
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



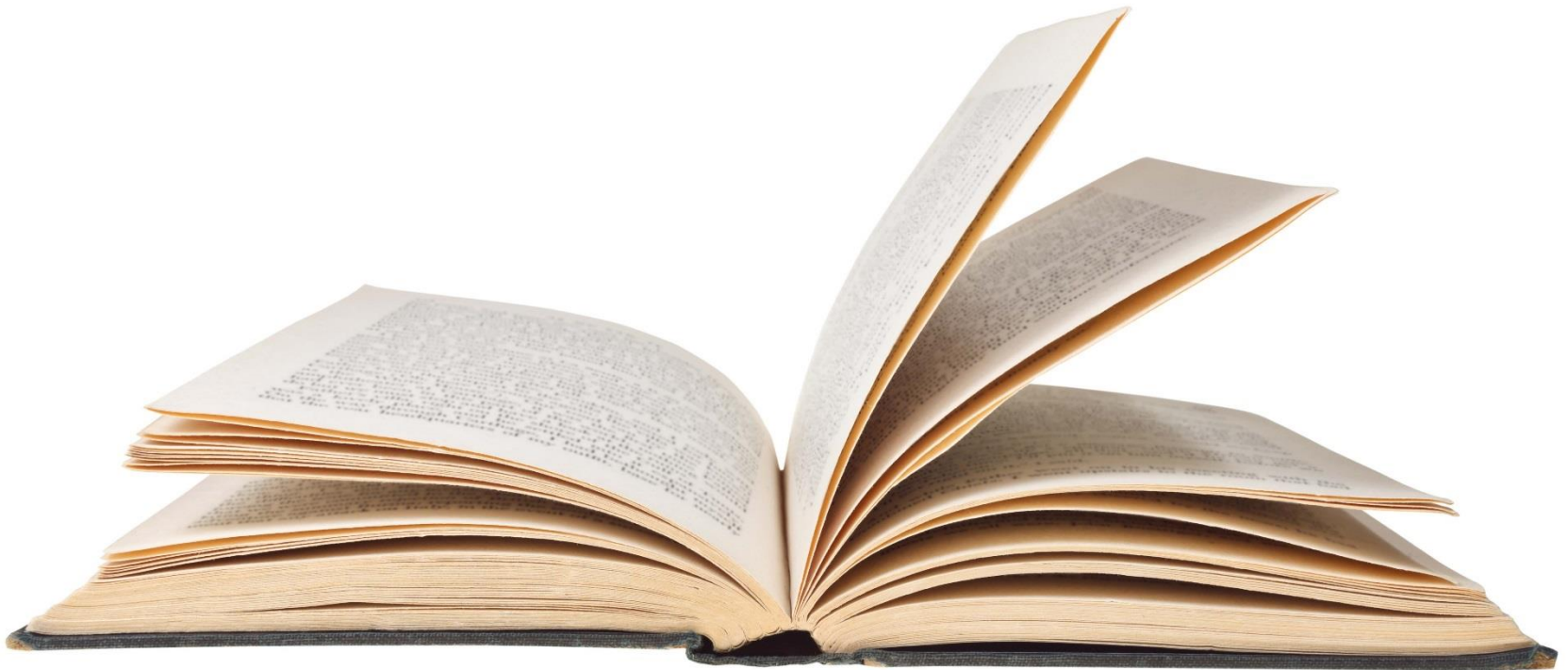
Remained intact; no
exemptions for vape shops



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 ”



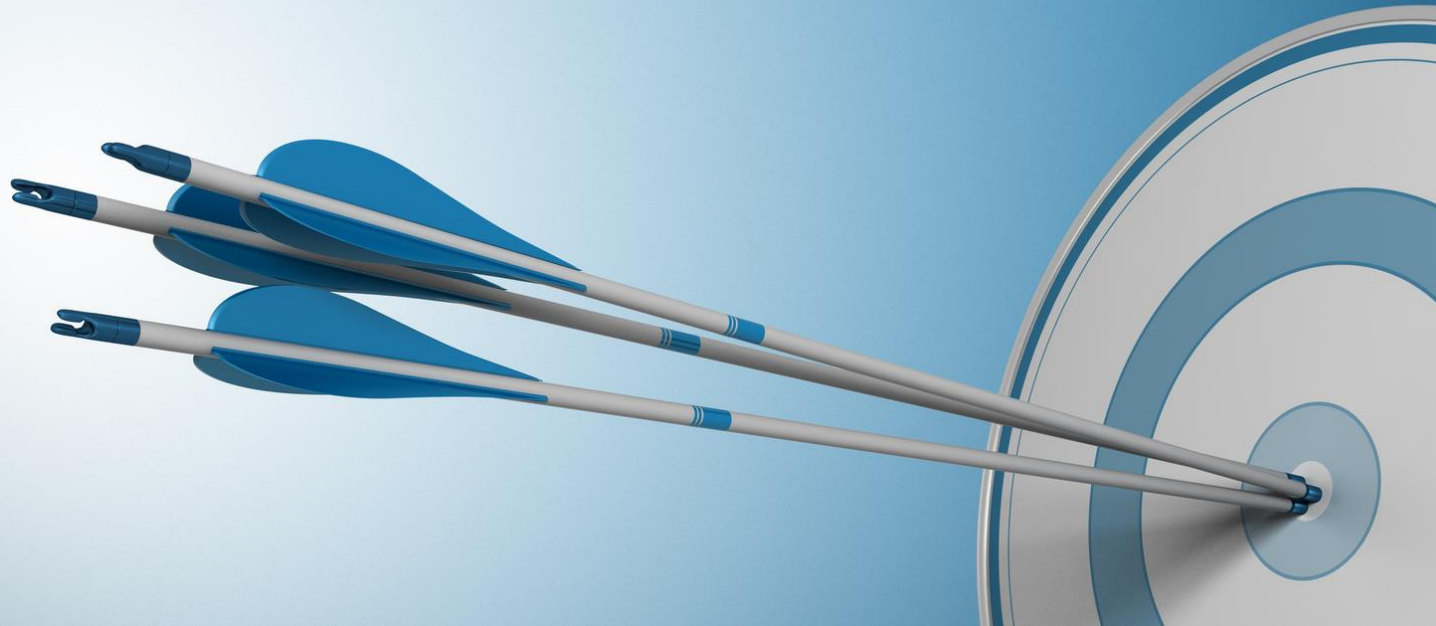
Goals for policy evaluation

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



Funded by and prepared for:

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

- 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

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

Local TPEPs pass expansion of ICAA

★ Intersection with lobbyists

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

Education

- 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

Connecting with partners

- Expansion to the ICAA

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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

