Reducing Youth Access to Tobacco in San Diego County

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Abstract

Objective: By May 31, 2007, at least 6 of the 18 cities in San Diego County will reduce by 50% their 2004 youth purchase survey illegal sales rates by taking necessary steps to ensure that retailers in the community are adhering with state law prohibiting the sale of tobacco to minors and requiring ID checking (CX indicator 3.1.1).

This objective was created after the 2004 Communities of Excellence needs assessment revealed that Coalition members rated tobacco availability and youth access to tobacco products as one of the highest priorities for the county’s next three-year work plan. Two community agencies, Communities Against Substance Abuse and Vista Community Clinic, received county contracts to implement activities designed to reduce youth access to tobacco via increased enforcement of sales to minors laws and tobacco retail licensing policies. Efforts focused on four North County (Carlsbad, Oceanside, San Marcos and Vista) and four East County (El Cajon, La Mesa, Lemon Grove and Santee) cities. Just prior to the start of the grant term, El Cajon enacted a retail licensing policy that had yet to be implemented or evaluated.

In early 2004, a countywide youth purchase survey funded by the county and organized by the American Lung Association found that minors were able to purchase tobacco products in 34% of San Diego County stores (n=872). Rates varied widely; sales rates for targeted East County and North County cities ranged from a low of 15% (Lemon Grove) to a high of 57% (La Mesa).

Intervention activities conducted for this objective included a multi-faceted approach of community education, media activities, policy activities, and technical assistance. Project staff worked to educate key community leaders (e.g., PTA, Chambers of Commerce, and School Boards) and the general public (at community events and health fairs) about the need to reduce youth access. Staff also collaborated with Coalition members to generate media coverage of the tobacco sales to minors problem. Over the course of the grant term, 61 news stories on the issue were printed or broadcast. Staff also distributed educational packets including purchase survey results and sample policies to policy makers. Two cities, La Mesa and Vista, opted to address the issue via formation of “stakeholder groups” where health advocates and retail business representatives met to draft policy language. The approach worked in Vista but failed in La Mesa where retailer opposition was organized and particularly strong.

Vista was the only city to enact a licensing policy during the grant term. It appeared to reduce illegal sales by 38% over time. El Cajon, the one city with a previously enacted ordinance, showed a 40% reduction two years after the policy was adopted. Carlsbad opted to enforce existing state laws and reduced its sales rates by a dramatic 81%. The remaining cities, Santee, Lemon Grove, San Marcos and Oceanside, had below average illegal sales rates (according to youth purchase surveys) and policy makers did not feel licensing ordinances were warranted.

The relatively heavy media coverage of the issue over time aided advocates’ policy development work, as did, in most cases, the Coalition’s 2005 “grading” of cities on their tobacco control efforts. Both opened doors for conversations about the youth access issue. In most cases where illegal sales were high (and grades were low), cities were willing to discuss remedies. But where sales were low, licensing policies were perceived as unnecessary. In pro-business, conservative cities, licensing was seen as an unfriendly tax on friendly merchants.

In summary, the objective as stated (50% reductions in sales to minors rates) was met in one North County (Carlsbad) and one East County (Santee) city. Through increased law enforcement
activities, Carlsbad saw a drop in illegal sales from 32% in 2004 to 6% in 2007, an 81% reduction. Santee noted a 56% reduction in its sales rate (from 25% in 2004 to 11% in 2006) without benefit of a policy or increased enforcement. However, because it now appears that Santee’s baseline assessment failed to include every tobacco retailer as required in a city with a small sample size, it is difficult to accurately compare the two results.

Vista passed a licensing policy and recorded a 38% drop in sales rate (from 29% in 2004 to 18% in 2006). El Cajon achieved a 40% reduction in sales with its retail licensing policy. The city council’s reduction of the licensing fee and the corresponding reduction in staff available to implement the licensing ordinance likely impinged on the success of the ordinance.

Although a few cities showed little interest in licensing policies, some did approach the county contractors for technical assistance in establishing smoke free parks, piers, or beaches ordinances. Oceanside and San Marcos recently adopted such an ordinance and one is pending in San Marcos. Advocates quickly learned to “strike when the iron was hot.”

Other key lessons learned included the importance of working with cities that were “ready” and had support by council or staff “champions” and the effectiveness of on-going enforcement even without licensing policies. Perhaps the greatest strength of the intervention plan was the support of the Coalition’s policy development work group which proved to be a wonderful asset to this endeavor. Another key was support from local youth advocates that garnered attention from the media and policy makers. Noted weaknesses were the lack of support from community residents and allied community groups as grassroots support is essential to local policy development.

Project Description

Background

Tobacco Control in San Diego County

The San Diego County LLA contracts its tobacco control program activities to community-based organizations. Contractors and other allied health professionals participate in the county’s Tobacco Control Coalition (TCC) and the American Lung Association’s Tobacco Free Communities Coalition (TFCC). While the former coalition works to educate members and the public on tobacco control issues, the latter was created to spearhead media and policy advocacy activities on which the County must maintain neutrality. Combined with public sector resources from the LLA and TCS-funded competitive grants, these coalitions comprise an effective support system for policy change efforts to reduce the impact of tobacco in San Diego County. In July 2004, the County awarded three-year contracts Communities Against Substance Abuse (CASA) and Vista Community Clinic (VCC) to address the youth access problem in the North County and East County regions of San Diego.

