

Healthy Stores for a Healthy Community (HSHC) Campaign Key Informant Interview and Public Opinion Survey Statewide Summary Results of Tobacco Retail Licensing



Introduction

In spring, 2014, Local Lead Agencies (LLAs) funded by the California Tobacco Control Program conducted public opinion polls and key informant interviews with policy makers, opinion leaders, and retailers to better understand public sentiment on their Healthy Stores for a Healthy Community retail objective. This data was collected by 61 LLAs on one or more of 10 retail indicators for the Healthy Stores for a Healthy Communities Campaign.

Indicator	Number of LLA's funded to obtain objectives in the 2014-17 funding cycle
1. Tobacco Retail Licensing (3.2.1)	21
2. Content Neutral Advertising on Storefronts (1.1.18)	13
3. Menthol and Other Flavored Products (3.2.9)	9
4. Tobacco Retailer Density/Zoning (3.2.2)	8
5. Tobacco Free Pharmacies and Health Care Providers (3.2.7)	4
6. Minimum package/Volume size (1.2.7)	3
7. Tobacco Product Definition Update (3.2.12)	3
8. Store Exterior Marketing (1.1.2)	2
9. Healthy Retailer Licensing (1.2.9)	2
10. Healthy Community/Retailer Incentives (1.2.8)	1

This report summarizes the results from Indicator 3.2.1 on Tobacco Retail Licensing (TRL).

Methods

The Tobacco Control Evaluation Center (TCEC) aggregated data from LLA's public opinion surveys (POS) on each of these 10 indicators (although not all LLAs asked questions related to these indicators), and conducted

a descriptive statistical analysis of the aggregated data using Stata, a statistical software package. Survey data was pulled from TCEC's master account with Survey Analytics, which stores all data collected by LLAs using the SurveyPocket mobile data collection app. Because LLAs did not ask the same set of questions on demographics or smoking status, TCEC was unable to complete any sub-group analyses (i.e., comparison of support for TRL policies among smokers and non-smokers).

The California Tobacco Control Program provided copies of the LLA's progress reports which included summaries of key informant interviews (KII's) conducted with local policy makers, retailers and other community members. The summaries were loaded into NVIVO, a qualitative analysis software package, and coded by the key indicators as well as related emerging themes. Many key informant interviews also included closed-ended questions on support or opposition to tobacco control legislation for retailers. We entered responses to the closed-ended questions into Excel in order to calculate descriptive statistics. Progress report summaries varied in length, detail, and presentation, so TCEC was not able to discern with any accuracy the various roles of all of the KII respondents. We can only report that KII respondents included a variety of local policy makers and leaders, including city council members, county board of supervisors, leaders of religious and non-profit organizations, and tobacco retail owners and managers.

TCEC analyzed the results of the public opinion survey and key informant interviews using a mixed methods approach, analyzing them jointly to answer the following research questions for each indicator:

1. What are the opinions of the public and key informants about legislation regarding this indicator?

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2. Does public opinion coincide with the opinion of key informants, especially policy makers, on this indicator?
3. What factors, according to the public and/or policy makers, constitute barriers and what would facilitate the adoption of policies related to this indicator?

Results

One of the goals of the HSHC campaign is to limit youth access to tobacco products and electronic smoking devices. A primary way to reduce illegal sales of these products to minors is for local jurisdictions to require retailers who want to sell such products to obtain a license where a portion of the fees pay for enforcement activities. The Tobacco Retail Licensing indicator measures the number of jurisdictions that has a tobacco retail license which earmarks part of the license fee for enforcement.

The following table shows the number of counties that asked questions about tobacco retailer licensing and the number of respondents (Table 1):

Table 1: Number of counties and number of respondents about Tobacco Retailer License

Question Topic	Number of counties with POS question	Number of counties with KII question	Number of POS respondents	Number of KII respondents
Tobacco Retail Licensing	40	33	4,589	183

Analysis for the POS and KII data revealed that opinion on the need for a tobacco retail license differed by a small margin. The public was somewhat more supportive than key informants for the idea.

