

Florida's Prevention Policy Catalog: Reflections on What We Believe, Achieve, and Need

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Objectives

- Describe state statutes and policies relating to alcohol, tobacco, and other drug use
- Recognize policy enforcers and their affiliations
- Identify factors that promote and prevent change to legislation

What We Believe

- Alcohol is easy to obtain from home
- Alcohol is easy to obtain from bars/convenience stores/supermarkets
- Alcohol sellers (e.g., convenience stores, bars) don't consistently check I.D.s
- Alcohol servers are not trained to recognize fake I.D.s
- Underage cashiers can sell to their friends
- Older youth provide alcohol to youth under 21
- Parents allow children to have parties in their homes and drink
- Probability of getting in trouble for drinking is low
- Influence of alcohol advertising is strong

Legislative Findings

- Substance abuse is a major health problem and leads to problems such as
 - Serious impairment
 - Chronic addiction
 - Criminal behavior
 - Vehicular casualties
 - Spiraling health care costs
 - AIDS
 - Business losses
 - And, profoundly affects the learning ability of children within our schools and educational systems

Beliefs + Outcomes = Need for Policy

- To make healthy choices easier
- To make unhealthy choices more difficult
- To shape the social, political, and economic context in which we do prevention
- To provide long-lasting support for public health efforts
- To achieve population-wide impact

What We Achieve



- **Constitution** - an organized system of fundamental principles for the government of the state. It is of a permanent and general nature and originates from the people rather than from the Legislature.
- **Statute** – a permanent collection of state laws organized by subject area into a code made up of titles, chapters, parts, and sections. The Florida Statutes are updated annually by laws that create, amend, or repeal statutory material.
- **Administrative Code** - The Florida Administrative Code is the official compilation of the administrative rules and regulations of state agencies. All formally promulgated rules of the Department of Children & Families, Substance Abuse Program Office are contained in the Title 65D-30 Chapters

Constitution of the State of Florida



- 12 Articles
- Article X – Miscellaneous
 - SECTION 20 Workplaces without tobacco smoke.
 - SECTION 27 Comprehensive Statewide Tobacco Education And Prevention Program.
- Section 20 Proposed by Initiative Petition filed with the Secretary of State May 10, 2002; adopted 2002.
- Section 27 Proposed by Initiative Petition filed with the Secretary of State July 20, 2005; adopted 2006.

Florida Statute Chapter 397

- TITLE XXIX - PUBLIC HEALTH
- Chapter 397 Substance Abuse Services - also known as the "Hal S. Marchman Alcohol and Other Drug Services Act of 1993"
- It is the goal of the Legislature to discourage substance abuse by promoting healthy lifestyles and drug-free schools, workplaces, and communities.

Chapter 397

- 397.305 Provides legislative findings, intent, and purpose for Chapter 397
- 397.311 Defines "Prevention"
- 397.333 Statewide Drug Policy Advisory Council
- 397.99 School substance abuse prevention partnership grants
- 397.997 Prevention resources; Internet website
- 397.998 Drug-free communities support match grants

Florida Administrative Code

Chapter 65D-30

- Specific Authority- 397.321(5) FS
- Known as the licensure standards for "Substance Abuse Services"
 - Outlines department licensing & regulatory standards
- States "prevention includes activities and strategies that are used to preclude development of substance abuse problems"

Florida Administrative Code

Chapter 65D-30.013

Standards for Prevention



- Categories for prevention

- Level 1
- Level 2

- General Requirements

- Program Description
- Staffing Patterns
- Referral
- Evaluation
- Activity Logs for Level 1 Prevention

- Specific prevention strategies

- Information Dissemination
- Education
- Alternatives
- Problem Identification and Referral Services
- Community-Based Process
- Environmental
- Prevention Counseling