North County of San Diego

The cities of Carlsbad, Oceanside, San Marcos and Vista are located in the North County region of San Diego County with a combined population of approximately 442,000 people. The economic base for this region is varied and includes military (Camp Pendleton is the largest Marine Corps base on the west coast), retail shopping, biomedical industry, higher education, health care, agriculture, and manufacturing. The region is also home to a number of beaches and parks and a major tourist attraction, Legoland. Carlsbad is the most affluent of the four cities, but all four are politically conservative with the City of San Marcos being the most progressive. Two
of the cities, Oceanside and Vista, contain large Hispanic populations (30% and 39%, respectively). Both Carlsbad and San Marcos are experiencing major growth in residential and commercial development.

East County of San Diego

San Diego’s East County is a mix of suburban and rural communities that extend from the southeastern limits of the City of San Diego to the U.S. Mexico border. The population of approximately 470,000 is spread unevenly throughout the incorporated cities of Lemon Grove (population 25,000), La Mesa (50,000), El Cajon (95,000), and Santee (55,000), along with an expansive unincorporated area. The East County’s regional economic base includes construction, light manufacturing, and service industries. Known as the “bible belt” of San Diego County, these communities are socially conservative and share a culture of rugged individualism.

The East County is also home to a large Chaldean community. This new immigrant community, composed largely of Iraqi and Iranian Christians, has grown rapidly over the last thirty years and has recently been joined by Kurdish immigrants. Over time, this immigrant community with their mercantile cultural history has acquired ownership of independent convenience stores and gas stations estimated to include half of all such businesses in the county. This resulted in the creation of a membership-based retailers association known as the California Independent Grocers and Convenience Stores, Inc. (CIGCS). It serves the group purchase needs of these small stores, as well as policy advocacy in their best interests.

The City of El Cajon has a history of leadership in tobacco control. After a 2003 youth purchase survey revealed that 40% of El Cajon’s retailers were selling tobacco to minors, City Council showed immediate interest in addressing the issue. Consultations with the City Attorney and the Technical Assistance Legal Center (TALC) regarding a model ordinance resulted in a draft ordinance for the city that was championed by an influential Councilmember. In June 2004, just prior to the start of the grant term, council adopted of a Tobacco Retailer Licensing ordinance for its approximately 125 tobacco retailers and imposed an annual licensing fee of $511.

Adoption of the ordinance was followed by allegations of Brown Act violations and threats of a lawsuit by representatives of CIGCS. Although dismissed by the City Attorney following his review of the complaint, these allegations were covered by local media. Next, unbeknownst to CASA, CIGCS met with the City Attorney and the key Councilmember in the months following adoption of the ordinance to request modifications. Although TCC members opposed the move, the Council chose to reduce the annual licensing fee from $511 to $198 annually, but increased the fine for first time violations from $100 to $1000. After a time it appeared that the fee structure was inadequate to support planned enforcement activities.

Objective

By May 31, 2007, at least 6 of the 18 cities in San Diego County will reduce by 50% their 2004 illegal sales rates by taking necessary steps to ensure that retailers in the community are adhering with state law prohibiting the sale of tobacco to minors and requiring ID checking (CX indicator 3.1.1).

The need for this objective was evident after Coalition member agencies documented the local youth access problem and conducted the Communities of Excellence (CX) needs assessment. In early 2004, ten Coalition member agencies recruited and trained 62 minors and 31 adult
volunteers and attempted to purchase cigarettes at 872 retail stores throughout San Diego County. The youth purchase survey was funded by the county and organized by the local chapter of the American Lung Association. The results found that minors were able to purchase tobacco products in 295, yielding an illegal sales rate of 34%. Rates varied widely by city; sales rates for targeted East County and North County cities ranged from a low of 15% (Lemon Grove) to a high of 57% (La Mesa). The city of San Marcos was not surveyed.

<table>
<thead>
<tr>
<th>City</th>
<th>N of Stores</th>
<th>Baseline % Sold</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carlsbad</td>
<td>31</td>
<td>32%</td>
</tr>
<tr>
<td>Vista</td>
<td>58</td>
<td>29%</td>
</tr>
<tr>
<td>Oceanside</td>
<td>70</td>
<td>19%</td>
</tr>
<tr>
<td>San Marcos</td>
<td>49</td>
<td>--</td>
</tr>
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</table>

Table 1. Tobacco sales to minors rates of North County and East County region cities, 2004

<table>
<thead>
<tr>
<th>City</th>
<th>N of Stores</th>
<th>Baseline % Sold</th>
</tr>
</thead>
<tbody>
<tr>
<td>La Mesa</td>
<td>40</td>
<td>57%</td>
</tr>
<tr>
<td>El Cajon</td>
<td>80</td>
<td>40%</td>
</tr>
<tr>
<td>Santee</td>
<td>16</td>
<td>25%</td>
</tr>
<tr>
<td>Lemon Grove</td>
<td>13</td>
<td>15%</td>
</tr>
</tbody>
</table>

