < 21 years old (amended 2019)
- Requires FDA to issue regs requiring graphic warning labels on cigarettes



CALIFORNIA TOBACCO CONTROL LAWS



- Stop Tobacco Access to Kids Enforcement (STAKE) Act
- Penal Code 308
- Cigarette and Tobacco Products Tax Law
- Cigarette and Tobacco Products Licensing Act
- Clean Indoor Air Law
- SB 793, as amended - Flavor tobacco product sales ban

Resources:

- PHLC California Digest:
<https://www.publichealthlawcenter.org/resources/tracking-tobacco-laws-california-digest-2023>
- PHLC California Digest - 2024 supplement:
<https://www.publichealthlawcenter.org/resources/2024-supplement-tracking-tobacco-laws-california-digest>

QUESTIONS & BREAK



STAGES OF PUBLIC HEALTH LAW & POLICY DEVELOPMENT



STAGES OF PUBLIC HEALTH LAW & POLICY DEVELOPMENT

WHERE DO GOOD POLICY IDEAS COME FROM?



POLICY ACROSS A COMMUNITY

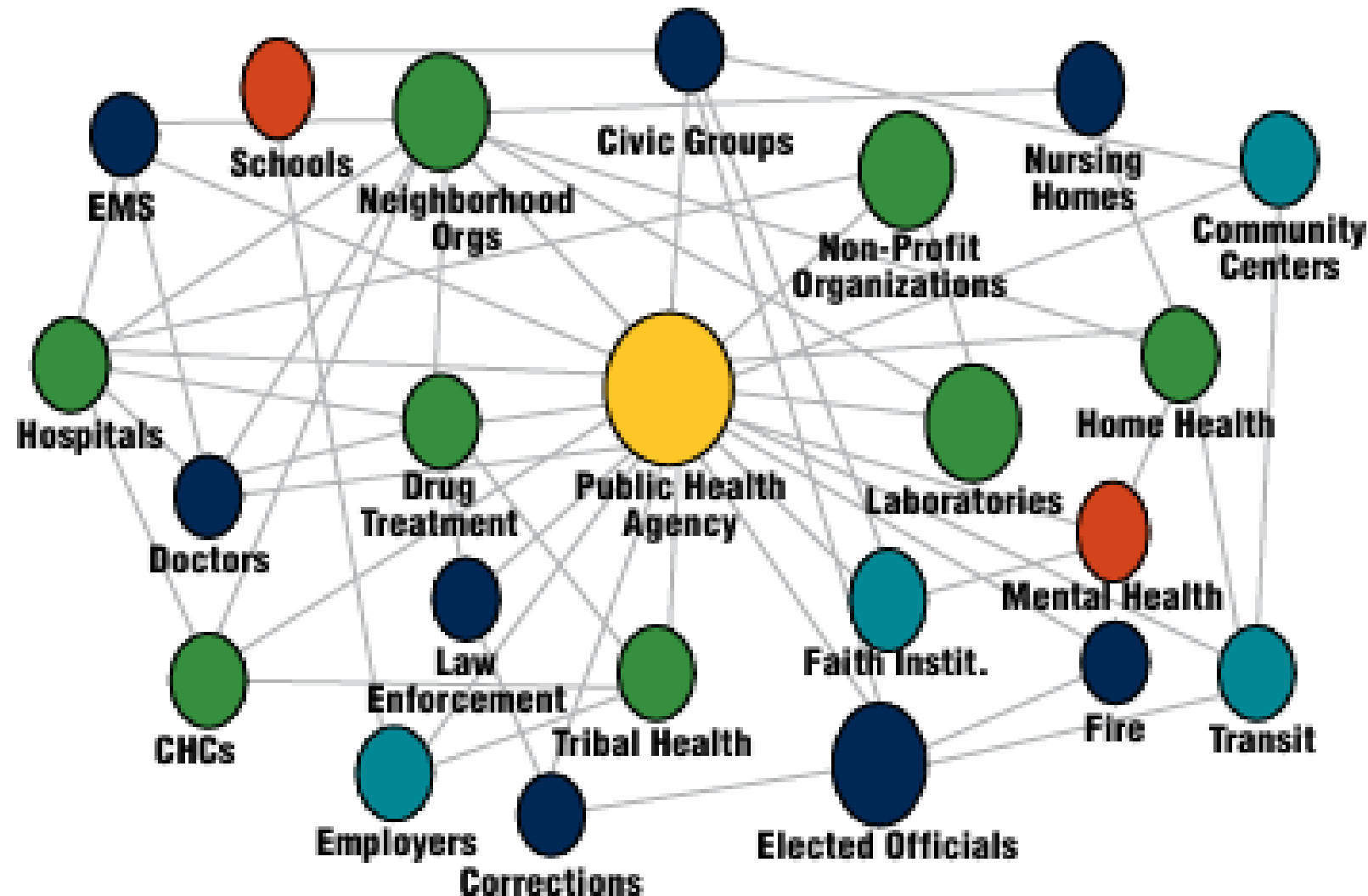


Image source:
[National Association of County & City Health Officials](#)

STAGES FOR DEVELOPING EFFECTIVE PUBLIC HEALTH LAWS & POLICIES

See Burris et al., [*Better Health Faster: The 5 Essential Public Health Law Services*](#), 131 Pub. Health Rep. 747 (2016); Public Health Law Center, [*Drafting Tribal Public Health Law & Policies*](#) (2020).



STAGES OF PUBLIC HEALTH LAW & POLICY EVIDENCE, RESEARCH & EXPERTISE

- Importance of community knowledge
- What types of policies to pursue
- How the jurisdiction passes laws
- Who may support it and who may oppose it



STAGES OF PUBLIC HEALTH LAW & POLICY

IDENTIFYING SOLUTIONS

- Representation in decision-making
- Community buy-in and support
- Framing / positioning

Create intentional messaging around solution objectives.



STAGES OF PUBLIC HEALTH LAW & POLICY SCOPE & DRAFTING

- Clear goals → effective language
- Words matter
- Effective policies advance equity
 - Do no further harm
 - Limit exemptions



