



Case Study: LGBTQ Minus Tobacco Leads Effort to Strengthen Concord TRL

EXECUTIVE SUMMARY

LGBTQ Minus Tobacco is a San Francisco Bay Area nonprofit project that works with lesbian, gay, bisexual, transgender, queer or questioning (LGBTQ+) and allied community members to prevent tobacco addiction and reduce secondhand smoke exposure. LGBTQ Minus Tobacco has the policy objective of the adoption of a “Minimum Price, Minimum Pack” policy in the City of Concord, along with an end to tobacco coupon redemption. The Coalition realized that they would not get very far without first addressing Concord’s weak Tobacco Retail License (TRL) policy, in place since 2006, which is complaint-driven rather than consistently enforced. Thus, the Coalition sought to expand their objective to strengthening the existing TRL.

The city council had thought that if/when Proposition 31 passed, a local policy would not be needed. They also thought that city staff would not be able to enforce the policy. But the Coalition educated the city council about the importance of minimum price and meaningful enforcement while offering a creative solution to their concerns about limited TRL enforcement capacity. However, this was no easy task. The Coalition quickly

realized they had to be consistent about keeping their issue on the city council’s agenda and make compromises when needed. In the end, the city council passed an updated TRL with stronger protections, which included a commitment (though not codified) to inspections of tobacco retailers during the first year, a minimum price for packs of cigarettes and cigars, minimum pack restrictions, no redemption of coupons or discounts, and no sale of vape products. The organization did not get everything they desired within the t the updated TRL policy however, it was a major victory that can be built upon in future years.

CHALLENGES

In 2021, LGBTQ Minus Tobacco attended a priority-setting session of the Concord City Council during which tobacco policy was added to the priority list. Project staff were told the city would be addressing their weak TRL within the next 12 months. The Coalition found out that during the 2022 priority-setting session, the council had decided to remove the TRL policy from the list of priorities over concerns about limited staff time to implement and enforce the policy, and the belief that the passage of Proposition 31 would eliminate the need for a stronger local policy.

THE APPROACH

Making it easy for the City Council to say 'yes'

LGBTQ Minus Tobacco and its allies undertook extensive educational outreach to councilmembers, which led to a committee meeting in October 2022 where the council directed city staff to return to the full council in January with an outline of what would be involved. During this time, the Coalition met repeatedly with city staff. From these meetings they determined that to succeed they would have to drop several policy elements that are included in comprehensive TRL policies including no sales of tobacco at pharmacies, zoning restrictions of density and requiring a minimum distance between tobacco retail outlets and schools. During these meetings, the advocates heard how these elements would require the involvement of an overburdened planning department staff, but that the remaining policy elements could be handled more simply by the city manager's office.

Partner with other organizations

A major stumbling block to gaining approval for a strengthened TRL policy was whether it would be enforced. Under the 2006 TRL, the police department was tasked with enforcement, but they claimed they did not have enough staff to carry out inspections of businesses, conduct decoy operations, educate retailers and other licensing requirements. The Coalition learned about a city-nonprofit organization partnership model that existed in El Cajon, from a coalition partner, the American Cancer Society, Cancer Action Network. LGBTQ Minus Tobacco suggested that the city contract with a coalition partner, BACR, who was willing to take on the enforcement role. Bay Area Community Resources (BACR) would perform enforcement activities in exchange for a portion of the city's tobacco retail license fees.



Know what your coalition is willing to compromise

With a solution to the city's staffing issues and information about the value of minimum price policies and other TRL components not addressed by Prop. 31 in hand, the Coalition, including Concord residents, local youth and others, spoke at a City Council meeting in January 2023, which inspired the council revise the language in the existing TRL policy to address enforcement concerns, require a minimum price/pack, no coupon redemption, no vape sales, and no flavored tobacco. When the policy returned for a vote in May 2023, an exemption to the flavor policy for the two existing hookah lounges in town had been added and rather than proposing to work with BACR, the police revealed that they would be able to conduct retailer inspections at 55% of the stores per year without increasing the existing tobacco license fee. The council voted unanimously to adopt this policy upon this first reading. When the policy returned for the second reading in June, the Coalition chose to pull the item from the Consent Calendar to express concern about the enforcement plan. During this meeting the police revealed that they would now inspect all tobacco retailers and conduct some youth decoy operations during the next year, after which they would present a report to the city, at which point the enforcement plan and fee amount could be reconsidered. LGBTQ Minus Tobacco will continue to provide technical support to city staff as the enforcement plan is developed and results are gathered.

KEY TAKEAWAYS

Make it easy for the City Council to say 'yes'

When LGBTQ Minus Tobacco presented the model policy to Concord city council, the initial response was lackluster. Everyone agreed that reducing tobacco use was important, but the city was also trying to build more affordable housing and tackle homelessness. LGBTQ Minus Tobacco made it easier for the city to agree to prioritize their issue by offering solutions that addressed the city's concerns about the staff capacity to implement and enforce the policy.

Listen to what people tell you and be ready to compromise

Initially, advocates presented a model policy that included zoning restrictions, including density and proximity limitations, and a ban on selling tobacco at pharmacies. But after city staff suggested the policy could only be developed without these elements, the Coalition decided to compromise and settle for something less than they wanted but that would result in significant tobacco product restrictions and increase the frequency of enforcement.

Stay proactive and attend city council priority setting meetings whenever possible

At one city council meeting, members and city staff typically hear from dozens of constituents pushing the city to work on many different issues they feel are extremely important. But city council must prioritize where they can make an impact. through a planning document that guides their focus each year. LGBTQ Minus Tobacco missed a key window – the priority setting meeting - and didn't learn until after the issue had been dropped from the priority list. This meant the Coalition had to work hard to get it back on the priority list. before council. Once this goal had been achieved, , the Coalition advocates set up meetings with council members and the city manager to keep the issue on the forefront of city leaders' minds. They educated stakeholders about why an updated policy was needed and were willing to settle for less than perfection while achieving the project's primary policy objective and much more.

FOR MORE INFORMATION VISIT

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