In the public opinion surveys, 40 counties asked a question about tobacco retail licensing similar to: “Would you support or oppose a law requiring store owners to buy a local license to sell tobacco? The license fees would cover the cost of checking whether stores follow tobacco and alcohol laws.” The question was answered by 4,589 respondents. Of these, 72.7 % answered “Yes,” 17.4% answered “No,” and 9.9 % said “I don’t know.” **While support was often somewhat lower in conservative**

rural counties, surprisingly, there was no consistent pattern across rural vs. urban jurisdictions. In many instances, there was wider support among respondents of rural counties than those in more urban settings.

Twenty-nine counties asked about tobacco retail licensing as part of their key informant interviews where the question was worded slightly differently from that in the survey: “Do you support requiring stores to purchase a local license if they want to sell tobacco so that the fees can be used for tobacco law enforcement?” Of the 183 informants, 122 were supportive of a license requirement, 46 were not, and 15 did not know or declined to answer. **Overall, key informants were somewhat less supportive of TRL than were respondents of the public opinion survey.**

The interviews confirmed what many projects have heard before – that although they may favor protecting minors from tobacco product access and sales, some informants oppose tobacco retail licensing on the grounds that it infringes on personal freedoms and would hinder small business activity. They saw license fees as a financial burden on retailers, perceived any regulation as a threat, and feared setting a precedent for more “government interference.” What was rather interesting, though, was that some opposition was based on a mistrust (or misinformation) about use of license fees. Eight interviewees commented either that the fees are not being used for their designated purposes (1); the state cigarette tax should share or cover the cost of local law enforcement of TRL provisions or that the state should handle licensing and enforcement entirely (3); or that local law enforcement agencies already had enough resources to do their jobs and therefore license fees were unnecessary (4).

“Funds collected for certain purposes are not being used for those purposes.”

“The state should give us part of the tobacco tax they collect.”

“I believe there are enough resources for law enforcement to do their jobs.”

On the flip side, increased monies for under-funded law enforcement were one reason that 11 informants

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were supportive of a tobacco retail license. “Local funds delivered to local resources are more effective as we understand local needs better than state mandates.” “This (actual funding) would make law enforcement more accountable for enforcing the ordinance.” Supporters saw the fees generated by a tobacco retail license policy would allow for the provision of additional information and education to merchants as well as create an incentive for them to enforce age requirements in their establishments. “[In support] as long as training, guidelines and regulation is also provided along with education for the retailer and technical assistance.” So it could be advantageous for TRL advocates to confirm the financial need of law enforcement in their jurisdiction and then leverage this information into a convincing argument about the financial benefit of adopting and implementing a licensing requirement.

A common refrain voiced by supporters was that selling tobacco products should be no different than selling alcohol—if retailers want to sell it, they should have to be licensed. Retailers already operating under a TRL provision used similar wording in their new training programs for staff—“treat tobacco like alcohol” and ask for ID from everyone who looks younger than 30 years old. So this might be an effective way to frame the need for tobacco retailer licensing—tobacco is a restricted substance and should be subject to the same limitations (licensing, monitoring, and enforcement) as alcohol. Some factors that may counteract this argument are low illegal sales rates (which make it harder to argue for the need of a TRL) and the vocal (and organized) opposition of the tobacco lobby and grocer’s associations who have made their views well-known to policy makers. Low illegal sales rates of traditional tobacco products may be mitigated by the ever-increasing uptake of electronic smoking devices (ESDs) by youth. In addition to adding buy attempts of ESDs to youth tobacco purchase survey protocols, projects may want to obtain data on local use rates of such devices or cite data from statewide or national youth use surveys. Armed with this and other convincing issue-framing, TRL advocates and their allies should attempt find ways to carry as much weight with community leaders as powerful tobacco and business lobbies.