END COMMERCIAL TOBACCO SALES

A California Model Ordinance

SMOKE-FREE MULTIUNIT HOUSING MODEL ORDINANCE

COMMERCIAL TOBACCO- FREE OUTDOOR AREAS

Model Ordinance for California

COMPREHENSIVE TOBACCO RETAILER LICENSING ORDINANCE

STAGES OF PUBLIC HEALTH LAW & POLICY

SCOPE & DRAFTING: PENALTIES

- Do no further harm: Penalties
 - Underage Possession, Use, Purchase (PUP) penalties
 - Penalties in school policies
 - Administrative fines
 - Discretion for criminal charges



STAGES OF PUBLIC HEALTH LAW & POLICY ADVOCACY

Internal advocacy

- Identify and support champions
- Mentor and involve youth
- Community engagement

External advocacy

- Overlapping jurisdiction with state, federal officials/agencies
- Local jurisdictional overlap
- Cross-border issues
- Partnering with Tribal Nations

STAGES OF PUBLIC HEALTH LAW & POLICY ADVOCACY

Judgment calls: when is anything better than nothing?

- Quantity over quality
- Rushed law/policy → industry-backed policies and/or unintended consequences

Who decides which changes are deal breakers?



Rob Blatt | 2009

STAGES OF PUBLIC HEALTH LAW & POLICY IMPLEMENTATION & EDUCATION

- Education campaigns to promote voluntary compliance
- Make the healthy choice the easy choice



IMPLEMENTATION & EDUCATION EXAMPLES

IN BIG TOBACCO'S FANTASYLAND, research supports vaping because the industry pays for it.



See reality **UNDO**.org

UNDO END TOBACCO DAMAGE NOW

Big Tobacco's Fantasyland is a nightmare for us all.



See reality **UNDO**.org

UNDO END TOBACCO DAMAGE NOW

IN BIG TOBACCO'S FANTASYLAND, VAPING NICOTINE IS SOOTHING. If soothing means amplifying anxiety and depression.



See reality **UNDO**.org

UNDO END TOBACCO DAMAGE NOW



BRIGHT PRODUCTS. DARK INTENTIONS.



Unmask the appeal
#TobaccoExposed

A NEIGHBOR'S SMOKE CAN TRIGGER ASTHMA ATTACKS IN CHILDREN.



Get the facts you need to protect your family.

