Evaluating the Expansion of Oregon’s Indoor Clean Air Act

Shaun Parkman
Outline

1. Define the policy

2. Timeline for policy process

3. Why we are interested in evaluating this policy

4. How we are evaluating the policy process
House Bill 2546
Defined “Inhalant delivery systems”

- IDS are devices that can be used to deliver nicotine, cannabinoids and other substances, in the form of a vapor or aerosol
- Includes e-cigarettes, vape pens, e-hookah and other devices
- These are not considered tobacco products under the new law
Prohibits use in indoor public places
No exemptions for electronic cigarette retail outlets
Bans the sale, purchase or use of electronic cigarettes for those under the age of 18
Rule-writing authority

Child-resistant packaging

Labeling

Packaging that doesn’t appeals to minors
Prohibits all inhalants

Nicotine  Cannabinoids  Herbal hookah
HB 2546 timeline

2014
Legislative session
Two e-cigarette bills were introduced, but did not pass

Late 2014 / Early 2015
Secular trends
E-cigarette awareness increases, CDC MMWR on youth use, local ICAA expansions, marijuana legalization

2014
Post session
E-cigarette workgroup formed with diverse membership to draft pre-session bill and agree on minimum needs

2015
Legislative session
Bills introduced in both chambers with minor amendments, nothing was removed
Why are we evaluating this policy process?
Success!

Novel definition that accounted for marijuana

Remained intact; no exemptions for vape shops

Diverse group of stakeholders involved
Policy evaluation overview

“The systematic collection and analysis of information to make judgments about contexts, activities, characteristics, or outcomes of the policy process"
Goals for policy evaluation

1. Document strengths and areas for improvement in internal process and cross-sector collaboration.

2. Describe the policy process and lessons learned for other jurisdictions interested in tobacco prevention.
The Challenge of Assessing Policy and Advocacy Activities:
Strategies for a Prospective Evaluation Approach
Although policy evaluation and program evaluation have many similarities, there are some **important differences** as well...
Attribution
Evaluation advisory group members

6 Members
4 State public health
1 Local public health
1 Lobbyist
Complexity
Local House Bill 2546 Timeline

**Acronyms key**
- CCO = Coordinated Care Organization
- CLHO = Conference of Local Health Officials
- ICAA = Indoor Clean Air Act
- TPEP = Tobacco Prevention and Education Program

- **Locals expand the ICAA**
  - Local TPEPs "build a movement" through policy
  - Local work contributes to policy landscape

- **Local TPEPs pass expansion of ICAA**

- **State funding**
  - 2011-2012 TPEP funds counties to work on expansion of the ICAA
  - All locals are funded (strong TPEP)

- **Ripple effect of local ordinances**
  - Decision makers get information from the media and news
  - ICAA expansion at the local level becomes the norm
  - State level ICAA expansion "does not feel so painful"

- **Education**
  - Locals work on ICAA expansion
  - Locals work with lobbyists to identify components of a "bad" bill based on lessons learned

- **2014 Legislative session**
  - Locals continue working on ordinances
  - Input from CLHO to lobby accordingly on two new e-cigarette bills
  - Locals and CLHO identify the "lines in the sand" for e-cigarette bills
    - Get other Public Health partners on board
    - Lobbyists gather feedback from partners and decision makers
      - Relationship building

- **Connecting with partners**
  - Build local relationships with legislators and partners
    - Support from Mayors and county commissioners
    - Able to get signed letters in support of ICAA expansion and flavor bans from county commissioners
    - Local TPEP has weekly meetings with state and regional CCOs
    - Locals follow up with specific asks for CCOs
      - Draft and submit testimony

- **2015 Legislative session**
  - Locals conduct outreach to partners
    - Local TPEPs continue to pass local ordinances
      - Includes some smaller, less progressive locals
  - Hold coalition meetings
  - Weekly communications

- **HB2546**

**Note:**
- Vaping industry (cottage and local) does not identify with big tobacco
- Marijuana legalization is bipartisan issue; e-cigarettes can be used for marijuana and other drugs
- Vaping industry appears to come on board with changes
  - Something has changed
State House Bill 2546 Timeline