In one jurisdiction, Santa Barbara, the progress report was quite extensive and contained rich detail about conversations with retailers which went beyond the question of support for a TRL policy. Comments revealed an outcome that stirred resentment against tobacco licensing regulation. When stores were fined for selling tobacco products to minors, guilty employees were reprimanded or fired. “Both of these merchants...were resentful at having to lose a good employee and replace with a possibly worse one.” The owners/managers feared the effect this had on their staff. Of even greater import was that “Also they shared a common perspective that there was little they could do to prevent tobacco sales to minors.” No matter how much training was given, mistakes were still bound to happen because when stores get busy, clerks forget to card. So this may be an area where LLAs can provide proactive technical assistance to merchants in future.

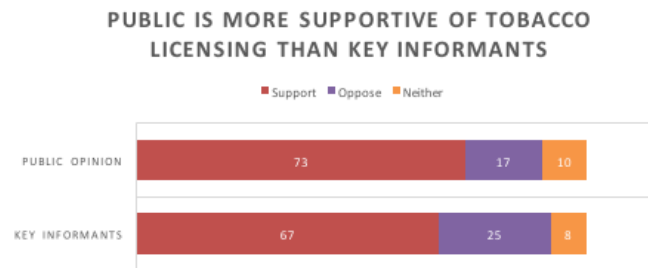
Comments about the role of government were not exactly unexpected either. “Opinion leaders want to protect youth, but are concerned about government interference.” They also feel they have “more pressing economic issues” that take precedence. Local decision-makers are, of course, conscious of how their stance or their votes will be perceived by their constituents, particularly in contentious districts. “A few cities were experiencing a highly charged and competitive political environment. Election dynamics could influence the level of support for TRL.” Others thought social concerns should override those concerns: “Some folks will construe this as a government telling people what to do, but in light of the product, it’s already established not to be a good habit and we should be proposing restrictive measures to control its [tobacco’s] use.” There were conflicting opinions about which level of government is the appropriate regulator of tobacco retailer licensing. Contrast “I do not favor TRL, but if so, it should be under the purview of the ABC.” with “Local [control] is always better.” and “It wasn’t clear on what a tobacco retail license would involve for the city beyond the CUP. I’m not sure the city is willing to take on that role. We’d expect the county to do this.” One other informant pointed to the benefit of a county-level policy: unless there is a county-wide policy, youth will just go the next city over (without a TRL policy) to buy tobacco products.

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The interviews also pointed to a few areas where clarification is needed. Several informants were hazy on what tobacco retail license enforcement would consist of. A few respondents apparently did not understand the difference between (and the need for) the state tobacco retail license and a local one. “[Retailers] are already heavily regulated and an additional license would be unnecessary.” “The city of Hanford used to get money from the tobacco tax for enforcement, then the state took it away.” And wording in one progress report seemed to indicate confusion on the part of the project of Lee Law provisions. These represent opportunities for local projects as well as the California Tobacco Control Program to clear up misconceptions and educate stakeholders about the issues surrounding tobacco retail licensing efforts. It is important for projects to be able to present a clear picture of how such a policy could be enforced, who might be involved, and what the outcomes may be in terms of penalties, re-education, etc. It could be especially important for retailers and policy makers to understand the role and limitations of state licensing requirements as opposed to local enforcement powers. Even with state or federal laws on the books, unless there is a local licensing law with enforcement monies and statutes, tobacco provisions may not actually provide much protection. As one interviewee acknowledged, “Law enforcement is always given unfunded mandates,” so unless there are sufficient fees dedicated to monitoring compliance it’s not likely to happen. Making decisionmakers aware of these factors could engender more support for a local TRL policy.

When comparing the results of the public opinion survey and key informant interview question regarding requiring retailers to have a license to sell tobacco, support was greater among the public than the key informants. This should not be entirely unexpected, as a number of key informants were retailers—and they were not eager to embrace additional fees or regulation of their business activities. However, policy makers should wake up to the fact that in many jurisdictions, public desire to protect youth from tobacco access and uptake outweighs concerns for the business climate and entrepreneurial freedoms from regulation.