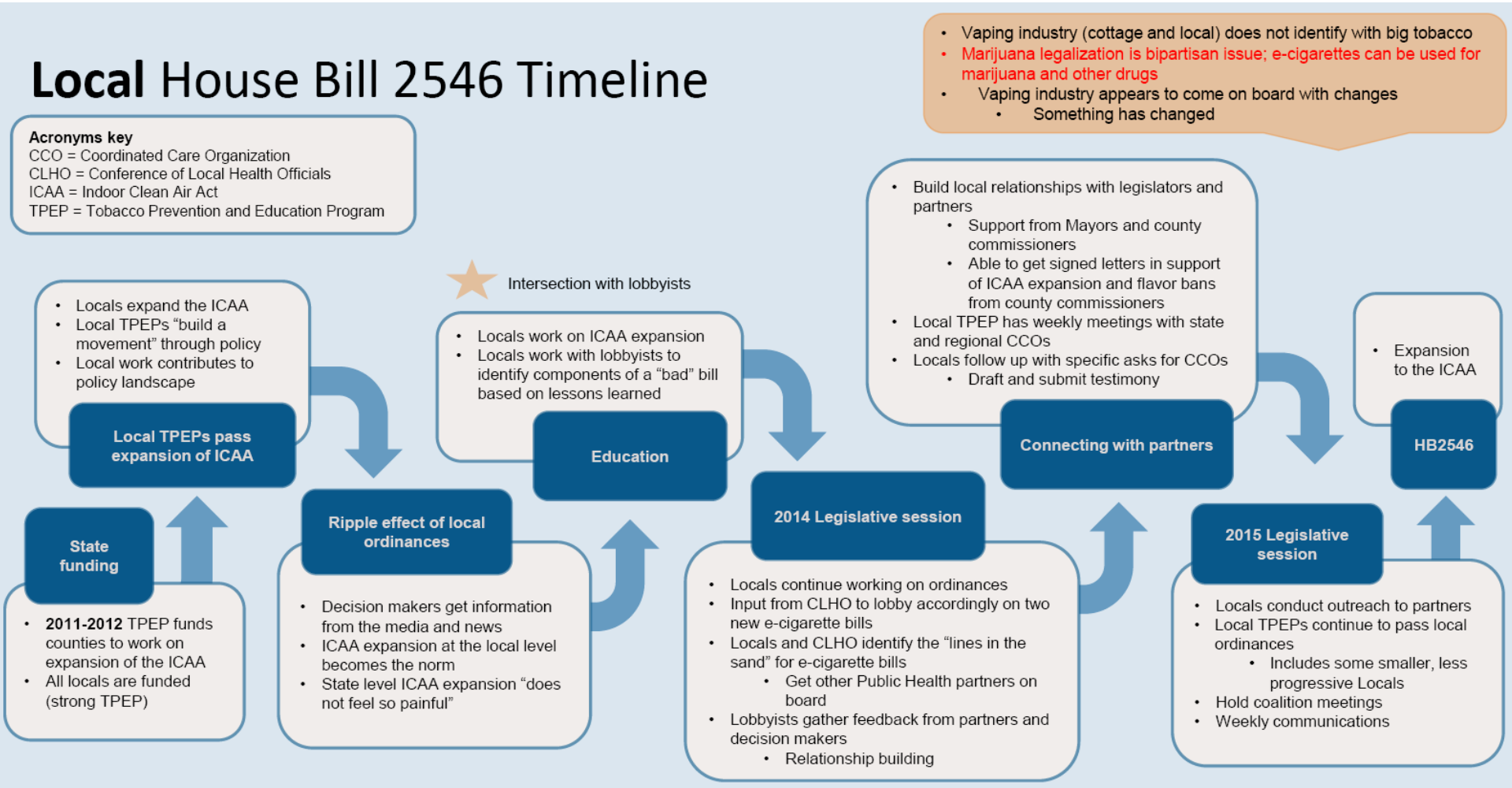
- Decision makers get information from the media and news
- ICAA expansion at the local level becomes the norm
- State level ICAA expansion "does not feel so painful"

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

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



State House Bill 2546 Timeline

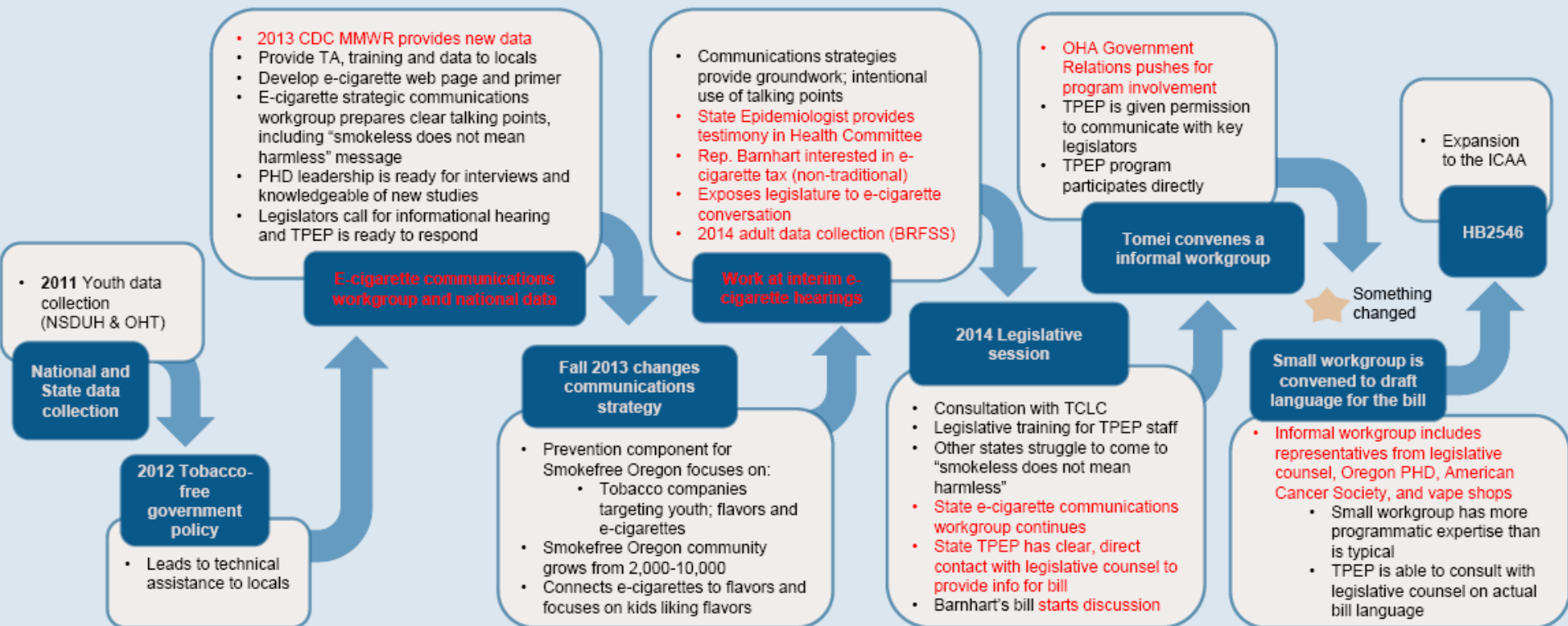
Acronyms key

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
 TLC = Tobacco Control Legal Consortium

