

**Statewide Smokefree Law Readiness Assessment***February 2004*

Enacting a state smokefree air law is challenging in the best of circumstances and can be very formidable, and even counterproductive, if the state is not ready for this level of legislation. The public needs to be fully educated about the health dangers of secondhand smoke and their right to breathe smokefree air in the workplace and in indoor public places. The state and local coalitions, local and state health departments must work together to strategize for the campaign; educate the public, business owners, and legislators; plan ahead for implementation and enforcement issues; and divide up the multitude of responsibilities associated with a statewide campaign. The tobacco industry is at its strongest at the state level, where they have a significant amount of influence through their lobbyists and financial connections.

Before embarking on a statewide smokefree air campaign, steps that ideally should already be accomplished include:

- A significant number of local coalitions engaging in policy activity at the community level.
- Active involvement and support of the local efforts by the state coalition.
- Public education campaigns underway throughout the state.
- Strong smokefree air laws in effect in a significant number of communities.
- Consensus among the state coalition that:
  - Smokefree indoor air legislation is the priority this legislative session.
  - Preemption language is a deal-breaker.
- Committed, effective legislative sponsor(s).
- Reasonable belief that a strong, non-preemptive bill can survive the legislative process intact.
- Infrastructure to activate and communicate with grassroots supporters.
- Assessment of resources and ability to:
  - Effectively lobby the legislature
  - Conduct a public education campaign, including paid media.
- Polling results demonstrating strong public support for a statewide law.
- Thinking ahead towards the infrastructure for implementing and enforcing a statewide law.

The preparation and organization involved in a statewide campaign can be overwhelming, but you will be better prepared to handle the challenges by thinking through all the components ahead of time. The following are questions to help you determine whether your state is ready for a statewide smokefree air law.

**Local Activity**

1. Are smokefree ordinances being actively pursued in local municipalities at this time?  Yes  
 No

2 a. Use the chart below to enter the names of municipalities that have enacted local smokefree indoor air laws and select the types of establishments these laws cover. Please note if a type of establishment is 100% smokefree (the establishment is smokefree in its entirety at all times).

Community	Municipal Buildings	Public Places	Private Workplaces	Restaurants	Freestanding Bars
Springfield	Yes	Yes	Yes	100%	No
1.					
2.					
3.					

*If you need more space, please use the additional chart on Page 9.*

2 b. Do the local smokefree indoor air laws listed in the above chart include any of the following exemptions?

Community	Bar Areas of Restaurants	Separately Enclosed Smoking Rooms	Ventilation	Smoking Sign Requirements	Freestanding Bars	Other Exemption
Springfield		Yes			Yes	
1.						
2.						
3.						

*If you need more space, please use the additional chart on Page 9.*

3. What is the total number of municipalities in your state with smokefree indoor air laws? \_\_\_\_\_

4. What is the total number of municipalities in your state? \_\_\_\_\_

5. What is the population of your state? \_\_\_\_\_

*(Populations can be found under Data Highlights at <http://www.census.gov/main/www/cen2000.html>)*

6. What percentage of your state population is covered by local smokefree indoor air laws?  
*(Population of towns with laws / total state population = percent of population with laws)*

- |                                 |                                 |
|---------------------------------|---------------------------------|
| <input type="checkbox"/> 0%     | <input type="checkbox"/> 26-40% |
| <input type="checkbox"/> 1-10%  | <input type="checkbox"/> 41-60% |
| <input type="checkbox"/> 11-25% | <input type="checkbox"/> 60+%   |

7 a. Which areas of the state have not enacted smokefree indoor air policies? (ie: rural, metropolitan, north, south)

7 b. In what areas of the state have smokefree indoor air policies been defeated or repealed?

8 a. Has statewide polling data been conducted on public support for smokefree air laws in the past three years?  Yes  No

8 b. Use the chart below to record the results of statewide polling data.

	% Strongly Favor	% Favor	% Oppose	% Strongly Oppose
<b>Municipal Buildings</b>				
<b>Public Places</b>				
<b>Private Workplaces</b>				
<b>Restaurants</b>				
<b>Bars</b>				

8 c. How does support vary by geographical region of the state?