Acronyms key
BRFSS = Behavioral Risk Factor Surveillance System
CDC = Centers for Disease Control and Prevention
ICAA = Indoor Clean Air Act
MMWR = Morbidity and Mortality Weekly Report
NYTS = National Youth Tobacco Survey
OHA = Oregon Health Authority
OHT = Oregon Healthy Teens Survey
PHD = Public Health Division
TPEP = Tobacco Prevention and Education Program
TCLC = Tobacco Control Legal Consortium

2011 Youth data collection (NSDUH & OHT)
- Leads to technical assistance to locals
- National and State data collection

2012 Tobacco-free government policy
- Provides new data
- Provides TA, training and data to locals
- Develops e-cigarette webpage and primer
- Communications strategies provide groundwork; intentional use of talking points
- PHD leadership is ready for interviews and knowledgeable of new studies
- Legislature calls for information and TPEP is ready to respond
- 2013 CDC MMWR provides new data
- E-cigarette communications workgroup and national data
- Work of interim e-cigarette hearings

Fall 2013 changes communications strategy
- Prevention component for Smokefree Oregon focuses on:
  - Tobacco companies targeting youth; flavors and e-cigarettes
  - Smokerless Oregon community grows from 2,000-10,000
  - Connects e-cigarettes to flavors and focuses on kids liking flavors
- Communications strategies provide groundwork; intentional use of talking points
- State Epidemiologist provides testimony in Health Committee
- Rep. Bamhart interested in e-cigarette tax (non-traditional)
- Exposures legislature to e-cigarette conversation
- 2014 adult data collection (BRFSS)

2014 Legislative session
- Consultation with TCLC
- Legislative training for TPEP staff
- Other states struggle to come to “smokeless does not mean harmless”
- State e-cigarette communications workgroup continues
- State TPEP has direct, clear contact with legislative counsel to provide info for bill
- Bamhart’s bill starts discussion

Tomei convenes informal workgroup
- OHA Government Relations pushes for program involvement
- TPEP is given permission to communicate with key legislators
- TPEP program participates directly

Small workgroup is convened to draft language for the bill
- Informal workgroup includes representatives from legislative counsel, Oregon PHD, American Cancer Society, and vape shops
  - Small workgroup has more programmatic expertise than is typical
  - TPEP is able to consult with legislative counsel on actual bill language

Expansion to the ICAA

Representative Tomei has a very inclusionary workgroup:
- Workgroup was informal
- She reaches out directly to TPEP for involvement
- She has prior exposure to TPEP’s work
- TPEP is not excluded from being involved in policy process
- TPEP is asked to be at the table

HB2546

Something changed
Lobby House Bill 2546 Timeline

**2013** Big push for TMSA funds to be used for tobacco prevention
- Partners/associations have money to fund a campaign
- Biggest campaign since 2010
- Grassroots work supports TPEP
- CLHO participates by sending letters
- Campaign reaches out to non-traditional partners

**2011-2013** Lobbyists work on tobacco strategies (not specific to e-cigarettes)

**2014** Pre-session meetings with partners to determine stance on issue
- Issue is newer (for Nationals, so still determining stance)

**2014 Legislative session**
- Two separate e-cig bills are introduced
  - HB4073 focuses on minors, has bi-partisan backing
  - HB4115 has minor prohibitions and ICAA expansion
- Represents organizational “cry for what we wanted”
- Draft amendments that CLHO supports (locals testified)
- Traditional partners are more pro-active, suggest amendments to strengthen bills rather than oppose
- Lobbyists work with legislators to start discussions (chance for education)

**Unifying effect of campaign**

**Pre 2014 legislative session (partnerships)**
- Traditional partners ACS CAN, ALA, AHA, OMA continue meeting with Oregon Public Health Division
  - Decide to treat e-cigarettes like tobacco cigarettes rather than new, similar product
  - National guidance is more strict; leaves some organizations feeling “lost” on the issue

**Connecting with partners**
- Locals solicit support from stakeholders (they know who to reach out to)
- Locals are involved in their districts
- CLHO Program Manager collects stories to capitalize on local groundwork
- Unique in that ALA, AHA, ASC CAN are not leading the charge
- Workgroup is not a formal process
  - Not everyone in the workgroup has lobbying capacity