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



Lobby House Bill 2546 Timeline

Acronyms key

ACS CAN = American Cancer Society
Cancer Action Network
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

- 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

- **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

Campaign to use TMSA funds helps set education context

Tobacco strategies

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

Unifying effect of campaign

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

- **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

Pre 2014 legislative session (partnerships)

- 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

Connecting with partners

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)

2015 Legislative session

- Rep. Taylor is primary sponsor and champion (**Tomei brought her along**)
 - Takes over informal workgroup for Tomei and is involved from start (Carrying 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

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Local

State

Lobby

2011



FUNDING
Local TPEPs are funded to expand the ICAA

01100
10110
11110

DATA
State and national youth data collection



STRATEGY
Lobbyists work on tobacco strategies

2012



POLICY
Locals expand ICAA; build a movement



POLICY
Tobacco-free government properties



STRATEGY
Lobbyists work on tobacco strategies

2013



STRATEGY
Locals and lobbyists identify what makes a "bad bill"



COMMUNICATIONS
Workgroup prepares clear key messages



STRATEGY
Lobbyists work on tobacco strategies



FUNDING
Lobbyists fund large TMSA campaign

2014



EDUCATION
Build relationships with legislators



COMMUNICATIONS
Smokefree Oregon focuses on e-cigarettes



EDUCATION
Lobbyists begin to meet with legislators



STRATEGY
Locals and CLHO identify lines in the sand

01100
10110
11110

DATA
CDC MMWR on e-cigarettes released



PARTNERSHIPS
Meetings with locals to determine stance



CAPACITY
PHD prepared to interview, knowledge of new studies



PARTNERSHIPS
Traditional partners meet with Public Health Division

2014 Legislative session



POLICY
Locals expand ICAA; build a movement



CAPACITY
Legislative training, consultation with TCLC



CAPACITY
Suggest amendments to strengthen bill (proactive)



PARTNERSHIPS
Local TPEPs meet With State and CCOs



ACCESS
TPEP has clear, direct path to legislative counsel



ACCESS
Lobbyists participate in informal and sub workgroup



ACCESS
Locals participate in informal and sub workgroup



ACCESS
TPEP participates in informal and sub workgroup

2015 Legislative session

2015



PARTNERSHIPS
Locals provide outreach to partners



EDUCATION
TPEP provides info to legislative counsel



EDUCATION
Lobbyists solicit legislator support



POLICY
Locals expand ICAA; includes less progressive



EDUCATION
Lobby against vape shop exemption



COMMUNICATIONS
CLHO collects stories of local groundwork



PARTNERSHIPS
Rely on non-traditional partnerships

A conceptual image featuring a large magnifying glass in the upper left corner. The lens is focused on a tiny scene in the lower center where two men in business suits are shaking hands. The background is a soft, light blue gradient. The text 'External forces' is positioned to the right of the magnifying glass.

External forces

Shifting strategies and milestones



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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