TITLE XXIX - PUBLIC HEALTH

Additional Prevention Related Statutes

- **Chapter 381** – Public Health: General
 - **381.84** Comprehensive Statewide Tobacco Education and Use Prevention Program
- **Chapter 383** – Maternal and Infant Health Care
 - **383.311 (2) (d)** The clients shall be prepared for childbirth and childbearing by education in: (d) The effects of smoking and substance abuse.
- **Chapter 394** - The Community Substance Abuse and Mental Health Services Act
 - **394.67** Definitions provided
 - **394.67 (24)** "Substance Abuse Services"
 - **394.67 (24) (a)** "Prevention Services"

Alcohol Specific Statutes

■ Title XXIII MOTOR VEHICLES

■ **Chapter 316** State Uniform Traffic Control

- 316.193 Driving under the influence; penalties
 - Describes “under the influence” as BAC of 0.08
 - Establishes fines and imprisonment for convictions

■ **Chapter 322** Drivers' Licenses

- 322.057 Discretionary revocation or suspension of driver's license for certain persons who provide alcohol to persons under 21 years of age
- 322.2616 Suspension of license; persons under 21 years of age

Alcohol Specific Statutes



- Title XXXIV ALCOHOLIC BEVERAGES AND TOBACCO
 - **Chapter 561** Beverage Law: Administration
 - 561.705 Responsible vendor qualification.--To qualify as a responsible vendor, the vendor must:
 - **Chapter 562** Beverage Law: Enforcement
 - 562.11 Selling, giving, or serving alcoholic beverages to person under age 21; providing a proper name; misrepresenting or misstating age or age of another to induce licensee to serve alcoholic beverages to person under 21; penalties.--
 - **Chapter 567** Local Options Elections
 - 567.001 Alcoholic content of intoxicating liquors.--

Tobacco Specific Statutes

- Title XIV TAXATION AND FINANCE
 - **Chapter 210** Tax on Tobacco Products
 - 210.02 Cigarette tax imposed; collection.--
 - 210.30 Tax on tobacco products; exemptions.–
- Title XXIX PUBLIC HEALTH
 - **Chapter 386** Particular Conditions Affecting Public Health
 - 386.202 ...To protect people from the health hazards of secondhand tobacco smoke

Tobacco Specific Statutes

- Title XXXIV ALCOHOLIC BEVERAGES AND TOBACCO
 - **Chapter 569** Tobacco Products
 - 569.006 Retail tobacco products dealers; administrative penalties.—
 - 569.008 Responsible retail tobacco products dealers; qualifications; mitigation of disciplinary penalties; diligent management and supervision; presumption.—
 - 569.101 Selling, delivering, bartering, furnishing, or giving tobacco products to persons under 18 years of age; criminal penalties; defense.--
 - 569.14 Posting of a sign stating that the sale of tobacco products to persons under 18 years of age is unlawful; enforcement; penalty.--

Other Drugs - Methamphetamine

■ Title XLVI CRIMES

■ **Chapter 893** Drug Abuse Prevention and Control

- 893.033 Listed chemicals. [Precursor Chemicals] -
-The chemicals listed in this section are included by whatever official, common, usual, chemical, or trade name designated.
- 893.13 Prohibited acts; penalties.--
- 893.135 Trafficking; mandatory sentences; suspension or reduction of sentences; conspiracy to engage in trafficking.--

Other Drugs - Steroids

- Title XLVIII K-20 EDUCATION CODE
 - Chapter 1006 Support for Learning
 - 1006.20 (10) (a) Athletics in public K-12 schools.--RANDOM DRUG TESTING PROGRAM.— Contingent upon funding, and to the extent funded, the organization shall facilitate a 1-year program during the 2007-2008 academic year in which students in grades 9 through 12 in its member schools who participate in regular and postseason competition in football, baseball, or weightlifting governed by the organization shall be subject to random testing for the use of anabolic steroids as defined in s. 893.03(3)(d). All schools, both public and private, shall consent to the provisions of this subsection as a prerequisite for membership in the organization for the duration of the program.