Also in 2004, Coalition members examined youth access to tobacco data as part of the CX needs assessment, and placed reducing youth access high on the list of priorities for the LLA’s 2004-07 work plan. Plus, per Tobacco Control Section (TCS) instructions, the responsibility of enacting policies regarding youth access to tobacco products was delegated to the Local Lead Agencies. The County of San Diego LLA issued competitive grant awards to six community providers to implement its 2004-07 TCS work plan. Vista Community Clinic (VCC) and Communities Against Substance Abuse (CASA) were awarded the county contracts to implement and evaluate the tobacco availability objective. While VCC focused its efforts in the North County region, CASA worked in the East County region.

At the time the projects began, three existing state laws, Penal Code 308(a), the STAKE Act, and the Cigarette and Tobacco Products Licensing Act of 2003, all aimed to reduce sales of tobacco products to minors. However, none of these laws provided adequate resources to enforce sales to minors laws. Our advocacy efforts not only aimed to increase enforcement activities but also encouraged cities to adopt municipal tobacco retail licensing laws, that required merchants that sold tobacco products to pay an annul fee that would cover expenses for local law enforcement agencies to regularly enforce tobacco sales laws.

**Intervention Activities**

The intervention activities conducted for this objective included a multi-faceted approach of *materials development, community education, media activities, policy activities, and technical assistance* and in order to achieve the desired effects—to reduce youth access to tobacco products by at least 50% in target cities. The intervention activities were designed to change social norms regarding the selling of tobacco products to minors at retail outlets, to engage the support of city council members to enact tobacco retail licensure policies, and to increase enforcement of tobacco sales laws.

### Materials Development

- To educate retailers and policy makers, VCC staff created educational packets containing materials on tobacco retail licensure, the results of the countywide 2004 Youth Purchase Survey, STORE and Tobacco Policy Center materials, sample policies and the model
ordinance from the Tobacco Education Clearinghouse of California (TECC) and TALC. Packets were sent to city staff in charge of policy adoption in Oceanside, Carlsbad, Vista and San Marcos. CASA staff also distributed STAKE Act merchant education packets to store owners/managers in El Cajon after measuring retailer compliance with local and State laws.

- Working with members of the Tobacco Free Communities Coalition (TFCC), CASA and VCC staffs participated in the design and development of the *2005 Tobacco-Free Communities Tobacco Laws and Policies Progress Reports*. Staff collected information used to assess the eight target cities (colleagues also rated San Diego’s other 10 cities) on multiple tobacco control measures, including efforts to reduce youth access to tobacco.

**Community Education**

- After an educational presentation, VCC staff secured a resolution from the Vista School Board supporting tobacco retail licensure in the City of Vista.
- Youth led signature drives supporting the Vista policy by visiting the Townsite redevelopment area, Avo Theatre, Rancho Buena Vista Adobe and local community events such as Vista Community Clinic’s Holiday Home Tour to collect 482 signatures. Youth presented the signatures at a subsequent council hearing.
- VCC staff secured a resolution from the Carlsbad School board supporting tobacco retail licensure in the City of **Carlsbad**.
- VCC staff attended seven health fairs/community events in **Carlsbad** and distributed educational materials on youth access to attendees.
- CASA collected and distributed an annual “Tobacco Control Resource” packet of materials (information about local laws and cessation resources) for use on city websites. Three of the four East County cities posted of this information; Santee failed to do so.
- To further the public’s knowledge about our tobacco control agenda, CASA employed some creative community education strategies including:
  - Nominated El Cajon’s leadership for the annual County-sponsored “Public Health Champion” award two years in a row.
  - Coordinated with American Lung Association to award the City of El Cajon the *Ed Gillette Award* to recognize the city for being the first in the county to adopt tobacco retail licensing.
  - In coordination with TFCC, VCC and CASA staffs participated in a campaign to recognize El Cajon and Vista leaders as “Smoke-free Stars” at the statewide League of California Cities conference held in San Diego in 2006. Staff distributed a “Dear Colleague” letter at the conference in support of tobacco retail licensing ordinances signed by an El Cajon councilmember. “Smoke-free Stars” packets of lapel stickers and cover letters were provided to the City Manager, key staff, and Council members representing their respective cities at this event prior to the conference.

**Media Activities**

- The American Lung Association released the results of the 2004 countywide Youth Purchase Survey and generated a large number of stories countywide, including one news story in the *Coast News*, a local North County publication and another in the *East County Californian*.
- Earned media activities included three letters to the editor generated by CASA youth advocates and staff in response to local newspaper coverage of the youth access issue that were published and 13 print and broadcast news stories, including Spanish language media, as the result of issuing eight press releases.

- In coordination with TFCC, VCC and CASA staffs participated in the media event to release results of the 2005 Tobacco-Free Communities Tobacco Laws and Policies Progress Report that highlighted cities’ efforts to reduce youth access to tobacco and public exposure to secondhand smoke.

