



CASE STUDY

TOBACCO CONTROL POLICIES IN YOLO COUNTY



ADVANCING MOMENTUM FOR A
TOBACCO-FREE CALIFORNIA

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Acknowledgements

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BACKGROUND

Yolo County is a primarily rural county located just west of Sacramento with a total population of 215,802. It includes the four major cities of Davis, Woodland, West Sacramento, and Winters, along with 16 unincorporated communities. The population is primarily composed of non-Hispanic Whites (48.3%) and Hispanics or Latinos (31.1%), with a smaller population of Asian/Pacific Islanders (13.5%), African Americans (2.3%), and others.¹ According to the Yolo County Report of Registration, approximately 51.3% of registered voters in Yolo County are Democratic while approximately 19.7% are Republican.²

Youth under the age of 18 make up 21.9% of the population, and adults over 65 make up 11.0%. Yolo County has one of the lowest adult smoking rates in the state, yet while the prevalence of adults who smoke cigarettes is lower in Yolo County compared to statewide (9.4% and 12.7%, respectively), youth tobacco use is slightly higher in the county than for the state (14.6% and 13.8, respectively).^{3,4}



HISTORY OF TOBACCO CONTROL

The Tobacco Retail Environment in Yolo County is diverse and widespread. In the entire County, there are a total of 150 tobacco retailers broken into jurisdictions as follows:

- Davis: 40
- West Sacramento: 50
- Winters: 10
- Woodland: 30
- Yolo County Unincorporated: 20



Flavored tobacco products have gained national attention over the past 10-12 years. The Healthy Stores for a Healthy Community (HSHC) observation surveys conducted by the Tobacco Prevention Department of Yolo County Health and Human Services documented these products for the first time and found that the number of retailers selling flavored tobacco products doubled between the first survey conducted in 2013 and the second survey conducted in 2016. By the end of 2015, the Yolo County Tobacco Prevention (YCTP) program decided to bring the issue before the county Board of Supervisors (BOS), which adopted a flavor ban policy in 2016 for unincorporated areas. YCTP implemented a plan between 2017 and 2021 to encourage at least two more jurisdictions to adopt and implement policies to eliminate the sale and distribution of mentholated cigarettes and/or other flavored tobacco and electronic smoking device products. Three jurisdictions passed ordinances.

After the 2016 adoption of a ban on flavored tobacco in unincorporated Yolo County, which was the first flavor ban without exemptions in the nation, the YCTP program set additional objectives for 2017-2021:



“By June 30, 2021, at least two jurisdictions in Yolo County, such as the cities of Davis, Woodland, Winters, or West Sacramento, will adopt and implement a public policy that eliminates the sale and distribution of mentholated cigarettes and/or other flavored tobacco and electronic smoking device products.”

By 2019, the rise of national media attention made it difficult for policymakers to ignore the issue. Woodland City Council successfully adopted a full flavor ban (including menthol) policy in November 2019, followed by West Sacramento in January 2020, Davis in March 2020 and finally Winters in December 2022.

Community and school support, compelling data presented regularly through the media, supportive councilmembers, and an unexpected policy champion in County Supervisor Duane Chamberlain, who spoke up in support of the flavors ban in Woodland, made the difference. By 2022, Yolo County had exceeded its objective; the flavors ban was successfully adopted and implemented in Woodland, West Sacramento, Davis, and Winters.

Compliance checks at tobacco retail stores were conducted after the policies were adopted for Woodland, West Sacramento, and Davis.

CAMPAIGN

PHASE 1: PRE-ORDINANCE

July 2017 – December 2018

Using the momentum from the Board of Supervisors' recently adopted policy in 2016 to ban flavored (including menthol) tobacco, the first phase of the campaign focused its activities on determining which Yolo County cities had the political will to do the same.

This pre-ordinance phase focused heavily on understanding the four city jurisdictions within Yolo County, specifically, youth attitudes and opinions of flavored tobacco and the level of public support for a tobacco retail licensing policy.