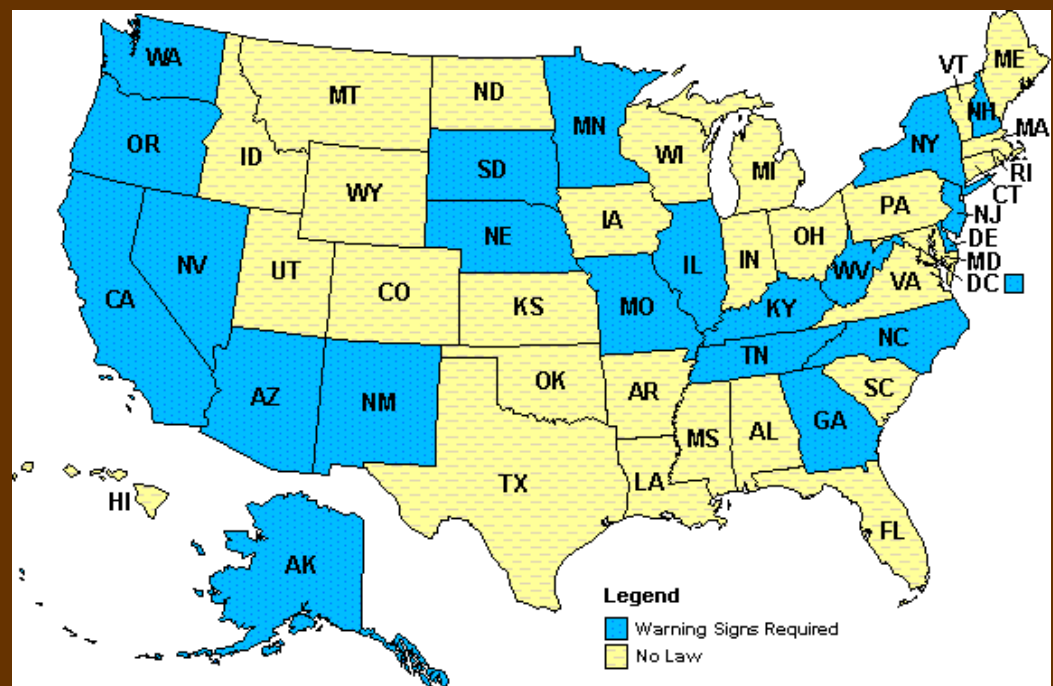
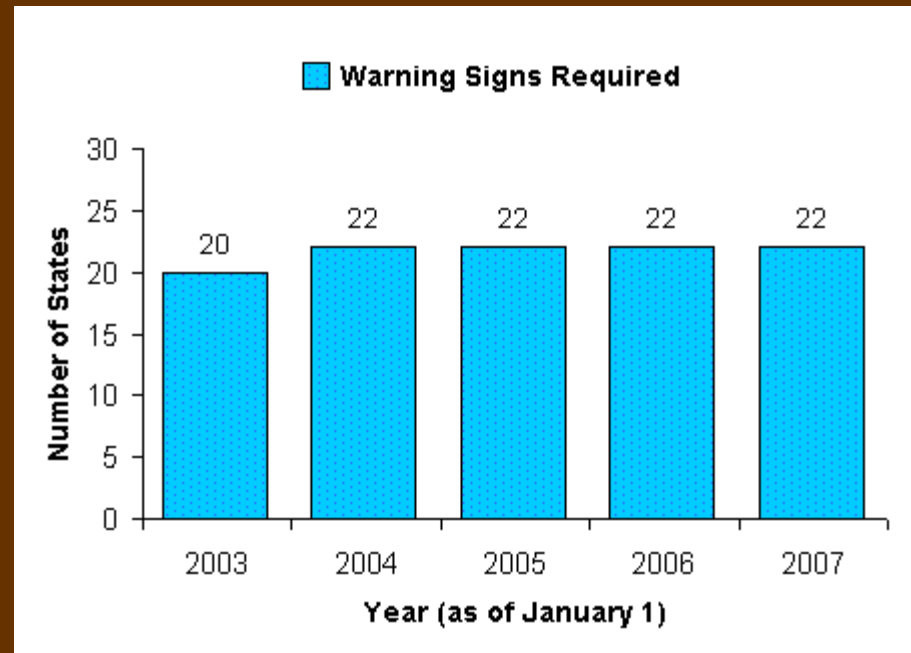
Achievements



