



Equitable Commercial Tobacco Enforcement Messaging

Non-Punitive Approaches

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*Please note that this document is intended to address **commercial tobacco**, not the provision, possession, or use of tobacco products as a part of an indigenous practice or other recognized religious or spiritual ceremony. All references to tobacco and tobacco products in this document refer to commercial tobacco, including e-cigarettes.*

Introduction to Equitable Commercial Tobacco Enforcement

[ChangeLab Solutions](#) defines equitable enforcement as:

a process of ensuring compliance with law and policy that considers and minimizes harms to underserved communities. An equitable enforcement approach means considering equity – both at the level of the public entity’s overall enforcement strategy and at the level of individual enforcement actions. It also means considering equity at all stages of enforcement, from determining when to undertake an enforcement action – and against whom – to deciding which enforcement tools to use.

Commercial tobacco laws and policies have historically not protected all populations. For example, when cigarette flavors were banned to protect youth, menthol was exempted — a flavor marketed heavily to Black communities. Tobacco laws and policies have also been enforced in inequitable ways, often harming communities of color, people in poverty, and youth. Tobacco enforcement has even taken lives, as in the case of [Eric Garner](#).

This runs completely counter to the goal of commercial tobacco prevention and control, which is to *save* lives. In order to give everyone a fair opportunity to live tobacco free, our movement must advance equitable policies and enforcement methods that do not worsen the disparities we seek to eliminate.

For current best practices in equitable tobacco enforcement, see [Decriminalizing Commercial Tobacco](#), a joint statement from a consortium of public health organizations that lists key areas for change.

Introduction to Narrative

A **narrative** provides an explanation about how and why the world operates. Narratives are intentionally shaped for a purpose and have the ability to advance a worldview.

Toxic narratives, like those advanced by the tobacco industry, create barriers to making changes for the good of public health.

We can use a **transformative narrative** to advance a worldview in Wisconsin that is beneficial to public health and equity. This ultimately helps us gain support for the policies and programs that help people live free of commercial tobacco.

This resource applies a transformative narrative (see below) to sample language that you can use in support of equitable tobacco enforcement — in particular, non-punitive approaches that help us to avoid discriminatory consequences of punishment-based enforcement. Local tobacco prevention and control partners in Wisconsin provided input that supported the development of this resource. Message development was also informed by *Justice in the Air: Framing Tobacco-Related Disparities* by the Frameworks Institute.

For more background on toxic and transformative narratives, see this [Narrative Video Series](#):

[Part 1: What is Narrative and Why Does it Matter?](#) (10 min)

[Part 2: Toxic and Transformative Health Equity Narratives in Wisconsin](#) (5 min)

[Part 3: Applying Transformative Narratives to COVID-19 Messaging](#) (8 min)

Toxic Narrative

The following is a list of themes from a toxic health narrative in Wisconsin. This includes some beliefs about health and public health strategies that serve as barriers to health equity work. These elements were identified by the [Wisconsin Healthiest State Initiative](#) Narrative Workgroup. Example messages that create barriers specifically to equitable tobacco enforcement were identified with support from local tobacco prevention and control partners.

The role of government needs to stay narrow — let's focus on pro-market solutions.

Example Messages:

- Changes to public policy are too broad; we should focus on individual behavior.
- It isn't fair to consumers to limit their tobacco product choices. The only thing we can do is educate them about the risks of commercial tobacco use and let them choose for themselves.

Individuals make or break their health and wealth.

Example Messages:

- Your health is up to you. If you choose to smoke cigarettes and harm your health, that's your choice.
- Youth who use e-cigarettes underage should be punished to understand the consequences.

Better health is about investing in medical advances and providing services.

Example Messages:

- We can't keep people from starting commercial tobacco use, but we can offer cessation services for those who want to quit and invest in cancer treatment research.
- Discussions about racism and poverty are outside the scope of tobacco prevention and control.

We are powerless to transform society to achieve health for all.

Example Messages:

- Some groups will always be worse off. Disparities are inevitable; there's no use trying to change them.
- I don't have the power to persuade my elected officials to change anything. They don't listen to me or represent my interests anyway.
- Changing systems is impossible and a waste of energy.

Your gain is my loss — we live in a zero-sum game society.

Example Messages:

- I don't support spending resources on other groups because I don't see how it benefits me.
- My taxes should go towards services and programs I will use.
- This is not an issue in my community, so we don't need to change anything.
- We have limited resources and we can't help everyone.
- In every scenario, one of us wins and one of us loses.