PHASE 2: ORDINANCE ADOPTION

January 2019 – June 2020

While the staff collected public opinions and gathered feedback from key stakeholders, a shift in the external environment resulted in flavored tobacco being a hot-button topic in the media. The increase in young adult use of flavored tobacco and vaping was gaining national and local attention. In Yolo County, 2019 became a significant year during which several key events and meetings culminated in the adoption of three flavor ban policies by the first quarter of 2020.

- On November 5, 2019, **Woodland City** Councilmembers voted 4-0-1 to pass a flavored tobacco policy.
- On January 15, 2020, **West Sacramento City** Councilmembers voted 5-0 to pass a flavored tobacco policy.
- On March 24, 2020, **Davis City** Councilmembers voted 5-0 to pass a flavored tobacco policy.
- On December 6, 2022, **Winters** Councilmembers voted 5-0 to pass a flavored tobacco policy.

These policies would not have been passed without city champions and influential events that propelled the issue of flavored tobacco.

KEY EVENTS

2019

● March

March 6, 2019

Steve attended and talked about the possibility of a flavored tobacco policy at the Davis City/County 2x2 committee meeting. Councilmembers were supportive of the policy passing in Davis.

● May

May 15, 2019

Met with West Sacramento City Manager and two staff members.

May 31, 2019

Met with West Sacramento Deputy Police Chief Robert Strange.

WOODLAND

● October

October 1, 2019

Woodland City Council held first reading of a flavored tobacco policy and voted 5-0 to move the policy forward.

October 31, 2019

County staff met with City Managers of Davis and Woodland, West Sacramento Policy Department, and city staff from Davis.

● November **November 5, 2019**

Woodland City Council voted 4-0-1 to adopt a flavored tobacco policy. The implementation date for Woodland is April 1, 2020.



Yolo County Supervisor Duane Chamberlain urges the Woodland City Council to adopt a ban against the sale of flavored tobacco products.

WEST SACRAMENTO

2020

● December **December 11, 2019**

Staff presented at the West Sacramento City Council meeting. Presentation was well received and council voted unanimously (5-0) on the first reading of the policy.

● January **January 15, 2020**

Second reading of the policy at West Sacramento with public comments made by youth and adult coalition members. The policy was unanimously adopted. The policy was effective immediately, and the implementation date for WS is April 15, 2020.

DAVIS

● February **February 11, 2020**

Public hearing at Davis City Council, in partnership with the SOL Project. City Council voted to move the item forward for a second reading.

● March

March 24, 2020

Davis City Council met via Zoom (COVID shelter in place), and the flavored ban policy was unanimously adopted. The implementation date for Davis is September 1, 2020.

Woodland

A coalition member made a public comment in August 2019 to Woodland City Council regarding youth access to tobacco products, zoning, and flavored tobacco. As a result, the School Board passed a resolution urging the city to implement a flavor ban. Woodland High School teacher and chairwoman of the Yolo County Tobacco Prevention Coalition, Sherri Jensen, spoke against the sales of e-cigarettes and flavored-tobacco products, holding up easily purchased samples of vaping products that were packaged in candy-colored containers and in flavors ranging from peach to mint and menthol.

West Sacramento

Councilmember Orozco forwarded a request to meet with the City Manager. After meeting with the City Manager, Yolo County staff connected and partnered with the West Sacramento Police Department (PD). West Sacramento PD championed the flavored tobacco policy and presented the policy to the Council. Additionally, Sacramento City had just passed a flavored tobacco ban in January 2020, and council members were concerned that tobacco users would cross over to West Sacramento to buy tobacco. Thus, there was a sense of urgency in moving forward with the policy.