- In paid advertising, El Cajon and Vista were recognized as leaders in tobacco control and “smoke-free stars” for their tobacco retail licensing ordinances in local and regional newspapers multiple times in 2007.

Policy Activities

- In March 2004, prior to the contract term, CASA, VCC and other community providers participated in a countywide youth purchase survey that documented an overall illegal sales rate of 34% and individual rates for 16 of San Diego’s 18 incorporated cities. These data, combined with city progress report grades, were used by the LLA grantees to advocate for local retailer licensing programs and increased enforcement of sales laws.

- In advance of issuing the 2005 Tobacco-Free Communities Tobacco Laws and Policies Progress Reports, city leaders received letters from TFCC informing them about the progress report process. Coalition members proceeded to meet with city leaders or staff to collect information to ensure that cities received credit for their efforts to protect their residents from the hazards of tobacco. In this role staff became cheerleaders for the cities, advocating on their behalf and serving as a resource to ensure the highest “grade” possible, instead of opponents. In January of 2006, in cooperation with TFCC, CASA and VCC staffs released the 2005 Tobacco-Free Communities Tobacco Laws and Policies Progress Reports.

- VCC staff met with Carlsbad Senior Management Analyst, Vista Community Outreach Program Manager, Vista Assistant City Manager, and two Oceanside City council members at the beginning of the contract term to share baseline purchase survey results. From these initial meetings staff determined that the cities of Vista and Carlsbad were most concerned about their sales to minors problem and were open to exploring remedies; however, city officials in Oceanside were not ready for a policy response at that time. (Due to lack of resources, San Marcos retailers were not assessed in 2004, thus no meeting with city officials occurred.)

- VCC staff identified two potential policy “champions” in the City of Vista—the Assistant City Manager and the Community Outreach Program Manager. The Outreach Manager had been a VCC Assistant Director before taking a position with the City of Vista and was naturally interested in youth health promotion; the Assistant City Manager shared her concerns. They requested that the City Attorney draft an ordinance.

- Two stakeholders meetings of City of Vista staff, tobacco retailers, Vista Chamber of Commerce members, health and anti-smoking advocates, PTA representatives, and members of the California Grocers Association were held. The purpose of the meetings was for city staff to draft an ordinance which met the city’s goal of reducing youth access to tobacco, with the least impact on retail business.
A presentation by the *North Coastal Prevention Youth Coalition* was conducted at a public hearing for the *Vista* City Council on the benefits of tobacco retail licensure. The American Heart Association, American Lung Association, Vista Community Clinic, local residents, a Palomar Community College cessation certified Registered Nurse, and the 9th district PTA also attended the hearing and spoke on behalf of reducing youth access. Opponents of the policy also spoke including vociferous members of the California Independent Grocers & Convenience Stores Association and a Vista merchant. The presentation was aided by a report from the Vista Sheriff’s Department that revealed results of a recent sting operation that found an illegal sales rate of 39%. Council members reacted positively to health advocates and voted 3-2 to adopt the policy.

- VCC staff distributed 12 educational kits to *Carlsbad* city officials regarding tobacco retail licensure.
- VCC project staff also met with members the *Carlsbad* Police Department to gain their support for a new policy. Law enforcement was approached to determine if the police department would champion a tobacco retail licensing policy. The department indicated that they would not take the lead, but would not oppose efforts to pass a licensure policy.
- Two youth advocacy groups, *Teens for Tomorrow* and the *North Coastal Prevention Youth Coalition* conducted six presentations on the need for tobacco retail licenses to the *Carlsbad* City Council during the three-year contract period. Project staff also met five times with city officials during this timeframe to distribute relevant materials such as the TALC model ordinance. The presentations did not result in policy adoption, but did influence city officials to request more compliance checks from the Carlsbad Police Department.
- VCC staff also met with *Oceanside* Police Department looking for support of a new policy. While police officials stated that they were very supportive of the effort, they acknowledged that it would be extremely difficult to pass such a policy in Oceanside.
- VCC staff met with City of *San Marcos* Mayor in June 2006 to explore the issue of adopting a tobacco retail licensure policy. The mayor was shown the results of the youth purchase survey conducted in the San Marcos in April 2006 and he concluded the sales rate of 14% was too low to support enactment of a retail licensing policy at that time.
- In *La Mesa*, CASA staff met with the Mayor and City Manager to discuss the results of the 2004 youth purchase survey. Staff then presented results to the full council at its July meeting. At a subsequent Council meeting, CASA staff and other TFCC members made a case for developing a tobacco retail licensing program in La Mesa to reduce it very high illegal sales rate. Council members referred the issue to a “stakeholders group” to identify common ground that might serve as the foundation for an ordinance acceptable to both the business community and tobacco control advocates. The “stakeholders group” was convened by a police department captain and consisted of public health advocates from the American Lung Association, the American Heart Association, CASA, and the Executive Director of CIGCS, with periodic representation by the California Grocers Association. Council asked the group to come back with a mutually agreeable policy recommendation for their consideration and action. However, the stakeholders group was unable to identify such a position, beyond agreement that sales to minors were unacceptable.
Specifically, retailers objected to placing a licensing fee on all tobacco retailers as it penalized responsible retailers for the actions of those selling illegally. Licensing for only those retailers found to be selling to minors was rejected by TFCC members as an ineffective and unworkable strategy. The lack of consensus resulted in the Chairperson reporting back to the City Manager that after five meetings over three months, the stakeholders group was unable to return to Council with a shared recommendation. At that time, public health advocates decided to drop the matter as a licensing ordinance obviously did not have the requisite support.