Figure 1: Percent of public opinion versus key informant opinion about tobacco retail licensing



Anticipated barriers to licensing legislation

Informants voiced a wide array of potential barriers to legislation as well as suggestions for facilitating adoption of a tobacco retail licensing policy. These mirrored the comments mentioned in earlier sections.

Opponents of tobacco retail licensing policies:

- Retailers/grocer’s associations: Opposition will come from retailers, business owners, some community leaders, some tobacco users.
- Tobacco lobbyists/interest groups: They say “just educate the people and let them make the choice.” It’s hard to compete with tobacco industry giants. They have the money and the manpower to offer incentives to retailers as well as to reach the ear of decisionmakers through lobbying and outreach. One informant said, “Tobacco and alcohol company reps visit stores 3-4 times a week.” It’s difficult for tobacco control advocates to counter the influence relationships built with such outreach.

Informants voiced a number of factors that serve as potential barriers as well as strategies that may help counter those barriers. These are summarized in Table 2

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Table 2: Factors Affecting TRL Policy Adoption

Barriers	Facilitators
Community not well-informed about the issue	Provide data to illustrate the scope of problem and include details in the proposal so people can understand the real issue
The tobacco industry has the money and manpower to influence retailers, business groups as well as policy makers and make their views known	Enlist groups opposed to youth smoking. Get the community to engage with retailers – to state needs, express concerns, boycott uncooperative retailers, and form joint ventures between businesses and residents
Retailer and business community opposition to government regulation	Involve retailers before the policy is implemented. Get their input in the process
Fees seen as harmful to small businesses	Help retailers find alternate sources of income
Policymaker concern about enforcement burden and effect on business environment	Provide information on how policy has worked in similar jurisdictions. Give them facts to use to counter community concerns, complaints
Need sufficient manpower to enforce policy	Tout economic advantages of fees for law enforcement
Low sales rates to minors can make it harder to argue the need for a TRL ordinance	Results of a Youth Tobacco Purchase Survey can promote conversations about youth access. Work with stores close to schools first
Need a county-wide ordinance or youth can just go to nearby city to buy tobacco products	

Study Limitations

One limitation of this study is that the data come from a limited number of counties. A little less than half of the counties asked key informants about tobacco retail licensing. The results may therefore not reflect the entire state. In addition, the respondents for both the POS and KIIs were not selected randomly, and so the results do not necessarily represent the opinions of the public or policy makers in the counties where data was collected.

Conclusions

The results show that the majority of respondents to the survey and the interviews support legislation for tobacco retail licensing. Support is slightly stronger among the public (73%) than among key informants (67%). Tobacco retail licensing is seen favorably as a means to reduce youth access to tobacco products, make regulation easier and more uniform, and add needed money to law enforcement for monitoring. Concerns center on the impact of added license fees and regulation on small business, encroaching government interference and managing enforcement of such an ordinance. However, given the strong support among both the public and informants, this seems like an important area to focus on for future policy work in California.

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Appendix 1

List of counties that asked about tobacco retail licensing

Public Opinion Survey	Key Informant Interview
Amador	Amador
	Butte
Calaveras	Calaveras
Colusa	Colusa
Contra Costa	Contra Costa
El Dorado	El Dorado
Humbolt	Humbolt
Imperial	
Inyo	Inyo
Kern	Kern
Kings	Kings
Lake	Lake
Lassen	
Madera	
Marin	Marin
Mariposa	Mariposa
	Mendocino
Merced	Merced
Modoc	Modoc
	Nevada
Placer	Placer
Plumas	Plumas
Riverside	Riverside

Public Opinion Survey	Key Informant Interview
San Benito	San Benito
	San Bernardino
San Diego	
San Luis Obispo	San Luis Obispo
San Mateo	
Santa Clara	
Santa Cruz	
Shasta	Shasta
Sierra	Sierra
Siskiyou	Siskiyou
Solano	Solano
Sonoma	
Stanislaus	
Sutter	Sutter
Tehama	Tehama
Trinity	Trinity
	Tulare
Tuolumne	Tuolumne
Ventura	Ventura
Yuba	Yuba