TOBACCO FREECA.COM



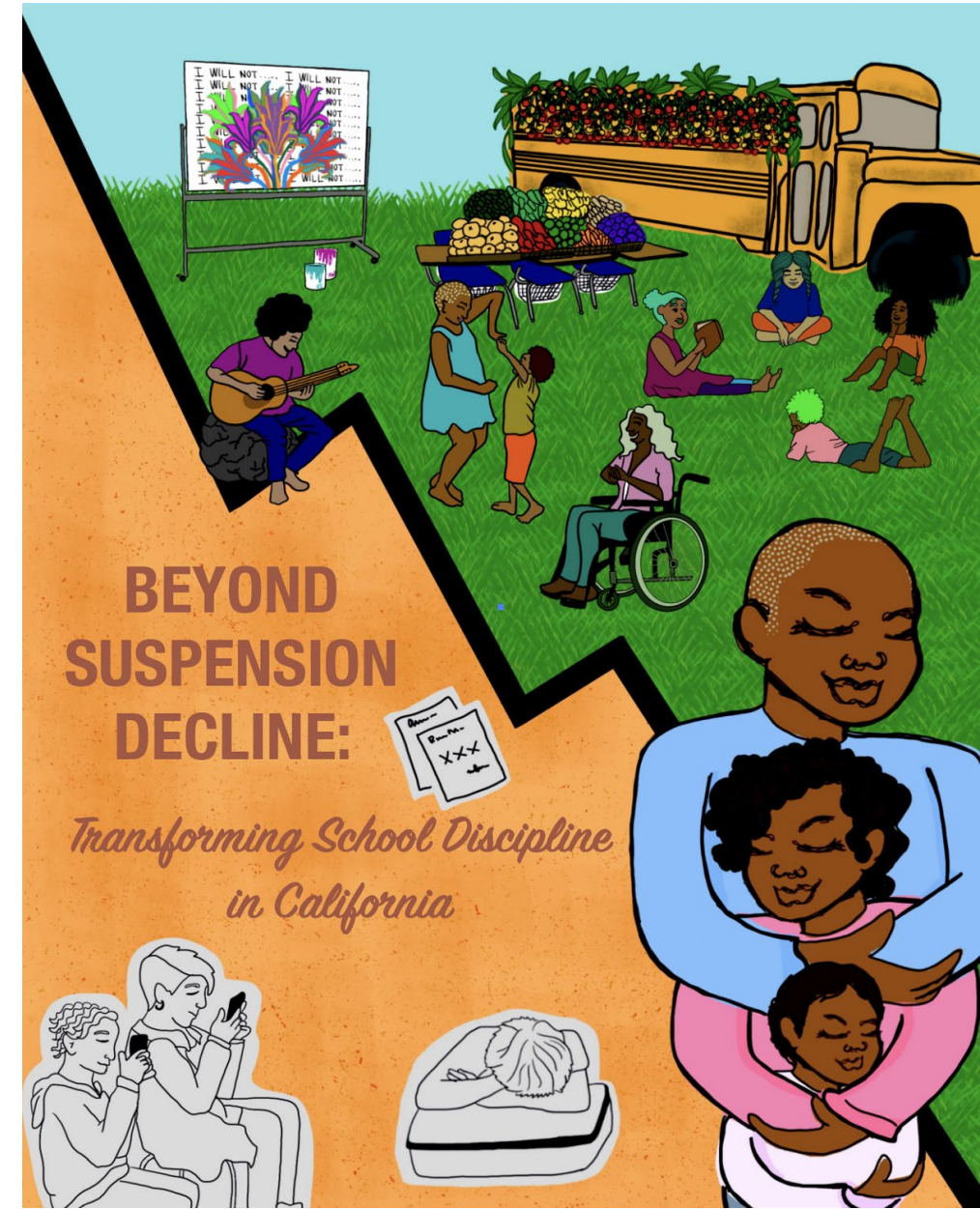
STAGES OF PUBLIC HEALTH LAW & POLICY ENFORCEMENT & EVALUATION



- Enforcement should reflect community values and equity
- Consider:
 - Graduated enforcement
 - Restorative justice
 - Culture as prevention
 - Continued community partnerships and enforcement
 - Language consideration– signage