- In March 2006, staff from VCC and CASA and other TFCC members met with the City Managers Association to discuss tobacco control concerns, priorities, and issues. Representatives from the cities of Lemon Grove, La Mesa and Santee attended the meeting.

Technical Assistance

- The City of Vista received technical assistance from VCC staff in the form of the TALC model ordinance, information from Contra Costa County on implementing strong tobacco retail licensure ordinances with annual fees, and information regarding enforcement of the policy.

- According to El Cajon city staff, all of the city’s tobacco retailers were fully licensed by July 2005. In December 2005, CASA appeared before the council to volunteer its youth advocates and staff to conduct the first evaluation of the impact of the ordinance by conducting a youth purchase survey. (Conducted in mid-2006, staff documented a 24% illegal sales rate.)

- CASA staff met with the El Cajon City Attorney, the incoming Code Enforcement Officer (annually), and the Director of Community Development several times over the course of the grant term to offer support for implementing the licensing program.

- To spur its enforcement efforts, CASA staff provided El Cajon code enforcement staff with a Tobacco Retail License Implementation Checklist, sample retailer education packet (from STORE), and annually updated lists of El Cajon retailers from the Board of Equalization.

- On a monthly basis, CASA staff conducted 3-5 site visits to El Cajon retailers to document sales to minor activity and presence of proper signage. Staff provided monthly reports describing the outcomes of the site visits to the Code Enforcement Officer. Retailers found out of compliance with local or state laws received a second site visit to provide STAKE Act packets. Code Enforcement officers were encouraged to conduct official sting operations at the non-compliant establishments.

- At the request of the El Cajon City Manager, CASA provided a STAKE Act kit for posting on the city’s website and 100 STORE packets for use by the police department to educate local tobacco retailers. Packets (102) were also provided to the City of Santee as requested.

- CASA staff assisted Lemon Grove in providing current STAKE Act kit information for the City’s website and signs for City parks regarding the State’s Tot Lot law. Both of these acts were viewed positively by City staff and helped CASA staff begin a good working relationship with the city.
Evaluation Methods

Evaluation Design
Due to resource restrictions, control group cities were not matched to the eight intervention cities; thus, without a comparison group, this study employed a non-experimental design. The major limitation of this design was that the evaluation could not determine with certainty that any observed changes in illegal cigarette sales were the direct result of the intervention and not due to other causes such as community trends.

Sample
The 2004 countywide youth purchase survey indicated that the highest prevalence of illegal sales occurred in three regions—North County, East County and the City of San Diego. Due to ongoing financial and political turmoil, the City of San Diego was not considered practical for intervention at the time. Two County contracted agencies, Vista Community Clinic and Communities Against Substance Abuse, chose to focus youth access intervention activities on the other two regions where need was high and chances for success were better. In this sample, all eight of the cities in the region were part of the sample pool as were all tobacco retailers within the city limits.

Data Collection Instruments and Procedures
To evaluate the intervention process, project staff utilized a variety of process data including key informant interviews, youth purchase surveys, city council records and media activity records. Key informant interview questions were developed in conjunction with the LLA Evaluation Consultant and were used consistently across contacts. For youth purchase surveys, a TCS-approved protocol was followed and a survey instrument modified from the one posted on the STORE website was used. Illegal sales rates served as an intervention tool and were used to measure the impact of any enforcement activities or licensing policies.

Project staff conducted at least eight key informant interviews and seven youth purchase surveys. Key informant interviews were conducted in person by staff at the offices/location of the interview participant. Youth purchase surveys took place in the field and were conducted by youth trained by project staff experienced in this type of data collection. Staff kept copies of council agendas and took notes during council meetings and workshops to document city officials’ reaction to suggestions on how to reduce youth access to tobacco. The media activity record was maintained by the American Lung Association’s Director of Communications through on-going review of local media channels; these files were accessible to LLA contractors.

A limitation to the youth purchase survey data was a lack of consistency between agencies collecting the baseline and follow up data. The protocol used by VCC and CASA staffs varied from the protocol of the Vista Sheriff’s Department and therefore the results may not be comparable. Health advocates’ protocol followed TCS guidelines whereas youth decoys could lie regarding their age when questioned by store clerks. The Sheriff’s Department followed the protocol developed by the California Alcohol and Beverage Control for sales of alcohol to minors and did not allow youth decoys to lie about their age. Also, sheriffs immediately cited the store clerk after a violation; creating a possible warning to other tobacco retailers in the area.
Data Analysis
Consistent with the case study method, the data collected through key informant interviews and city council records were analyzed through content analysis. Notes and comments were reviewed for primary themes; results guided intervention activities. Purchase survey data was entered into Excel by project staff and exported into SPSS for analysis by the LLA Evaluation Consultant who ran descriptive analyses (i.e., frequencies, crosstabs) and reported results.