**2015 Legislative session**
- Rep. Taylor is primary sponsor and champion (Tome brought her along)
  - Takes over informal workgroup for Tome and is involved from start (Carying the torch)
- ACS CAN on small workgroup
- Lobbyists conduct outreach and advocacy
  - Support from ONA, Multnomah County, CLHO, BOMA, AOC
  - A lot of effort to lobby against vape shop exemption; counteract small business argument
  - Traditional partners are not publicly supportive because of parent organizations

**Expansion to the ICAA**

**Distinction between tobacco industry and vape industry (different lobbies)**
- Tobacco industry not fighting ICAA, vape industry has cessation message
- Person vapes in committee hearing during 2014 legislative session
- Biggest outside force is exposure to these products
- Marijuana legalization during 2015 session brings non-traditional partners, like public safety supporters (e.g., sheriffs)
- 20 years of working on tobacco creates a norm
External forces
Shifting strategies and milestones
Lobby House Bill 2546 Timeline

**Acronyms key**
- ACS CAN = American Cancer Society
- AHA = American Heart Association
- ALA = American Lung Association
- AMA = American Medical Association
- AOC = Association of Oregon Counties
- BOMA = Building Owners and Managers Association
- CLHO = Conference of Local Health Officials
- ICAA = Indoor Clean Air Act
- ONA = Oregon Nurses Association
- TMSA = Tobacco Master Settlement Agreement
- TPEP = Tobacco Prevention and Education Program

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**2015 Legislative session**
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**Tobacco strategies**
- 2011-2013
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- 2014
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**Unifying effect of campaign**

**Campaign to use TMSA funds helps set education context**
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Lesson learned!

Don’t forget the potential importance of secular trends or external forces when evaluating a policy process.
Evaluation questions

1. To what extent and effect did state government, local government, and lobbyists collaborate in the policy process?

2. What role did local, state, and national tobacco control infrastructure play in the policy process?

3. What role did secular trends (events out of our control) play in the process? How (if at all) was the system set up to respond to these events?
Key informant interviews
Key informant interviews

15 Stakeholders

6 Lobbyist

6 Legislature

2 Local public health

1 State public health
Timeframe
Timeframe

Policy evaluation
Prospective versus retrospective
Lesson learned!

Can’t assume only one policy a session on which to focus

Limited resources (people and money) to evaluate all policies

Stakeholders do not have time during legislative session to participate

Requires upfront agreement on policy evaluation focus (role of government in policy process?)
What’s next?
HB 2546 evaluation timeline

**July**
Conduct key informant interviews

**August**
Qualitative analysis of key informant interviews

**September**
Evaluation advisory group meeting to review results

**October / November**
Evaluation report and presentation
HB 2546 evaluation timeline

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Contact information

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Extra slides
Theory of change versus logic model

Communications strategies
- Statewide campaigns
- Factsheets

Social change

Window of opportunity

Organizational readiness to take advantage of windows of opportunity

Participative decision making
- Key legislators know of and want to consult TPEP for a prolonged period
- Key legislators rely on TPEP
- TPEP has credibility with legislators
- TPEP has permission to communicate with key
- TPEP staff knowledgeable about lobbying rules

Partnerships

Legislative action to improve Oregon’s Indoor Clean Air Act

Organizational groundwork

LPHA coordination
- ICAA problem
- Consultation with TLCC

Legislative responsiveness
- Lessons learned
- Data
- Legislative training

WEMS tracking
Lesson learned!

Don’t start with the theory of change model; allow your advisory group to co-develop the policy narrative.
Past 30 day use of electronic cigarettes among 11th graders in Oregon, 2011-2015

E-cigarette use has tripled since 2013
Past 30 day use of tobacco products among 11th graders in Oregon in 2015

E-cigarette use is higher than any other tobacco product
Window of opportunity
Change happens when a window of opportunity opens

- Informed decision makers
- Stakeholder involvement
- Local public health involvement
- Partners (traditional and non-traditional)
- Social change/secular trends