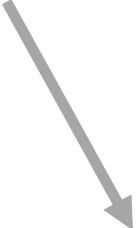


Timeframe

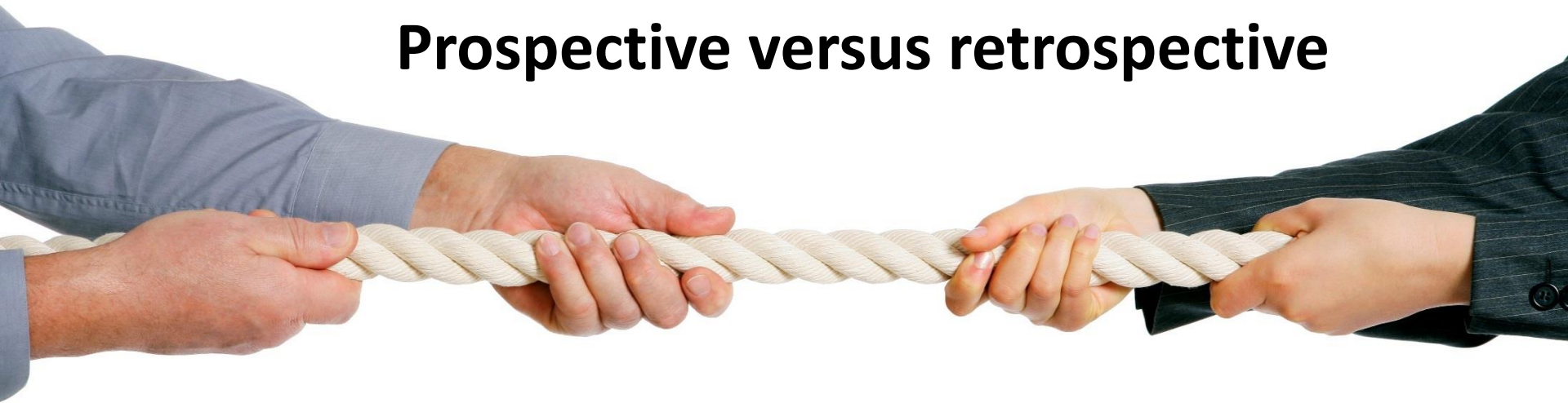


Timeframe

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

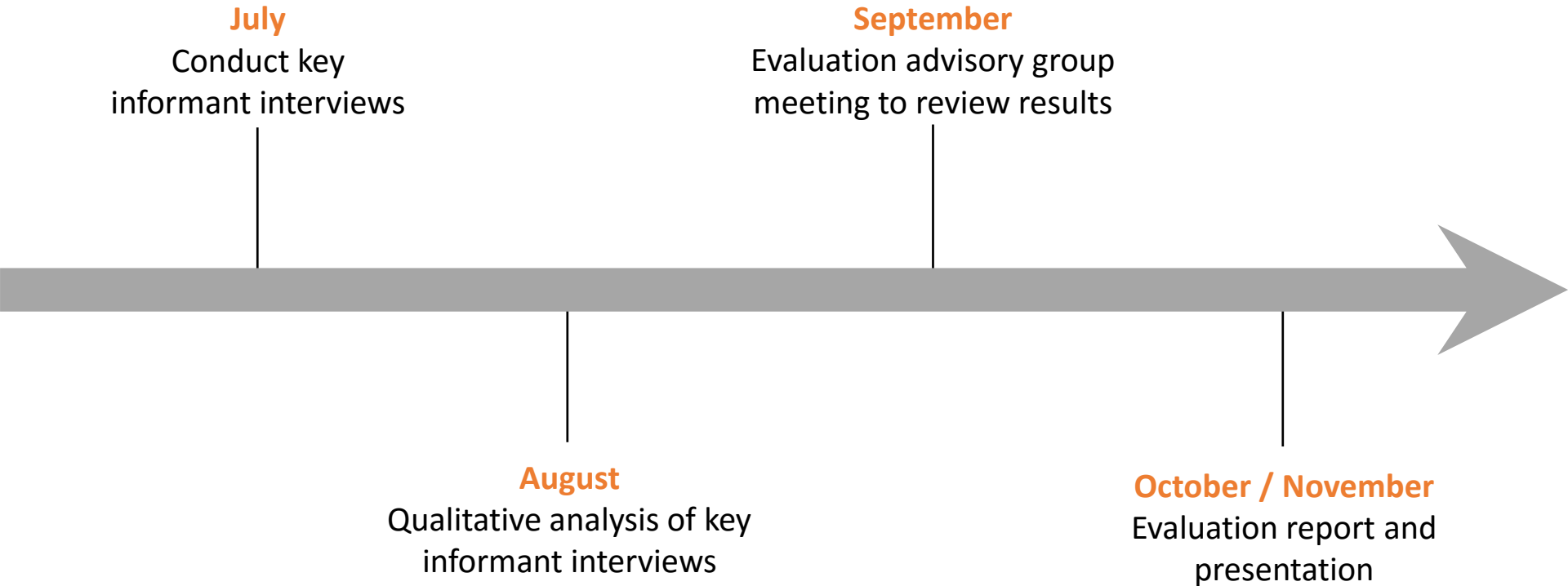
Stakeholders do not have time during legislative session to participate

Requires upfront agreement on policy evaluation focus (role of government in policy process?)

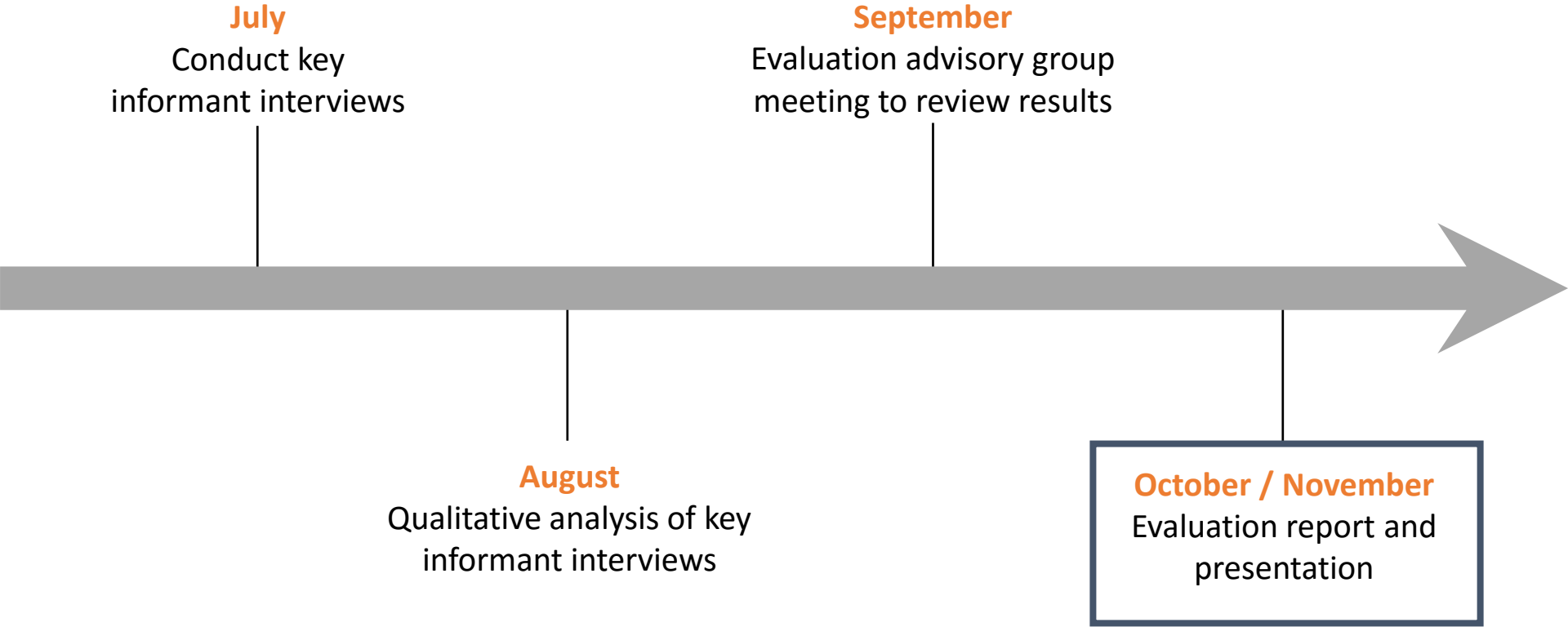
What's next?