Evaluation Results
Process Data Results

Key Informant Interviews
- CASA staff met with the Mayor of the City of La Mesa in mid-2004, who appeared supportive of additional restrictions on youth access but stated he did not know how other Council members would react to the idea. Nonetheless, staff was invited to make a presentation on La Mesa’s results of 2004 youth purchase survey to the full City Council. However, there was no interest in a licensing policy for reasons described earlier.

- Discussions with the Santee City Manager and top law enforcement official revealed no support for additional restrictions on tobacco sales, including tobacco retail licensing. Stating that the Sheriff’s Department conducted annual enforcement of sales to minors laws, City officials contended that the results of those stings were reflected in the consistently low rate of sales found in our youth purchase surveys (sales ranged from 11%-25%). For this reason, they declined to pursue a licensing policy.

Conversations with the Director of the Chamber of Commerce regarding other tobacco control issues were cordial, but he also expressed no interest in a licensing policy. The Director of the local ATOD Community Collaborative indicated that a licensing policy would not be possible without huge community resident support, given the “business-friendly” attitudes of a Council determined to develop their local economic base.

- In Lemon Grove, CASA staff met with the Assistant City Manager to explain the tobacco report card project, review criteria, and seek information about Lemon Grove’s tobacco control policies. City leaders were equally unenthusiastic about adopting a tobacco control policy. City staff described Council as “consumed” with attempts to redevelop Lemon Grove’s downtown area. Sympathetic City staff suggested that licensing or land use controls to restrict tobacco sales might be supported as part of their redevelopment effort. Due to staff’s inexperience in city planning and due to the lack of relationships in the community to assist us, staff decided to forgo this weak approach. Instead, staff worked through another grant to pursue a smoke free parks policy to “put their foot in the door” of this community.

Media Activity Records
- On a regular basis, media activity is closely monitored by the American Lung Association’s Director of Communications and all LLA contractors have access to this database. Contractors’ media activities were conducted through a coordinated effort of the Tobacco Control Coalition. Analysis of the media activity record indicated 61 news stories appeared countywide in support of reducing youth access to tobacco via retail licensing, plus one letter to the editor in opposition (from the CIGCS) and three editorials in support.
City Council Records

- One City Council hearing was held in Vista on May 24, 2005 which resulted in approval of a tobacco retail licensure policy on a vote of 3-2.

- A 20-minute presentation was conducted by the Carlsbad Teens for Tomorrow to Carlsbad city council members during a hearing on May 17, 2005. The Carlsbad council members were not interested in adopting a policy at that time.

- VCC staff requested to be put on the Carlsbad city council June 2006 agenda, but the request was not granted. Instead, two staff members spoke during the three minute public comment period in support of tobacco retail licensing.

- Two North Coastal Prevention Youth Coalition members and one VCC staff spoke during the public comment period at the May 15, 2007 Carlsbad city council meeting regarding a youth purchase survey conducted in March 2007, and reminded the council of the need for a tobacco retail licensure policy. However, council members responded positively to the purchase survey data that showed a decrease in sales from 35% in 2006 to 6% in 2007; further discussion was not warranted.

- After the El Cajon City Council adopted its licensing ordinance in June 2004, youth advocates and staff made formal and informal presentations to council members regarding implementation of the policy. Formal presentations were conducted at council meetings in December 2005 and December 2006.

- In La Mesa, CASA staff provided one educational workshop at a regular Council meeting in July 2004 and coordinated testimony from TFCC members about the importance of reducing youth access via tobacco retail licensing at a subsequent Council meeting. At the latter presentation, Council requested formation of “Stakeholders group meeting” to be convened by a La Mesa police captain, to develop an ordinance to reduce sales to minors that would be acceptable to CIGCS and other local retailers. When the process failed, there were no further hearings on the matter.

Youth Purchase Surveys

- Baseline youth purchase survey data were collected in seven of the eight target cities as part of a countywide survey in early 2004. Illegal sales ranged from highs of 57% in La Mesa and 32% in Carlsbad, to lows of 15% in Lemon Grove and 19% in Oceanside. San Marcos was not included in the baseline assessment (see Table 2, below).

- In March 2006, VCC project staff conducted a youth purchase survey in 37 Carlsbad stores and documented an illegal sales rate of 35%. That same month, VCC staff conducted the first survey of 44 stores in San Marcos and documented an illegal sales rate of just 14%.

- In March 2007, VCC project staff conducted youth purchase surveys in the city of Carlsbad at 48 stores and documented an illegal sales rate of just 6%. In the same month, Carlsbad Police Department conducted a compliance check and found an illegal sales rate of 10%.

- CASA staff conducted purchase surveys in Santee and Lemon Grove in 2005 using a “natural protocol” in which youth were allowed to lie about their age. The documented sales rate in Santee was 11%; in Lemon Grove it was 25%.
In 2006, CASA assessed the impact of El Cajon’s new licensing ordinance. Results indicated a 40% reduction in illegal sales, down from 40% in 2004 to a 24% in 2006.