- Alcohol Control Systems
 - Vendor responsibilities
- Taxation & Pricing
 - Collections fund enforcement and education efforts
- Enforcement
 - Increased types and severity of consequences
- Public Safety
 - Secondhand effects are being addressed

Certain states have policies requiring that warning signs be posted in settings such as licensed premises where alcoholic beverages are sold and health care facilities where pregnant women receive treatment.

State policies mandating warning *signs* should be distinguished from the Federal law that requires health warning *labels* on alcohol containers, which include a warning against drinking during pregnancy because of the risk of birth defects



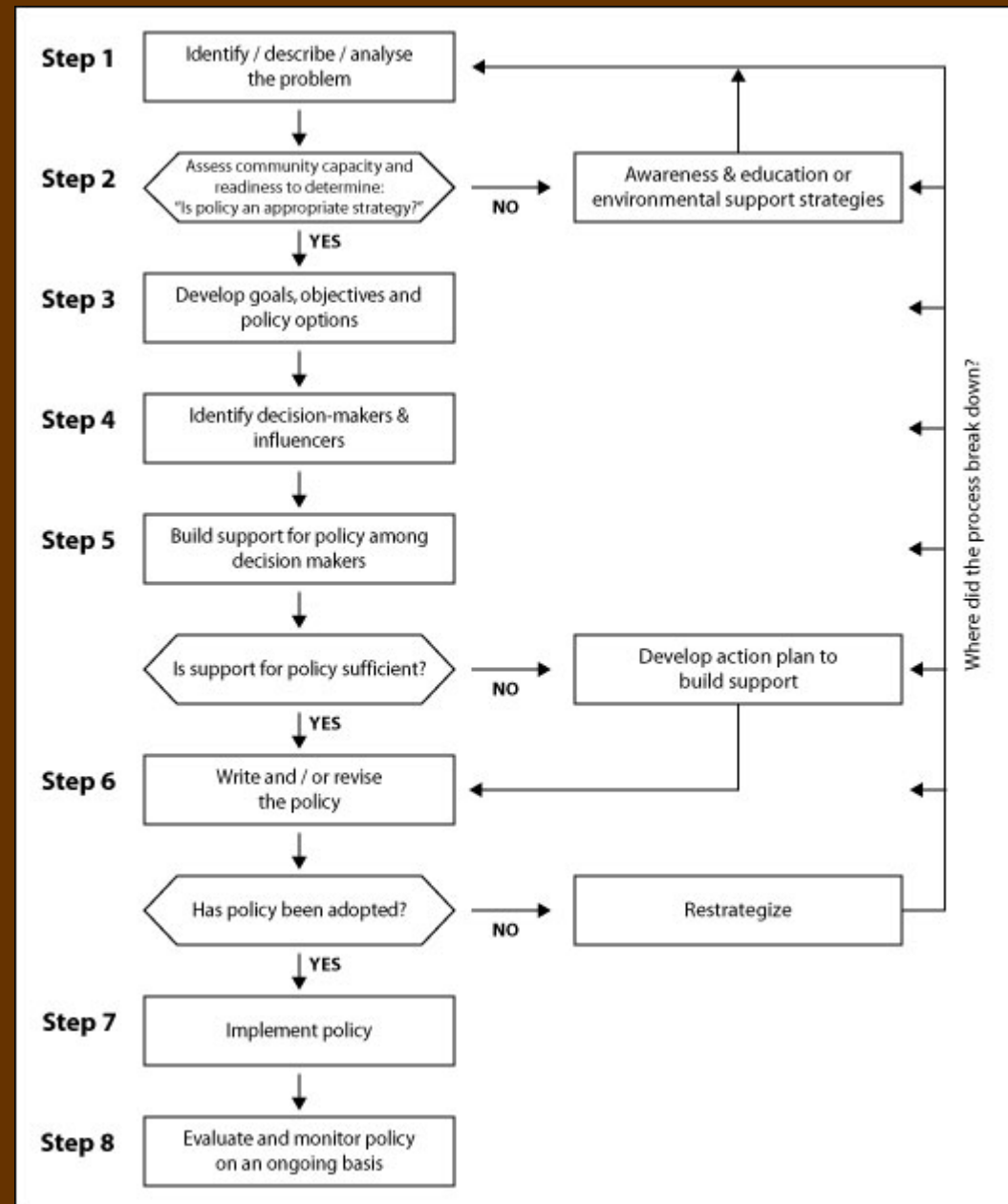
Policy Best Practices

- Moving from **Nothing** to **Something**
- Moving from a **little** to a **lot**.
- First step...

Recognize Success
Surrounds You

Roadmap for Policy Development

<http://www.thcu.ca/infoandresources/roadmap.htm>



“Good Policy”

- Economically feasible
- Politically acceptable
- Socially Acceptable
- Administratively and technologically possible

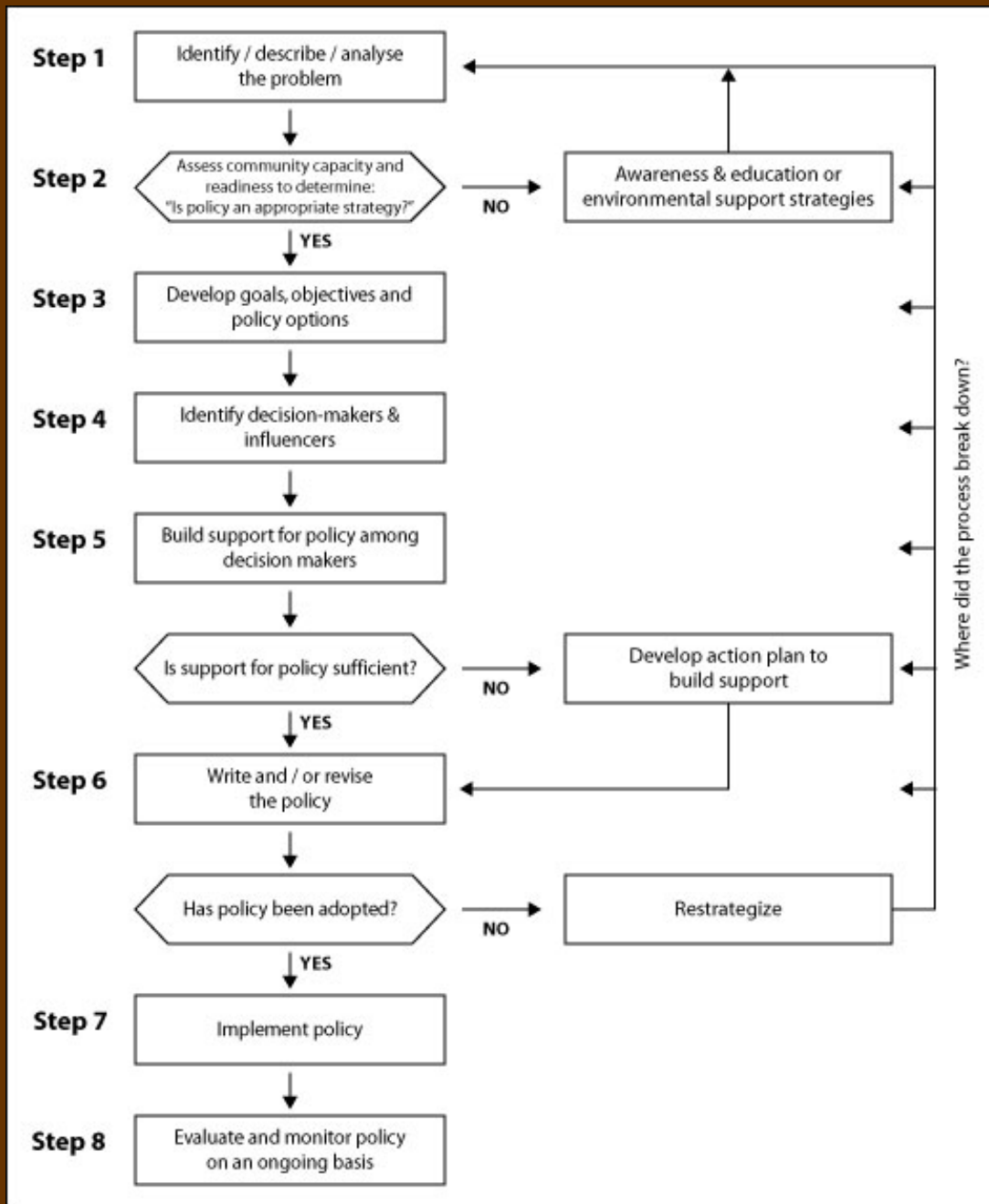
Incremental!