HB 2546 evaluation timeline



HB 2546 evaluation timeline







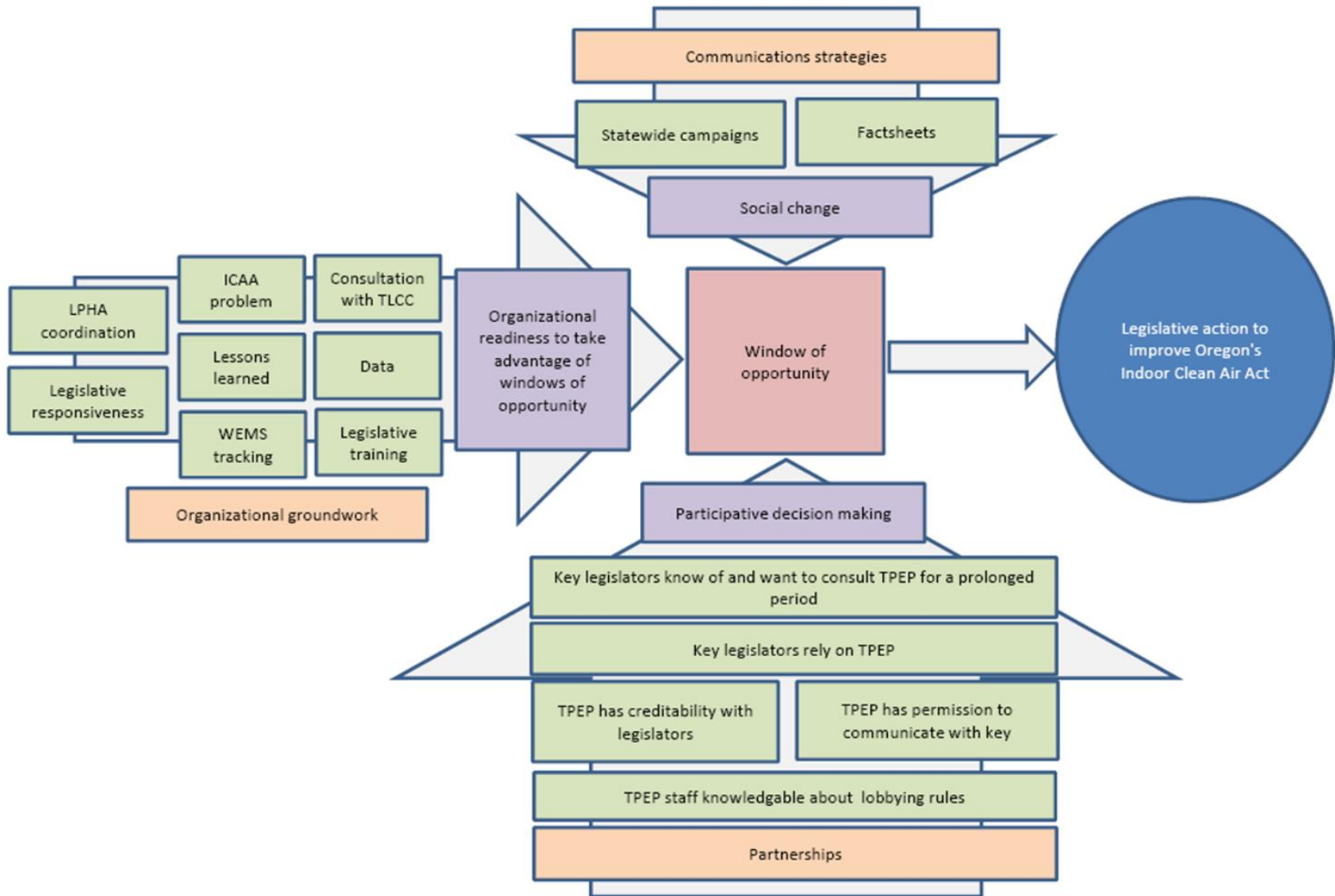
Contact information

Shaun Parkman

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Extra