### Table 2. Baseline and Follow up Youth Purchase Survey Results

<table>
<thead>
<tr>
<th>City</th>
<th>Baseline Sold N (%)</th>
<th>Baseline N (%)</th>
<th>Follow Up Sold N (%)</th>
<th>Follow Up N (%)</th>
<th>% change over time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carlsbad</td>
<td>33 (32%)</td>
<td>--</td>
<td>37 (35%)</td>
<td>48 (6%)</td>
<td>-81%</td>
</tr>
<tr>
<td>Vista</td>
<td>61 (29%)</td>
<td>28 (39%)</td>
<td>87 (18%)*</td>
<td>--</td>
<td>-38%</td>
</tr>
<tr>
<td>Oceanside</td>
<td>70 (19%)</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td></td>
</tr>
<tr>
<td>San Marcos</td>
<td>--</td>
<td>--</td>
<td>44 (14%)</td>
<td>--</td>
<td></td>
</tr>
<tr>
<td>La Mesa</td>
<td>40 (57%)</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td></td>
</tr>
<tr>
<td>El Cajon</td>
<td>80 (40%)</td>
<td>--</td>
<td>120 (24%)*</td>
<td>--</td>
<td>-40%</td>
</tr>
<tr>
<td>Santee</td>
<td>16 (25%)</td>
<td>28 (11%)</td>
<td>--</td>
<td>--</td>
<td>-56%</td>
</tr>
<tr>
<td>Lemon Grove</td>
<td>13 (15%)</td>
<td>16 (25%)</td>
<td>--</td>
<td>--</td>
<td>+67%</td>
</tr>
</tbody>
</table>

* post-policy rate  
*a Sheriff’s Department sting

### Outcome Data Results

The objective as stated (50% reductions in sales to minors rates) was met in one of the four North County cities—Carlsbad. Through increased law enforcement activities, Carlsbad saw a drop in illegal sales from 32% in 2004 to 6% in 2007. Vista passed a licensing policy and recorded a 38% drop in sales rate (from 29% in 2004 to 18% in 2006).

In East County, El Cajon achieved a 40% reduction in sales with its retail licensing policy. The city council’s reduction of the licensing fee and the corresponding reduction in staff available to implement the licensing ordinance likely impacted the success of the ordinance. Santee noted a 56% reduction in its below average sales rate (from 25% to 11%); however, because the baseline assessment failed to assess every tobacco retailer as required in a city with a small sample size, it is difficult to accurately gauge the two results.

### Policy Adoption

In North County, even though all four cities received a comprehensive intervention, only Vista opted to adopt a tobacco retail licensing policy. With support from two city staff champions, project staff, fellow advocates and local constituents brought the issue before the Council in May 2005. Despite opposition from the California Independent Grocers & Convenience Stores Association, the California Grocers Association, and a Vista merchant; the retail licensing policy was passed with a 3-2 vote. The ordinance included an annual license fee of $250.00 per tobacco retailer that funded compliance checks. Licenses were non-transferable and violations could result in license suspension or revocation; an appeals process was also included.

### Table 3. Status of Policy Adoption by Target City

<table>
<thead>
<tr>
<th>North County</th>
<th>Licensing Policy Adopted?</th>
<th>East County</th>
<th>Licensing Policy Adopted?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carlsbad</td>
<td>No</td>
<td>El Cajon</td>
<td>Yes*</td>
</tr>
<tr>
<td>Oceanside</td>
<td>No</td>
<td>La Mesa</td>
<td>No</td>
</tr>
<tr>
<td>San Marcos</td>
<td>No</td>
<td>Santee</td>
<td>No</td>
</tr>
<tr>
<td>Vista</td>
<td>Yes</td>
<td>Lemon Grove</td>
<td>No</td>
</tr>
</tbody>
</table>

* In 2004, just prior to start of grant term
By the end of the grant term, the three other North County cities had yet to adopt tobacco retail licensing policies. However, the City of Carlsbad expressed concerns about its sales to minors problem and instructed the police department to increase compliance checks regarding sales of tobacco and alcohol to minors. A March 2007 PC 308(a) sting operation by the Carlsbad Police Department yielded an illegal sales rate of 10%. (Our purchase survey found a 6% illegal sales rate.) At that point, the City of Carlsbad declined any further discussions of a licensing policy.

After failing to mobilize interest in a licensing policy in Santee, CASA staff learned that the Mayor of Santee was a smoker who believed that his support for any restrictions on smoking would be “hypocritical.” He was also in the habit of sharing cigars in the park with other city leaders. Staff also heard that the Mayor told the City Manager that he “did not want to see any such item on future Council agendas.”

**Impact of Licensing Policy on Sales to Minors**

To evaluate the impact of the policy, the Vista Sheriff’s Department conducted a purchase survey in August 2006, 15 months after the policy was adopted. Of the 87 stores surveyed, 16 retailers (18%) sold tobacco products to minors. All violators received a warning letter and were required to submit documentation to the City that their employees had been trained on tobacco sales laws.