8 d. What are the areas of greatest and least support?

**Coalition Capacity**

9 a. What organizations are active members of the state coalition? Check all that apply.

- State Health Department  \_\_\_\_\_
- American Cancer Society  \_\_\_\_\_
- American Lung Association  \_\_\_\_\_
- American Heart Association  \_\_\_\_\_

9 b. What allies do you anticipate working with during a statewide campaign?

- \_\_\_\_\_  \_\_\_\_\_
- \_\_\_\_\_  \_\_\_\_\_

10 a. Do the organizations represent the state geographically?  Yes  No

Gaps: \_\_\_\_\_

10 b. Do the organizations represent communities of color?  Yes  No

Gaps: \_\_\_\_\_

10 c. Do the organizations represent other specific populations within the state?  Yes  No

Gaps: \_\_\_\_\_

11 a. What are any past or current conflicts within the coalition over legislative goals and/or strategy?

- 
- 
- 
- 

11 b. What are any potential conflicts of interest on smokefree indoor air policy and/or preemption?

- 
- 
- 
- 

12. What are the priorities of the state coalition for the current legislative session? Rank the priorities, 1 = highest priority.

- Smokefree Indoor Air
- Excise Tax
- Youth Access
- Other \_\_\_\_\_
- Sustaining Program Funding
- Repealing Preemption
- Guarding Against Preemption

13. What is the capacity of the coalition staff and member organizations? Rank their expertise, 1 = very experienced, 5 = little experience.

Staff/Organization	Grassroots Organizing	Public Relations	Legislative Tracking	Lobbying

14 a. Does the coalition have a statewide database of supporters and volunteers ?  Yes  No

14 b. Can the database be sorted by legislative district?  Yes  No

15 a. How many contacts are in the database? \_\_\_\_\_

15 b. What percent of the state population is in the database? \_\_\_\_\_ %

15 c. What percent of the state’s registered voters is in the database? \_\_\_\_\_ %

15 d. How often have the supporters in the database been mobilized and how many people have responded?

Times Mobilized: \_\_\_\_\_  
 People Activated: \_\_\_\_\_

16 a. What kinds of mechanisms does the coalition have for communicating with members, partners, and local coalitions? Check all that apply.

- Mailing List
- Email
- Electronic Listserve
- Newsletter
- Conference Calls
- Action Alerts
- Phone Tree
- Other

16 b. What mechanisms have been most effective at mobilizing people; i.e. garnered the greatest response? Rank each one: 1 = most effective, 5 = no response, n/a = mechanism not used. More than one item can be given the same rank.

- Mailing List
- Email
- Electronic Listserve
- Newsletter
- Conference Calls
- Action Alerts
- Phone Tree
- Other

17. What are the coalition's media contacts in major media markets, particularly those serving districts of key state legislators?

Outlet	Region Served	Legislative Districts Served	Media Contact Person

18. What kind of financial resources (amount and source) are available for a campaign?

	Restricted:		Unrestricted:		In-Kind:	
	Source	Amount	Source	Amount	Source	Amount
<b>Lobbying</b>						
<b>Public Relations</b>						
<b>Paid Ads</b>						
<b>Phone Banks</b>						
<b>Direct Mail</b>						
<b>Organizing</b>						
<b>Polls</b>						

**Public Education**

19 a. Is there a statewide public education campaign about secondhand smoke?  Yes  No

19 b. How long has the campaign been running? \_\_\_\_\_

19 c. What are the key messages of the campaign? Check all that apply.

- Health Effects
- Workers
- Patrons
- Business Owners
- Youth
- Other

20. Do you think the statewide campaign will continue if there are funding cutbacks?  Yes

No

21a. Are local coalitions engaging in public education campaigns?  Yes

No

21 b. How long have local coalitions been working on public education campaigns?

22 a. What are the regions of the state with fewer public education resources?

22 b. What are the plans for public education efforts in those areas?

22 c. What are any particular challenges in media/public education specific to your state?