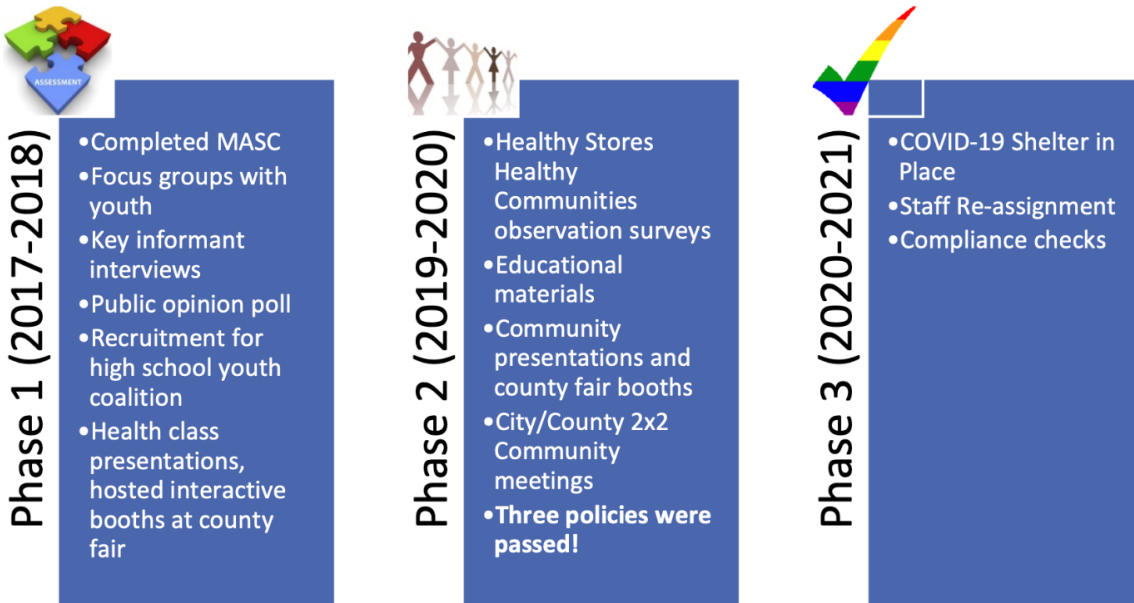
Davis

Davis had always displayed support for a flavor ban, but the final push was primarily due to direct influence by West Sacramento and Woodland having adopted their respective flavor bans.

PHASE 3: POST-ADOPTION AND POLICY IMPLEMENTATION

July 2020 - December 2021

In line with the different implementation dates, Yolo County staff began to conduct their compliance checks to determine **(1)** if the tobacco retailers were complying with the policies and **(2)** to proactively provide education on what products are considered to be flavored tobacco products. Despite COVID-19 lockdowns, County staff were able to complete compliance checks in all the cities where flavor bans were in effect. The three phases for policy implementation are displayed below.



**MASC - Midwest Academy Strategy Chart (MASC) is considered a gold standard in the field of analyzing your organization's power and provides a framework for achieving your organization's goals."*

Enforcement

Flavored Tobacco Compliance checks began after the grace period noted in the ordinances. Woodland and West Sacramento had a three-month grace period to sell off flavored products, and Davis had a six-month grace period, as did the unincorporated areas. During the grace period staff provided extensive education and an explanation of the law to store owners. It is important to note that COVID impacted the ability of staff to provide education and complete the compliance checks in a timely manner.

In 2006, when the Yolo County Unincorporated area passed a Tobacco Retailer License (TRL) ordinance, enforcement was the responsibility of the District Attorney's (DA) office. When the other cities also passed a TRL the DA office took over enforcement for these areas as well. The Yolo County Tobacco Prevention Program monitored the stores for flavored products on the shelf. If flavored products that should not be sold were on the shelf, staff educated the store manager and took pictures to document the findings. There has been good compliance with several of the stores. However, stores that only sold tobacco products were not able to sell off the entirety of their flavored products within the grace period and thus 100% of these stores were noncompliant. Noncompliant stores were reported to the DA's office, which took over the enforcement process.

Citations for noncompliance result in a temporary suspension of the tobacco retail license:

- 1st violation: revoked for 10 days
- 2nd violation: revoked for 90 days
- 3rd violation: revoked for 1 year

These violations are consistent for the County and all cities within the county. The compliance checks revealed that retailers were unable to sell off their flavored tobacco products in time. Woodland and West Sacramento provided a transition sell-off period of three months, and Davis included a sell-off period of six months (which is more typical of flavor ban policies). Woodland and West Sacramento had decided to shorten the period as they “did not want to get more kids hooked.” However, due to the unusual circumstances of the COVID-19 pandemic which resulted in a shelter-in-place law, it is difficult to assess if a three or six-month waiting period would have made the difference for compliance. Those who did know about the policy were unclear about which products were included in the flavor ban. Most retailers did not realize that the ban included not only tobacco and menthol products, but any flavored products containing nicotine.