**El Cajon** city staff elected to forward the illegal sales data collected during CASA’s 2006 youth purchase surveys to an administrative hearing officer and began the process of citing those retailers who sold according to the provisions of the city’s licensing ordinance. On May 18, 2007 city staff sent out “Notices of Violation” to retailers who sold to minors demanding they pay a $1,000 fine, begin a 30-day suspension effective June 1, 2007 or file a request for an administrative hearing. The City Attorney reported that of the 25 retailers that received letters, one retailer had gone out of business, five paid the fine, 16 requested administrative hearings, and three failed to respond, thus their licenses were suspended for 30 days.

**Conclusions and Recommendations**

**Lessons Learned:**

- Start by working with cities most interested in achieving the intervention goals. In the City of Vista, city staff expressed immediate interest in the project, took the lead, and passed an ordinance. This was not the case in Oceanside or Carlsbad; neither city staff nor council members were interested in passing a tobacco retail licensure policy.

- It was critical to identify an official “champion” to sponsor a policy, either a city council member or staff person. Why? Because the “champion” knows the process, inner-workings, politics, and key leaders of the city. This knowledge is crucial to passing a policy as city staff knows which strategies can gain support of policy makers.

- Purchase surveys can be a double-edged sword. When outcomes are poor (high illegal sales rate), the data can be a valuable policy tool. However, when illegal sales are low, policy makers quickly lose interest in “taxing” merchants or overworked police departments. Advocates should be prepared for either outcome and carefully investigate unusually low sales rates to determine if repeated purchase surveys are warranted.
On-going enforcement without a licensure policy can be effective. The Carlsbad Police Department conducted several tobacco and alcohol stings annually over the past few years, with a sergeant providing education (handouts) to merchants. In the March 2007 sting, just 10% of stores sold. The police department has committed to conducting compliance checks at least once per year and has the support of city officials to do so. It will be interesting to see if an annual sting operation can continue to suppress illegal sale at current levels.

In policy work, strike where the iron is hot. In 2005, Oceanside informed project staff that the city was not ready for a licensing policy, but was interested in exploring a smoke free beaches and parks policy instead. With support from VCC staff, that policy was enacted. In 2006, the Mayor of San Marcos also stated that the city was not ready for licensing, but was interested in a smoke free parks policy; that policy was pending at the close of the grant term. The same thing happened in La Mesa where a smoke free parks policy was enacted in August 2006.

Strengths of the Work Plan:

1. Support and coordination with other agencies working on tobacco control policy development via the County “Model Ordinance” workgroup brought needed historical, coordination, policy and strategy development resources to our efforts.

2. Involvement of City Managers in grading their own city, via self-report, was effective in increasing the dialogue and reducing opposition.

3. Ongoing media coverage of campaigns in support of smoke-free parks and beaches kept tobacco issues on the public agenda during the last half of the grant term.

4. Resources such as TALC and accessibility to Board of Equalization lists and CODE training for code enforcement.

5. Trained youth advocates willing to address the City Council were an effective resource in keeping the issue in front of this critical group of decision-makers. Youth advocate spokespersons were instrumental in generating significant media coverage.

6. CASA’s presentations to La Mesa’s Council and other community leaders generated a substantial, positive increase in visibility for the agency. While our efforts did not yield a licensing policy, it undoubtedly helped support adoption of a smoke-free parks ordinance pursued under another TCS-funded grant.

Weaknesses of the Work Plan:

1. Lack of coordination between other local tobacco control partners’ work plans proved to be counterproductive. Lack of information regarding specific deliverables being developed by each TCS-funded agency would have reduced unnecessary duplication of effort. Not all LLA subcontractors had access to the Online Tobacco Information System (OTIS), leaving many of our agency partners in the dark. While these work plans were proprietary agency information, additional shared information would have been a useful resource.

2. Tobacco control advocates that were not city residents had limited influence over City Council members. For this reason, leadership development and advocacy training resources for youth and adult residents are critical to the success of these efforts. Maintaining resident advocate participation is a critical task requiring ongoing attention.
3. Assigning grades to a jurisdiction was one strategy to bring media, administrative, and community attention to these issues. However, in many cases, the practice generated more heat than light. In La Mesa, the Mayor refused to return our phone calls following release of the youth purchase results in 2005 and the city progress report in 2006, both of which were critical of the city. Elected officials may have overly identified with their jurisdictions and treated any criticism of community conditions personally as if they, themselves, personified the community. A more productive use of report cards might involve use of local advocacy groups as a “good cop,” with a larger countywide (external) coalition acting as a “bad cop.” Also participation of City representatives in development of the progress report criteria might have significantly reduced hostile reactions to “bad” grades.

4. Key informant interviews to assess attitudes towards tobacco control were not conducted with all City Council members in each of the three East County cities. Such interviews might have yielded information that supported better outcomes.

5. More involvement by local community-based agencies with long history of community action and relationships with city officials would have supported the policy campaigns. Advocates are advised to consider historical issues, personalities and political considerations unique to each City as each can greatly complicate the policy development process.

References