slides

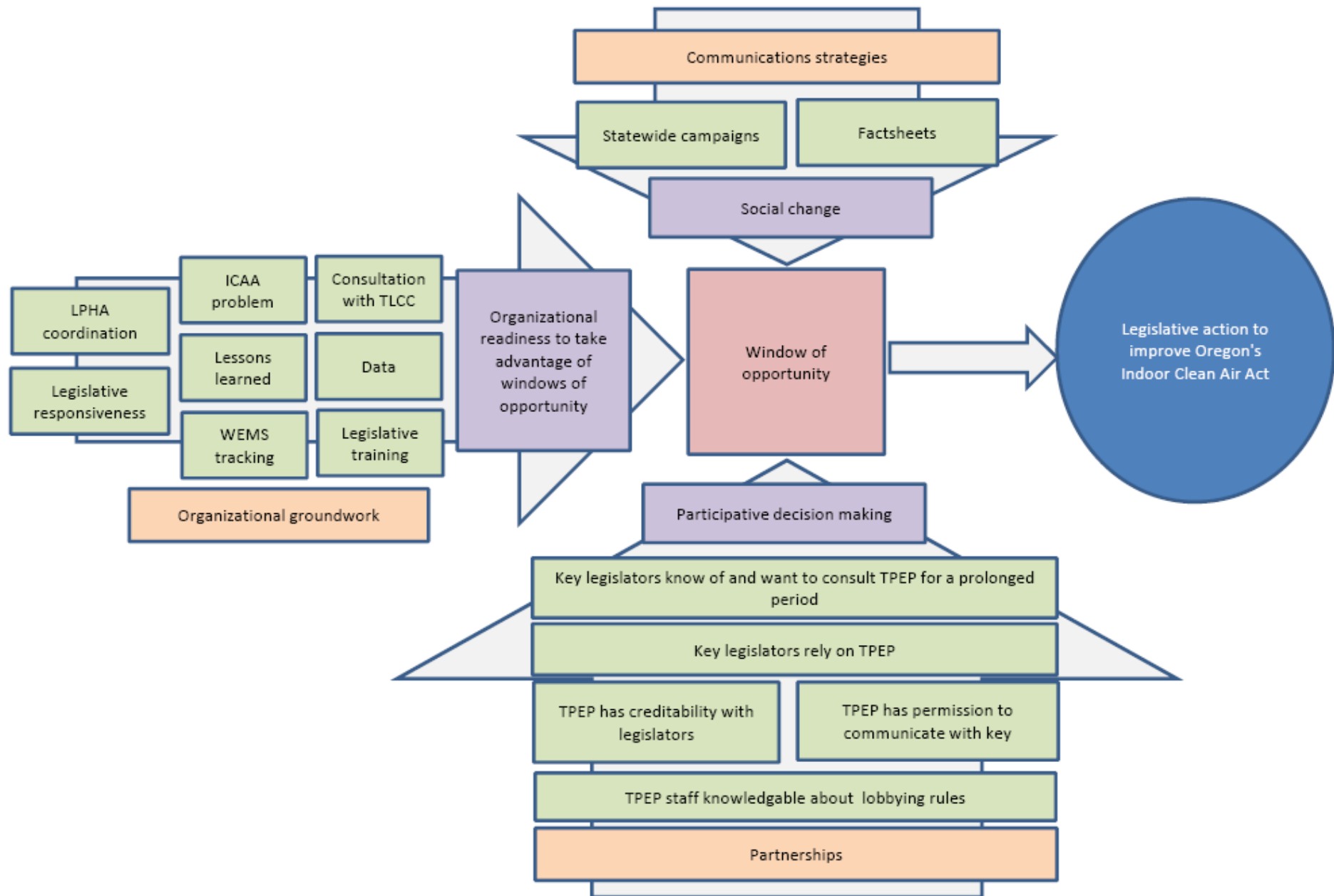
Theory of change versus logic model

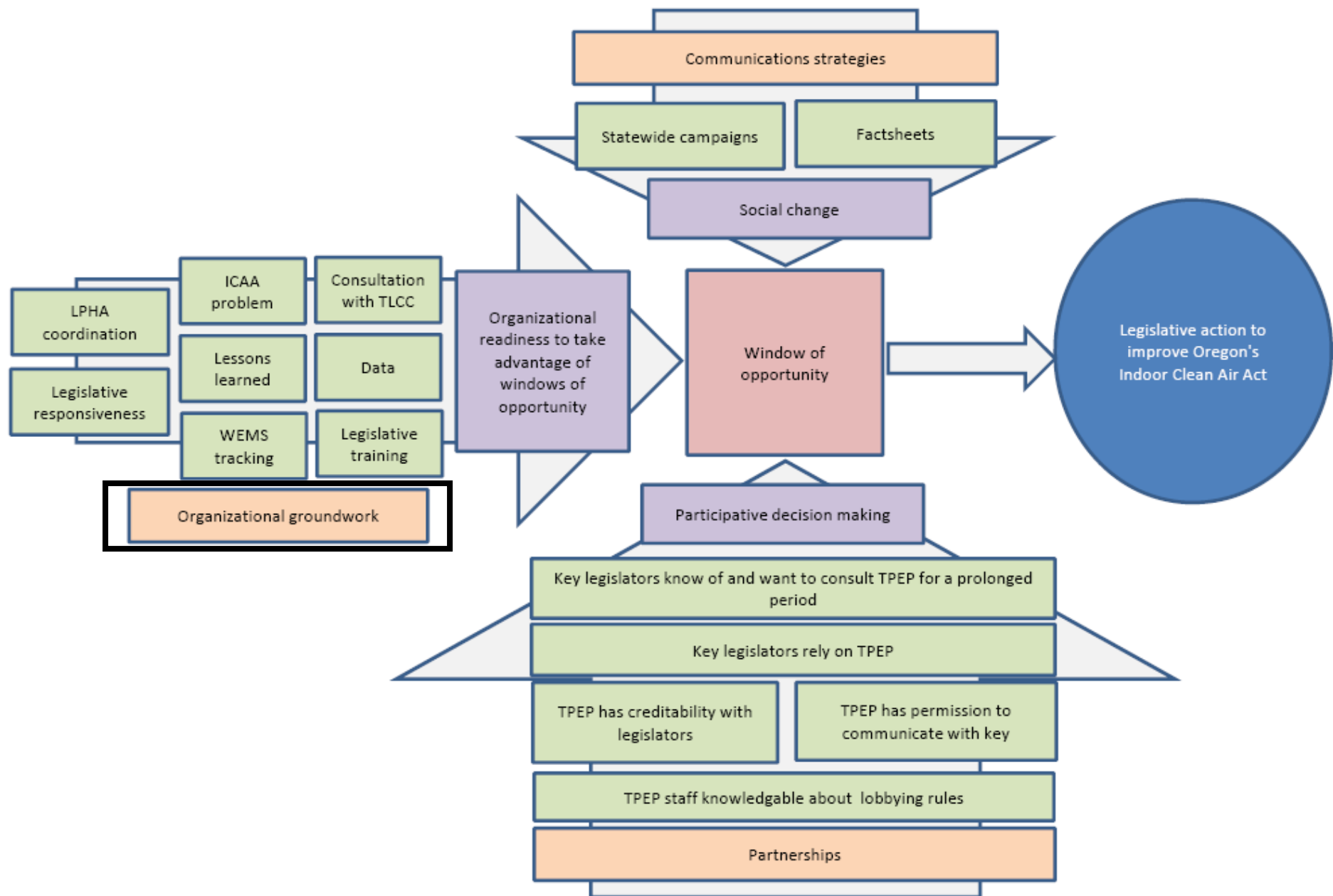


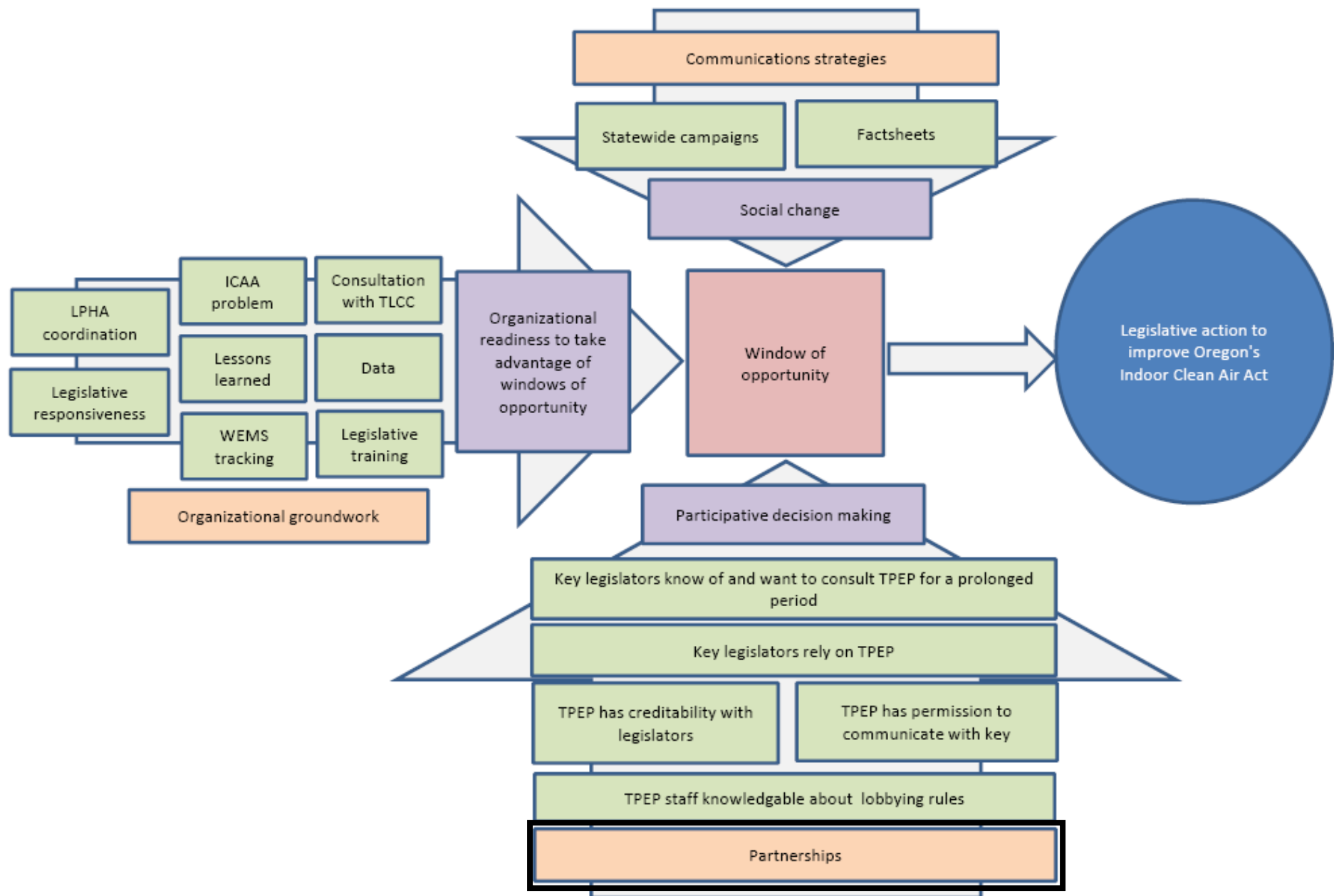