23 a. Has data been gathered on public attitudes about the health effects of secondhand smoke?

Yes

No

23 b. What are the polling results?

<b>% Very Concerned</b>	<b>%Somewhat Concerned</b>	<b>%Not Very Concerned</b>	<b>% Not at All Concerned</b>

24 a. What has been the key media outlets' position and coverage on smokefree air issues? Note the number of news items and rank coverage; 1 = very favorable, 3 = neutral , 5 = very unfavorable.

<b>Media Outlet</b>	<b>Article</b>	<b>Op Ed / Editorial</b>	<b>Letter to Editor</b>
Hometown Gazette	3 articles: Art 1 = 2, Art 2 = 2, Art 3 = 5	None	4 LTE: LTE 1 = 1, LTE 2 = 5, LTE 3 = 5, LTE 4 = 2

24 b. How does support in different media outlets vary by region?

24 c. Have you educated the media about smokefree air issue, i.e. at editorial board meetings?

Yes

No

25 d. If yes, what was the response?

Positive

Neutral

Negative

**State Politics**

25 a. What, if any, statewide smokefree indoor air laws already exist? What provisions do they have for the following places?

- |   |   |
|---|---|
| <input type="checkbox"/> Municipal Buildings: _____ | <input type="checkbox"/> Restaurants: _____ |
| <input type="checkbox"/> Public Places: _____       | <input type="checkbox"/> Bars: _____        |
| <input type="checkbox"/> Private Workplaces: _____  | <input type="checkbox"/> Other: _____       |

25 b. Who enforces the current state law? Check all that apply.

- |  |  |
|--|--|
| <input type="checkbox"/> State Health Department         | <input type="checkbox"/> City Health Departments |
| <input type="checkbox"/> Environmental Health Department | <input type="checkbox"/> State Labor Department  |
| <input type="checkbox"/> County Health Departments       | <input type="checkbox"/> Police                  |
| <input type="checkbox"/> Other: _____                    |  |

26 a. Has the coalition tried to promote smokefree indoor air legislation in the last five years?

- Yes  
 No

26 b. Has the legislature introduced a smokefree indoor air bill on its own in the last five years?

- Yes  
 No

26 c. If yes, what was the result?

- |  |   |
|--|---|
| <input type="checkbox"/> Died in committee   | <input type="checkbox"/> Weakened and enacted |
| <input type="checkbox"/> Killed on the floor | <input type="checkbox"/> Preemption enacted   |
| <input type="checkbox"/> Weakened and pulled | <input type="checkbox"/> Other: _____         |

27. What is the governor’s position on smokefree air laws?

- |                                     |                                     |
|-------------------------------------|-------------------------------------|
| <input type="checkbox"/> Supportive | <input type="checkbox"/> Opposed    |
| <input type="checkbox"/> Undecided  | <input type="checkbox"/> Don’t Know |

28 a. What is the legislative leaders’ position on smokefree indoor air laws?

- | <u>Senate</u>                       | <u>House/Assembly</u>               | <u>Key Committee Chairs</u>         |
|-------------------------------------|-------------------------------------|-------------------------------------|
| <input type="checkbox"/> Supportive | <input type="checkbox"/> Supportive | <input type="checkbox"/> Supportive |
| <input type="checkbox"/> Undecided  | <input type="checkbox"/> Undecided  | <input type="checkbox"/> Undecided  |
| <input type="checkbox"/> Opposed    | <input type="checkbox"/> Opposed    | <input type="checkbox"/> Opposed    |
| <input type="checkbox"/> Don’t Know | <input type="checkbox"/> Don’t Know | <input type="checkbox"/> Don’t Know |

28 b. What is the status of local smokefree indoor air policy in the legislative leaders’ districts?