Due to the diversity of new flavored products coming on the market, it was not unreasonable that there was confusion. County staff continue to schedule time to conduct educational visits and work with the District Attorney’s office to potentially give out citations.

FACTORS CONTRIBUTING TO SUCCESS

Several factors contributed to the policies’ adoption. External factors include: (1) the 2016 flavors ban by the county Board of Supervisors which created momentum for the County staff to approach other cities, (2) an alarming increase in the availability of tobacco in the community, (3) an escalating use of e-cigarettes and flavored tobacco in schools, and (4) a proactive and motivated School Board in Woodland.



Additionally, county staff diligently provided community and key decision-maker education. Support of law enforcement, use of paid and earned media, and demonstrated public support from conducting public opinion polls were instrumental in the overall success.

Finally, county staff engaged many supportive councilmembers and provided timely information and coordinated meetings for city managers that helped all four cities come to a consensus and speed up the process. Staff were also pleasantly surprised by the County Supervisor showing up to support the flavors ban in Woodland during the second Council meeting. The evidence documented from the store observation survey data, the public opinion poll data, youth interviews as well as key informant interviews helped staff evaluate potential support and barriers to the policy. They utilized these data to develop easily digestible factsheets and to build support among key stakeholders, the public and policymakers.



The store observation data in 2016 turned out to be a valuable piece of evidence for decision-makers. Providing national and local data on youth use of tobacco and vaping helped further galvanize the school board to action. The national rise in vaping resulted in an unusual amount of national media reporting from the CDC and FDA, as well as ads from tobaccofreeca.org which helped to maintain public awareness of anti-tobacco and vaping messaging. Operating within such an extraordinary external environment served to help keep policymakers motivated but may also have made tobacco retailers wary and feel that they were being attacked.

Key Supportive Influences Included:

- Good reputation of the county Tobacco Education Program
- Positive relationships with community partners
- Supportive Administrators from Yolo County Health and Human Services
- Involvement of coalition members

IMPLEMENTATION CHALLENGES

With COVID-19 shutting down the world, retailer education was insufficient, and compliance checks conducted in late 2020 and 2021 found most retailers to be out of compliance.

Key Challenges Included:

- 1) Having access to City Council Members

The strategy used for adopting policy was having coalition and staff members meet individually with as many elected officials as possible. This gave the coalition and staff members the opportunity to educate elected officials on the given issues and answer their questions. It also allowed them to determine how specific officials would vote for the policies at hand. This was, at times, difficult to do. If it was not possible to meet with every official, it was important to meet with at least three.

- 2) Excluded from Work Plan

Another issue was that the flavored tobacco ban ordinance was not included in the California Tobacco Control Program scope of work (SOW). This became an important issue when a member of the Board of Supervisors asked about the SOW. The coalition had not completed their usual steps to conduct process data collection, recruit community members, collect letters of support, or reach out to elected officials. Additionally, once the Woodland school teacher and coalition members gave public comments at the Woodland City Council meeting, there was not time to follow the usual steps before the ordinance for each city went for a vote.

CONCLUSIONS

By the end of the 2017-2021 SOW period, Yolo County's objective was not only met, but exceeded. The cities of Woodland, West Sacramento and Davis adopted a ban on flavored tobacco products, including mentholated products, and flavored electronic smoking devices. The policies went into effect between January and September 2020. Further, in 2022 the final jurisdiction, Winters, also adopted a full flavors ban. Overall, the County's efforts were a huge success in convincing policymakers that a flavors ban would protect at-risk populations, especially youth, in the community. To date, all five jurisdictions, including unincorporated communities in Yolo County have adopted a flavors ban.

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