What do you think are the top priorities for action your community should take?

- ❑ Penalties for adults providing alcohol to youth
- ❑ Restricting alcohol in state parks
- ❑ Restricting alcohol at colleges/universities
- ❑ Stronger penalties for youth who purchase/possess alcohol
- ❑ Criminal penalties for those who sell to youth
- ❑ Automatic administrative fines/license suspension for those who sell to youth
- ❑ Increase taxes on alcohol
- ❑ Restrict alcohol advertising

Policy Enforcers?

- Enforce existing laws
- Provide insight regarding acceptability and feasibility of proposed policy
- Representatives include
 - Law enforcement officers
 - Judges
 - Elected officials
 - Lobby groups
 - Community organizations
 - Health promotion professionals
 - Government funder
 - Program staff
 - Other stakeholders



Policy Supporters!

- Law enforcement officers
- Judges
- Elected officials
- Lobby groups
- Community organizations
- Health promotion professionals
- Government funder
- Program staff³⁰
- Other

Plan Smarter Not Harder

■ Helpful

■ Understand the issue

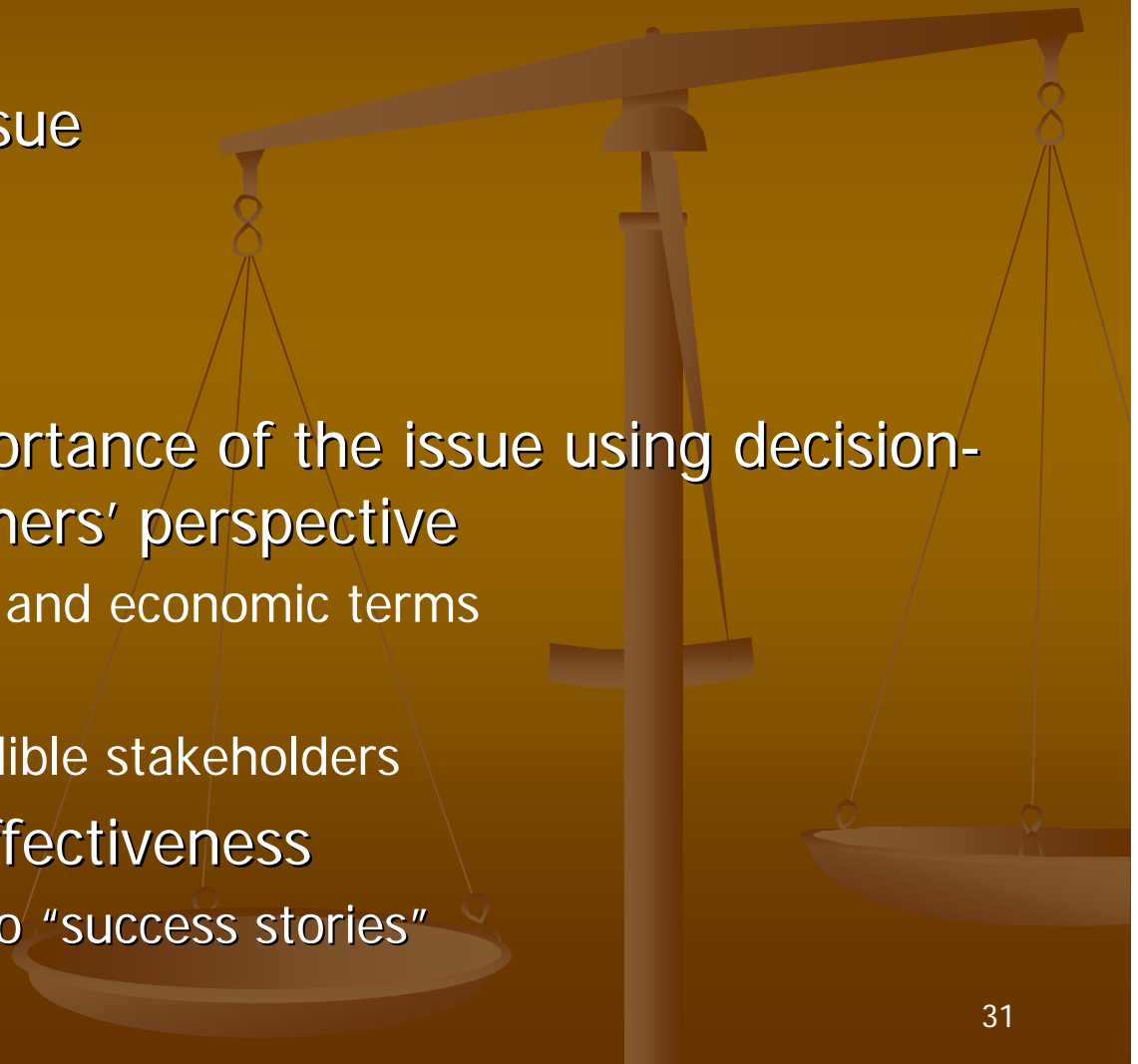
- causes
- patterns
- history

■ Articulate the importance of the issue using decision-makers' or consumers' perspective

- A burden in social and economic terms
- Of public concern
- Of concern to credible stakeholders