- | <u>Senate</u>   | <u>House/Assembly</u>                                 | <u>Key Committee Chairs</u>                           |
|---|---|---|
| <input type="checkbox"/> No smokefree indoor air laws | <input type="checkbox"/> No smokefree indoor air laws | <input type="checkbox"/> No smokefree indoor air laws |
| <input type="checkbox"/> Some weak laws               | <input type="checkbox"/> Some weak laws               | <input type="checkbox"/> Some weak laws               |
| <input type="checkbox"/> Some strong laws             | <input type="checkbox"/> Some strong laws             | <input type="checkbox"/> Some strong laws             |
| <input type="checkbox"/> Enacted but repealed         | <input type="checkbox"/> Enacted but repealed         | <input type="checkbox"/> Enacted but repealed         |

29 a. Who is/are the coalition's legislative champion/s?

<u>Name</u>	<u>Leadership Position</u>
_____	_____
_____	_____
_____	_____

29 b. Is he/she willing to pull a bill if it is weakened too much by amendments or if it becomes preemptive?

- Yes  
 No

**Preemption**

30 a. Does the coalition have a formal, written policy statement opposing preemption?

- Yes  
 No

30 b. Does the coalition require anti-preemption language in any tobacco control bill?

- Yes  
 No

31. What is the state's legislative history and status regarding preemption? Check all that apply.

- Have Preemption                       Repealed Preemption  
 Fought Preemption                       Anticipating Preemption

32 a. Are both your coalition and legislative supporters educated on the importance of opposing preemption and the tactics used to introduce preemption?

- Yes  
 No

32 b. Do your coalition and legislative supporters consider preemption a deal-breaker?

- Yes  
 No

32 a. Do any of your coalition's partners or allies have resolutions against preemption and for local control?

- State Municipal League                       National Health Partners  
 State Health Partners                       Others

32 b. If they do not, will they adopt one before legislation is introduced?

- Yes  
 No

33 a. If your state has preemption, what is the history of preemption repeal attempts?

<u>Year</u>	<u>Repeal Attempt</u>	<u>Result</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

33 b. If your state has preemption, what have been the barriers to repealing preemption?



**Implementation Infrastructure**

34 a. Will the public health community support a strong smokefree law?  Yes  
 No

Conflicts: \_\_\_\_\_

34 b. Does the leadership of the state health department support implementing and enforcing a smokefree air law?  Yes  
 No

35. Will the state health department implement and enforce a statewide law?  Yes  
 No

36. Is there a health department in every county?  Yes  
 No

37. Who do you think would enforce a strong statewide smokefree law? Check all that apply.

- State Health Department
- Environmental Health Department
- County Health Departments
- Other: \_\_\_\_\_
- City Health Departments
- State Labor Department
- Police

38. What are plans for implementation and enforcement in areas that do not have local smokefree indoor air ordinances and/or have not had local ordinance campaigns?

**Opposition**

39. What groups are likely to oppose a statewide campaign?

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

40. What campaign contributions have those groups made to state legislators?

Opposition Group	Contribution	Recipient	Lobbying and/or PR Firm (Used directly or indirectly)	Year
1.				
2.				
3.				

*If you need more space, please use the additional chart on Page 11.*

41. What is the coalition's plan to counter this opposition?

42. Have you educated your legislative champion/s and the coalition partners about what to expect from the opposition?

- Yes  
 No

This assessment is a tool designed to help you think through the numerous components of a state smokefree indoor air campaign in advance. Please contact ANR at 510-841-3032 to provide feedback on this assessment or to discuss your statewide efforts.

Continuation of Chart for Question 2 a.

Community	Municipal Buildings	Public Places	Private Workplaces	Restaurants	Freestanding Bars
Springfield	Yes	Yes	Yes	100%	No
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					
19.					
20.					

Continuation of Chart for Question 2 b.

Community	Bar areas of Restaurants	Separately Enclosed Smoking Rooms	Ventilation	Smoking Sign Requirement	Freestanding Bars	Other Exemption
Springfield		Yes			Yes	
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						
14.						
15.						
16.						
17.						
18.						

Continuation of Chart for Question 40.

<b>Opposition Group</b>	<b>Contribution</b>	<b>Recipient</b>	<b>Lobbying and/or PR Firm (Used directly or indirectly)</b>	<b>Year</b>
4.				
5.				
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20.				

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