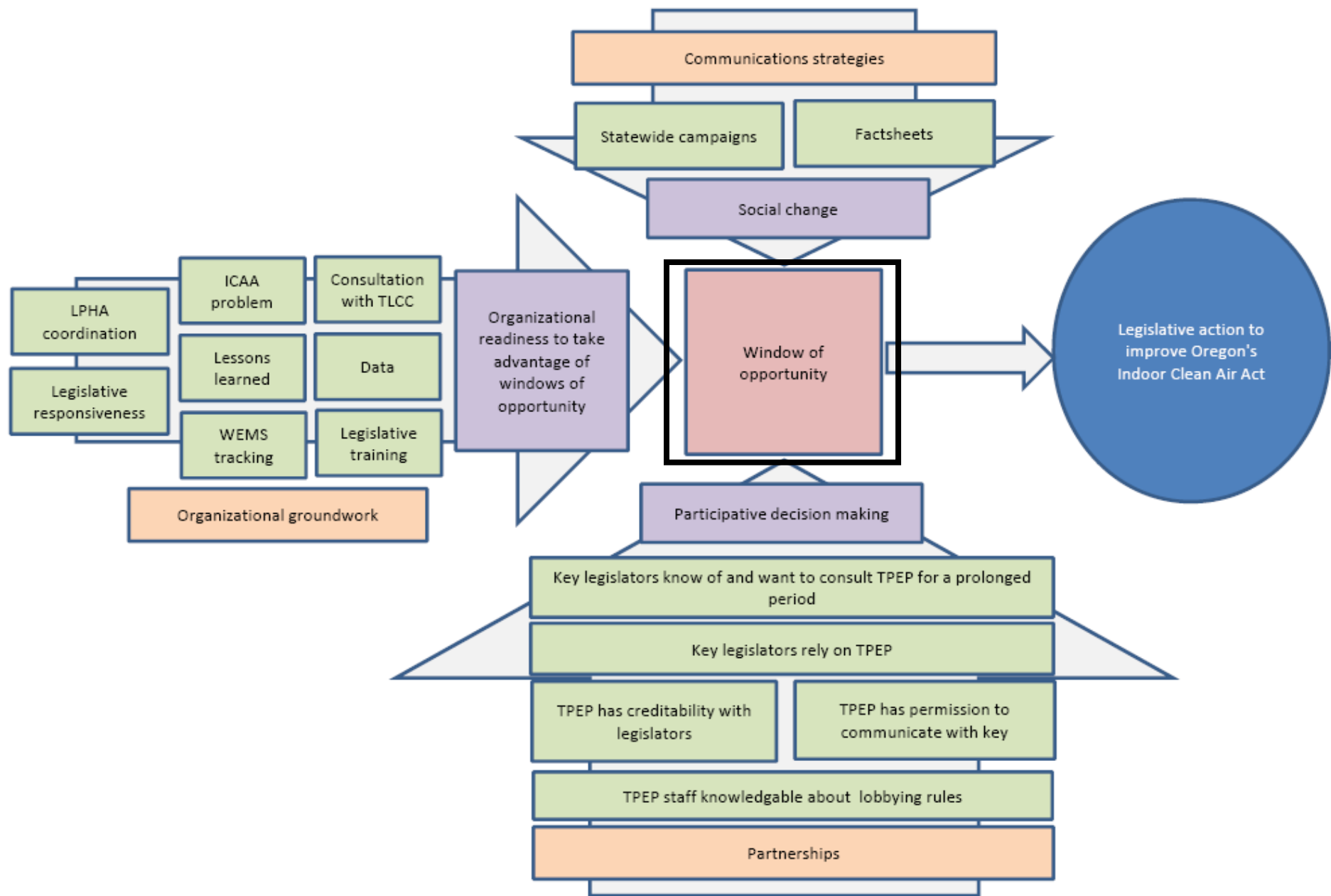
Lesson learned!

Don't start with the theory of change model; allow your advisory group to co-develop the policy narrative