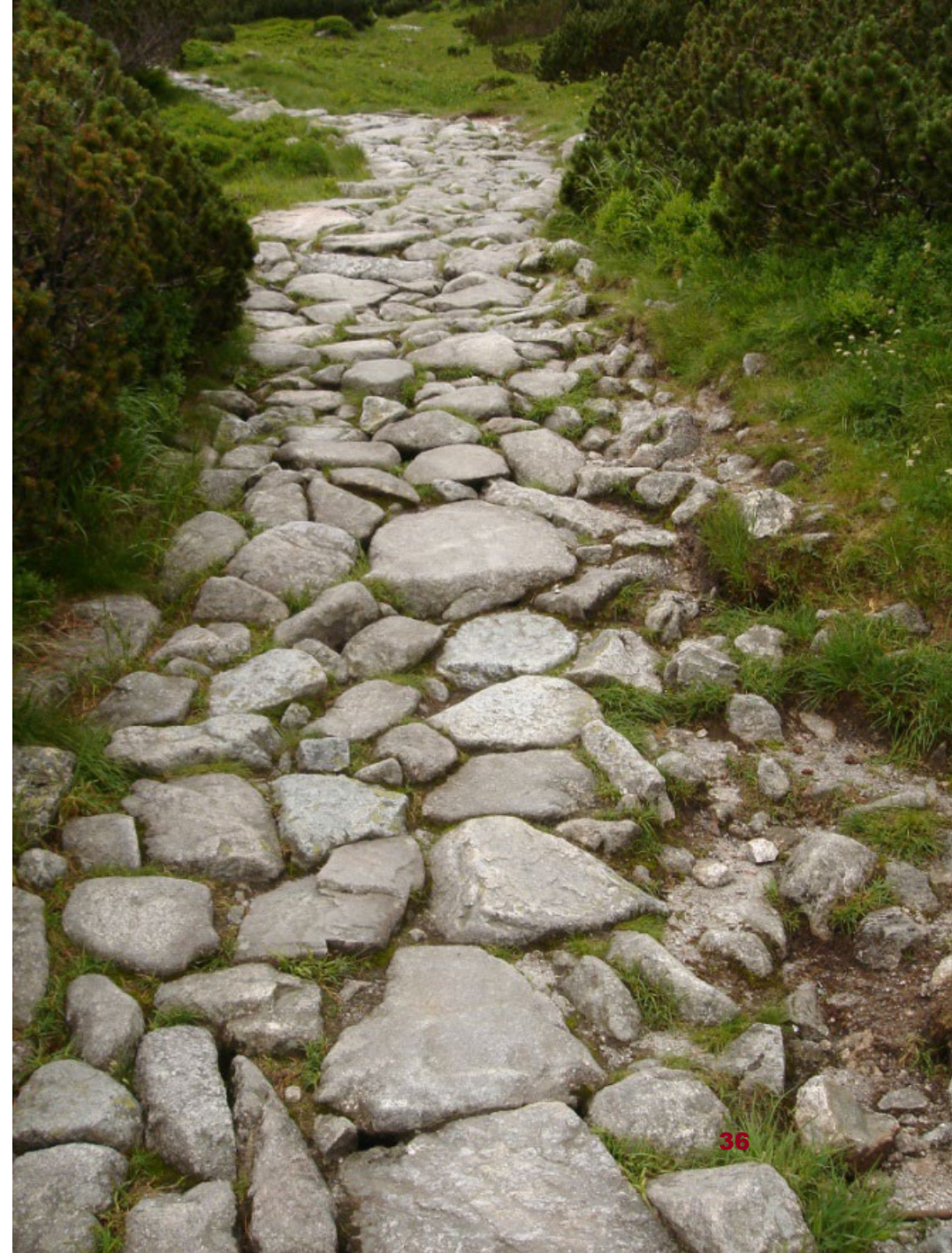
STAGES OF PUBLIC HEALTH LAW & POLICY ENFORCEMENT & EVALUATION

- What's working? What's not?
- Monitor for:
 - Unanticipated consequences
 - Inequitable distribution of burdens or benefits
- [San Francisco Unified School District:
Restorative Practices Whole-School
Implementation Guide](#)



WHAT IS EFFECTIVE LAW OR POLICY?

- **Equitable**
 - Advances health equity
 - No further harm
- **Easy to understand and follow**
- **Reflects community values and priorities**
- **Accomplishes goals / evidence-based**
- **No or few exemptions, depending on political readiness**



WRAP UP AND REFLECTION

- **Recap**
- **Is there anything you would like to know more about?**
- **Do you have any lingering questions?**



WHAT IS LEGAL TA?