Transformative Narrative

The following is a Transformative Narrative developed by the [Wisconsin Healthiest State Initiative](#) Narrative Workgroup that both responds to the Toxic Narrative and sets forth a new vision for health in Wisconsin. These statements should be utilized as a **guiding framework** for developing messaging for our work related to health equity in Wisconsin.

These statements are not meant to be standalone messages, but rather a common foundation to strengthen and create consistency across health equity messaging in Wisconsin.

All people have inherent dignity and autonomy.

Our inherent worth comes from being alive — regardless of our origins or attributes. Across many beliefs, this dignity and autonomy continues in death, as well.

Everyone deserves a just opportunity to thrive.

The social, environmental, and economic policies and systems we make have the greatest influence on our ability to thrive. We are called to transform our social fabric for health equity — so physical, mental, and social health and well-being are possible for everyone.

In Wisconsin, we take care of each other.

Our well-being is bound to each other, and we refuse to leave anyone behind. It is our collective responsibility to cultivate strong, healthy communities.

We believe in meaningful inclusion in decision making that affects our own lives.

Everyone brings knowledge that should guide public decision making. Authentic inclusion leads to better decisions — and people thrive when we see ourselves as valued members of our communities.

We know achieving a better Wisconsin for all is both a process and an outcome.

We're committed, hopeful, honest, and brave about the risks, transformation, and time it will require of each of us.

We have what it takes to transform Wisconsin so that everyone is better off.

We are facing complex issues, and we will need to address them individually, in our communities, and in our institutions. We collectively have the knowledge, resources, and the power to change our communities and our state so that we can all thrive.

Non-Punitive Approaches Message Map

Some Transformative Narrative statements are used below to develop key messages and sample language relevant to non-punitive approaches for enforcing tobacco control laws, such as sales policies and youth possession laws. The sample language was developed with support from local tobacco prevention and control partners. The sample language is wording you could include in your communications — such as newsletters, social media, letters to the editor, or even partner conversations.

You should tailor the sample language to your audience and provide more context for the specific issue you are addressing.

Key Message	Sample Language
<p>Punitive enforcement has been strategically used to harm specific communities.</p> <p><i>Ties to “Everyone deserves a just opportunity to thrive.”</i></p>	<ul style="list-style-type: none"> ● Punitive enforcement has grown out of a long history of discrimination against specific groups. It has been used to maintain the power of some groups over others. ● Communities of color and people in poverty are punished through the criminal justice system more than others, despite similar rates of crime across race/ethnicity and income level. ● Using punitive measures in commercial tobacco enforcement means contributing to the power imbalances that perpetuate poor health outcomes in our community, even if that isn’t our intent.
<p>Punitive enforcement can have significant negative impacts that perpetuate the root causes of commercial tobacco use.</p> <p><i>Ties to “Everyone deserves a just opportunity to thrive.”</i></p>	<ul style="list-style-type: none"> ● Low-income communities experience chronic levels of stress due to limited resources. The tobacco industry exploits this pressure by advertising to youth and discounting products in low-income neighborhoods. These combined forces push people toward commercial tobacco use. ● Punishing an individual with a fine can push them further into financial stress, forcing them to find ways to cope—including using commercial tobacco. This means fines against individuals are counterintuitive to our goal of commercial tobacco prevention. ● Fining a young person from a low-income family puts financial pressure on them without addressing the youth’s addiction. ● Fining a clerk who is already living paycheck to paycheck puts financial pressure on them without addressing the reason the clerk sold to a minor in the first place. ● Fines and citations should be leveled against the business owner and not be passed onto the individual clerk.

<p>Punishment is often ineffective in changing behavior.</p> <p><i>Ties to “All people have inherent dignity and autonomy.”</i></p>	<ul style="list-style-type: none"> ● Punishing [youth / clerks] through fines doesn’t offer information or skills to change their behavior in the future. ● Positive reinforcement is proven to have a bigger impact on behavior change. ● For example, when a retailer does not sell to minors during compliance checks, we can [send thank you cards / give recognition in media / etc.]. This can be more motivating than the threat of punishment. ● When everyone in our community is valued and has what they need to [succeed / be safe and healthy], we all do better.
<p>Commercial tobacco prevention is a community responsibility.</p> <p><i>Ties to “In Wisconsin, we take care of each other.”</i></p>	<ul style="list-style-type: none"> ● Commercial tobacco prevention is a community issue with community solutions. Our success depends on working together. ● We have a common goal: preventing youth from becoming addicted to commercial tobacco and nicotine. ● Our community is only as healthy as our members who are most harmed by commercial tobacco. Non-punitive approaches show that we care about our community members and want them to [be healthy and well / succeed]. ● We are at our best when we look out for each other. Punitive approaches to commercial tobacco enforcement increases strain on low-income [youth / clerks]. We can work together to prevent underage sales while also reducing the pressure of financial stress for people who are already struggling. Educational approaches create a win-win. ● Providing training for clerks gives them an opportunity to be a partner in preventing youth addiction to commercial tobacco. ● Providing youth with education and services gives them support to address their addiction and build a healthier life.