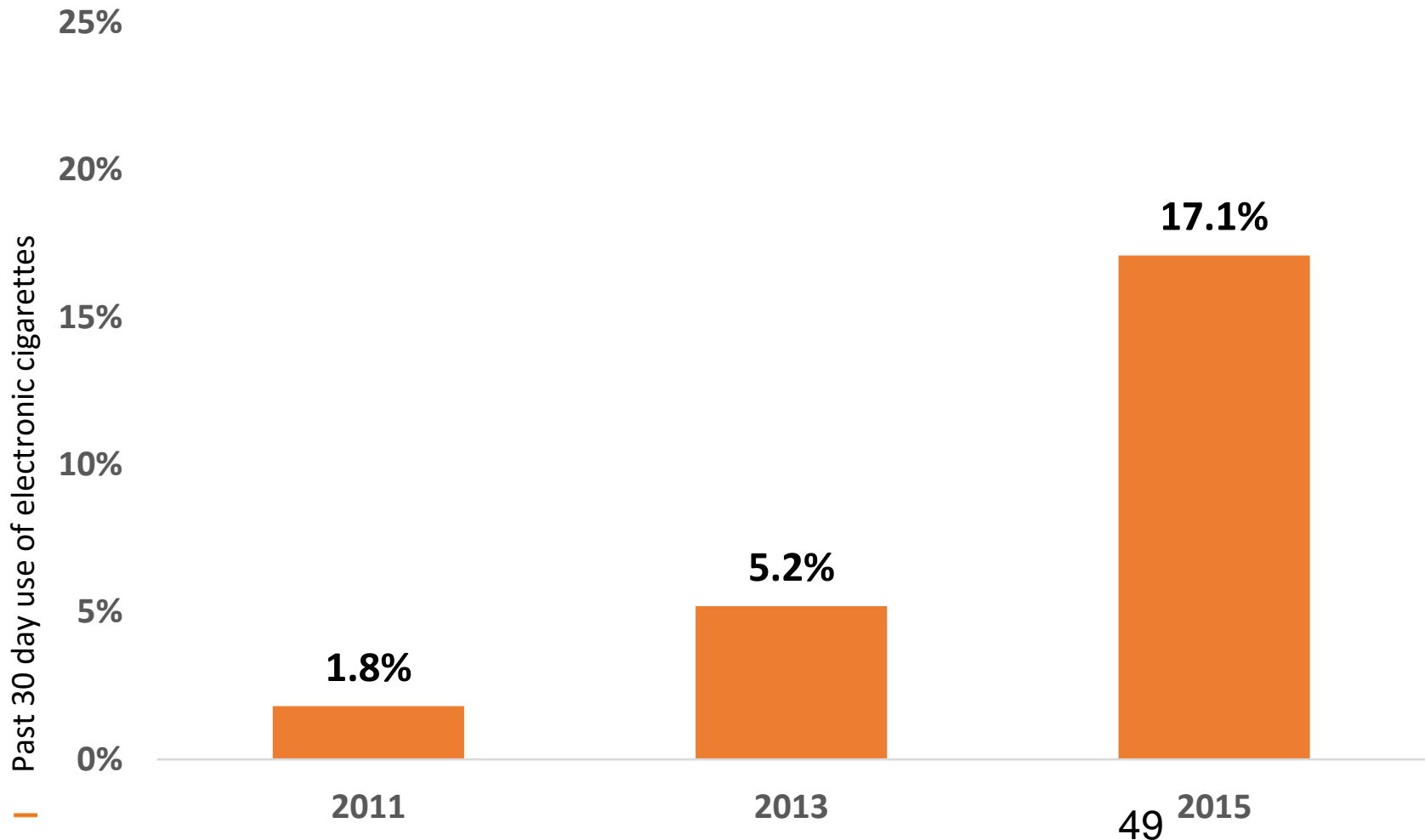






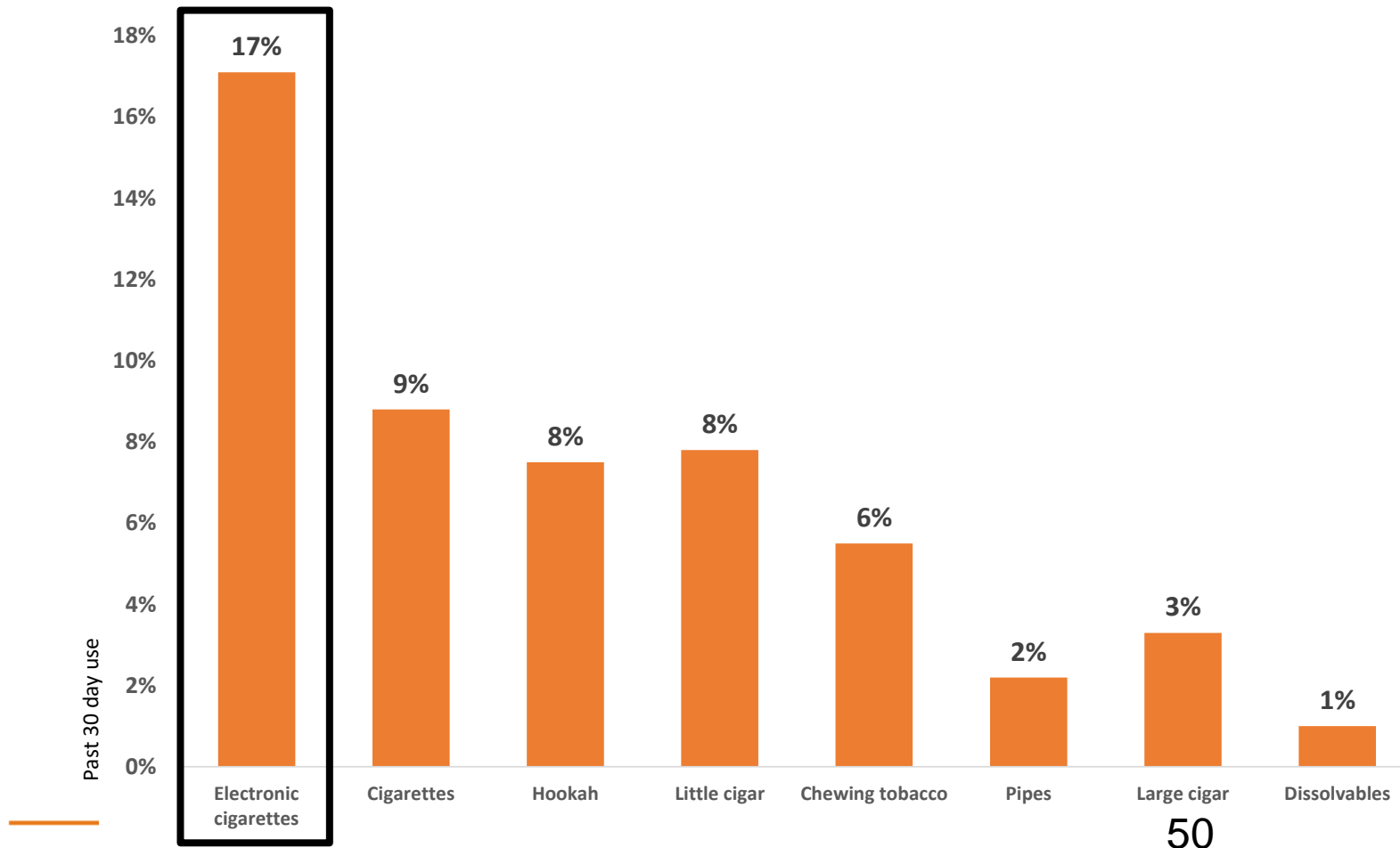
Past 30 day use of electronic cigarettes among 11th graders in Oregon, 2011-2015

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