- Legal research & answering questions
- Drafting memos
- Feedback on draft ordinances
- Model ordinance adaptation
- Trainings
- Resources
- Brainstorming



PHLC'S CALIFORNIA WEBPAGE: WWW.PUBLICHEALTHLAWCENTER.ORG/CALTOBACCO

CALIFORNIA COMMERCIAL TOBACCO CONTROL

The Public Health Law Center and the American Lung Association in California are contracted by the California Tobacco Control Program (CTCP) to support commercial tobacco control professionals and advocates in their work to end the commercial tobacco epidemic in California. Our team is the **Law and Policy Partnership to End the Commercial Tobacco Epidemic**, and the resources here are specific to the state of California. If you are working on California commercial tobacco control issues and need assistance, contact Natalie Hemmerich at Natalie.Hemmerich@mitchellhamline.edu.

[Click here](#) to subscribe to our California State Commercial Tobacco Control monthly newsletter.



**END COMMERCIAL
TOBACCO SALES -
CALIFORNIA MODEL
ORDINANCE**



**TOBACCO RETAIL
LICENSING CALCULATOR**



**SMOKE-FREE AND
TOBACCO-FREE
OUTDOOR AREAS:
MODEL ORDINANCE**



**CALIFORNIA SMOKE-
FREE MULTIUNIT
HOUSING MODEL**



**CALIFORNIA
COMPREHENSIVE
TOBACCO RETAILER**



**COMMERCIAL TOBACCO
IN CALIFORNIA -
ENDGAME POLICIES**



SOCIAL MEDIA

@ Instagram

in LinkedIn

VIDEOS

[Smoke-Free Casinos for
California Tribal
Communities: Part 2](#)



[Smoke-Free Casinos for
California Tribal Communities](#)



[A.B. 1775: Changes to
California's Cannabis Law](#)



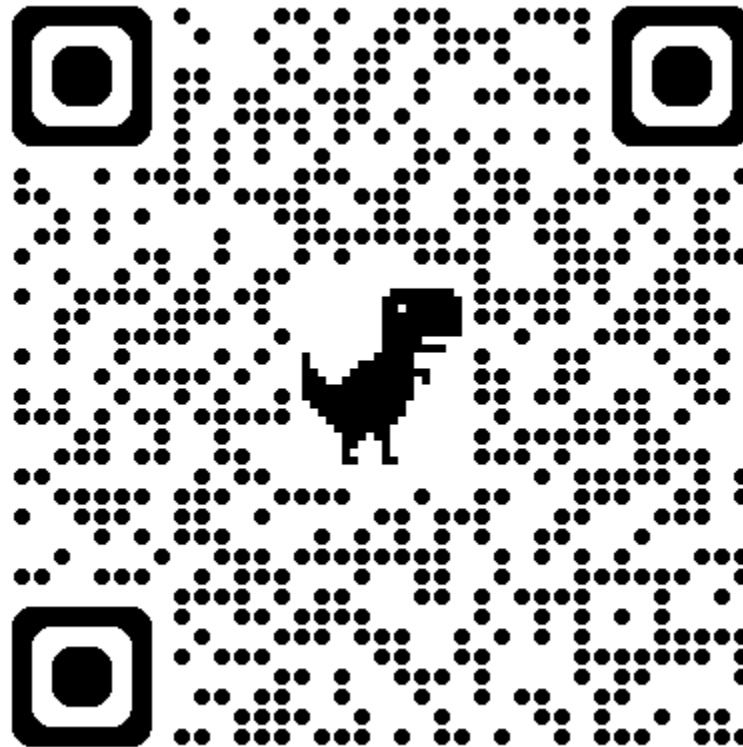
[Birthdate-Based Commercial
Tobacco Sales Restrictions
\(TFG, NFG, & SFG\):
Considerations for California
Communities](#)



7/25/2025

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PLEASE COMPLETE OUR TRAINING SURVEY



CONTACT US



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www.publichealthlawcenter.org/caltobacco



[@ca_policy_partnership](https://www.instagram.com/ca_policy_partnership)



[Law and Policy Partnership to End the
Commercial Tobacco Epidemic](#)