■ Show feasibility/effectiveness

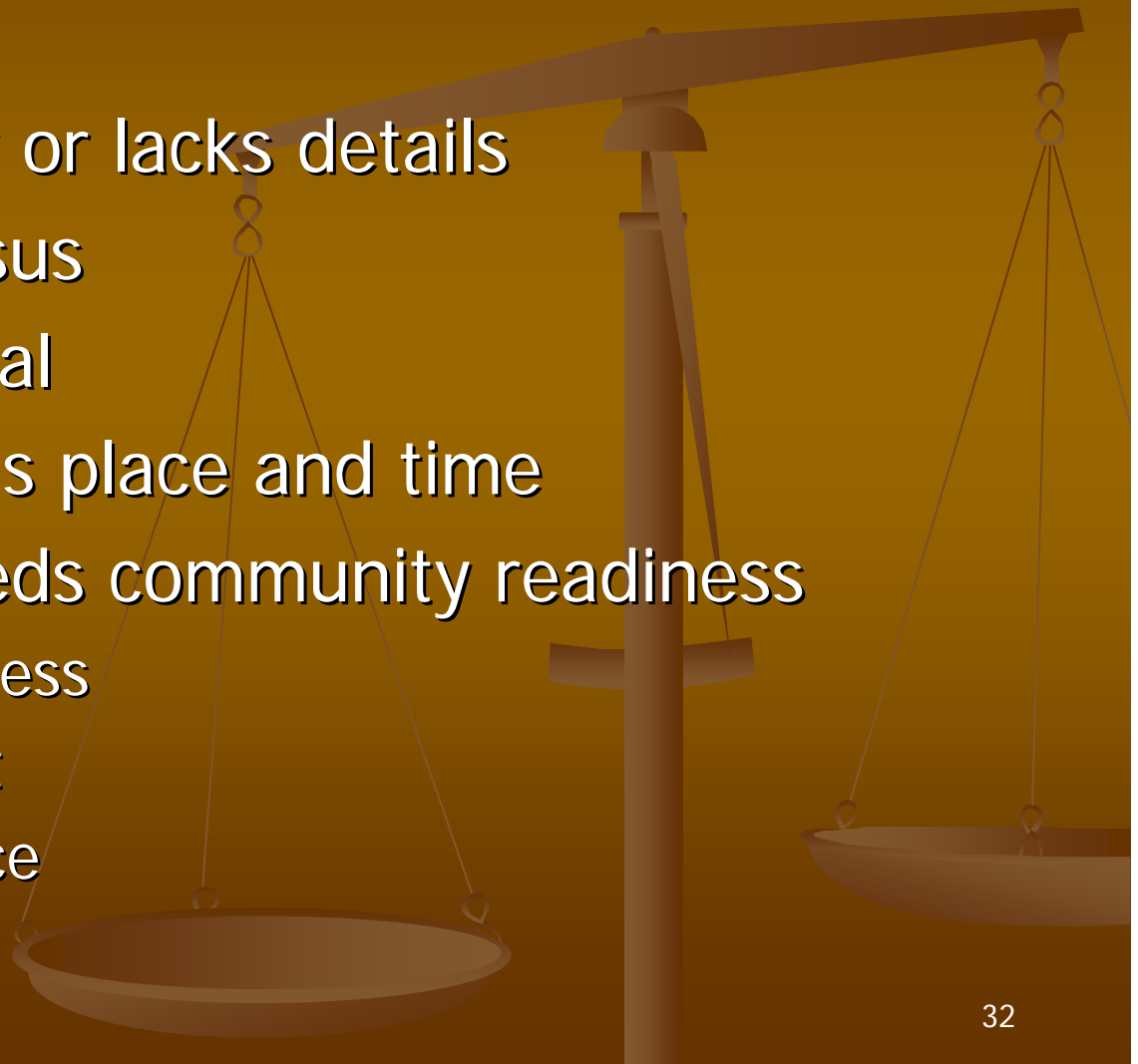
- make references to "success stories"



Plan Smarter Not Harder

■ Hindering

- Issue is unclear or lacks details
- Lack of consensus
- Too controversial
- Irrelevant to this place and time
- Proposal proceeds community readiness
 - Lack of awareness
 - Lack of interest
 - Lack of evidence



In Summary...



- We Believe
 - Legislation is essential in a comprehensive approach to substance abuse prevention
- We Achieve
 - Impact on a greater scale when we include policy
- We Need
 - To be knowledgeable of the policies that must be enforced and of those that can be expanded

WE KNOW our efforts to date have been,
and will continue to be, successful!

“Those who take no interest in policies are destined to be governed by those who do. That is the price they pay for their apathy.”

- Source Unknown

Useful Links

- The Alcohol Policy Information System (APIS) is an online resource that provides detailed information on a wide variety of alcohol-related policies in the United States at both State and Federal levels.
 - <http://www.alcoholpolicy.niaaa.nih.gov/>
- Sample Law Enforcement Survey
 - <http://www.udetc.org/documents/Sample-Law-Enforcement-Survey.doc>
- Sample Alcohol-Policy Survey
 - <http://www.udetc.org/documents/Sample-Alcohol-Policy-Survey.doc>
- Communities Mobilizing for Change on Alcohol (CMCA) as described by the National Registry of Evidence-based Programs and Practices (NREPP)
 - http://www.nrepp.samhsa.gov/programfulldetails.asp?PROGRAM_ID=116
- University of Kentucky Community Tool Box
 - <http://ctb.ku.edu/en/dothework/tools tk content page 249.htm>