Working together, we can use non-punitive strategies that are effective, equitable, and realistic forms of enforcement.

Ties to “We have what it takes to transform Wisconsin so that everyone is better off.”

- Making sure our fellow community members each have what they need to succeed, such as [education / cessation services / training / other resources], is more effective in meeting our shared goal of youth tobacco prevention.
- Working together, we can pool our resources to create realistic solutions that actually prevent youth tobacco addiction. Partnering to provide [clerk training / youth education and cessation services] reduces the financial stress of a fine and gives them the skills needed to change behavior.
- Writing a citation or imposing a fine on a clerk or young person may feel like the easiest choice, but it isn’t effective at preventing youth from using commercial tobacco.
- Best practice means holding businesses and the tobacco industry accountable, not individual [clerks / youth / people purchasing tobacco].
- While we shift toward more effective strategies like [training / education], it is important that we make these strategies accessible. [Clerks / Youth] need to have [transportation / internet access / childcare / timing that works for them / etc.] to be able to participate in the solutions we provide.

Application: Policy Education Language Examples

Youth Purchase, Use, and Possession ([PUP](#)) Enforcement

We have a common goal: preventing youth from becoming addicted to commercial tobacco and nicotine. Unfortunately, punishing youth with fines isn't effective in achieving this goal. In fact, fines can actually exacerbate the issues that lead to tobacco use in the first place. For example, low-income communities experience chronic levels of stress due to limited resources. The tobacco industry exploits this stress by advertising to youth and discounting products in low-income neighborhoods. These combined forces push people toward commercial tobacco use. Fining a young person from a low-income family puts them in further financial stress without addressing the youth's addiction.

Commercial tobacco prevention is a community issue with community solutions. Providing youth with [education and services](#), such as Not On Tobacco (N-O-T), NOT For Me, Live Vape Free, Tobacco Quit Line and [INDEPTH](#) gives them support to address their addiction and build a healthier life. Partnering together, we can end the practice of fining youth and instead provide young people with this practical education program that gives them the knowledge and skills to change behavior and prevent commercial tobacco use.

Tobacco Sales Enforcement

We have a common goal: preventing youth from becoming addicted to commercial tobacco and nicotine. Currently, we give a fine to individual clerks who sell tobacco products to minors. Unfortunately, this isn't effective in reaching our goal, and this enforcement strategy has a disproportionate impact on people of color and people in poverty.

Fining a clerk who is already living paycheck to paycheck puts financial pressure on them without addressing the reason the clerk sold to a minor in the first place. A fine can push them further into financial stress, forcing them to find ways to cope—including using commercial tobacco. This means fines against individuals are counterintuitive to our goal of commercial tobacco prevention and a healthier community.

Making sure our fellow community members each have what they need to succeed is more effective in meeting our shared goal of youth tobacco prevention. Instead of leveling a fine against a clerk, we can work together to provide training for them, such as through the [WI Tobacco Check training program](#). This gives the clerk an opportunity to be a partner in preventing youth tobacco use while reducing the financial pressure for a person who may already be struggling. When we educate retail clerks on youth access laws through Tobacco Check, we create a win-win.

Retail Environment Policies

We have a common goal: preventing youth from becoming addicted to commercial tobacco. Currently, we give a fine to individual clerks who sell to minors or to youth found in possession of tobacco products. Unfortunately, this isn't effective in reaching our goal, and this enforcement strategy has a disproportionate impact on people of color and people in poverty.

Fining a clerk who is already living paycheck to paycheck puts financial pressure on them without addressing the reason the clerk sold to a minor in the first place. Likewise, fining a young person doesn't address the youth's addiction. These fines can also push them further into financial stress, forcing them to find ways to cope—including using commercial tobacco.

Best practice means holding businesses and the tobacco industry accountable, not individual clerks or youth. Instead of leveling a fine, we can institute retail environment policies that keep the tobacco industry from targeting our youth with their products. Banning youth-friendly candy flavors, placing tobacco products behind the counter or in locked cases, and reducing outdoor tobacco advertising all help prevent young people from becoming addicted to tobacco and nicotine. These approaches welcome businesses as partners in protecting youth while reducing financial pressure and negative outcomes for clerks and youth. That's a win-win.