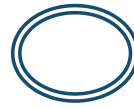


Strategic Advocacy

Maximizing Public Health's Voice



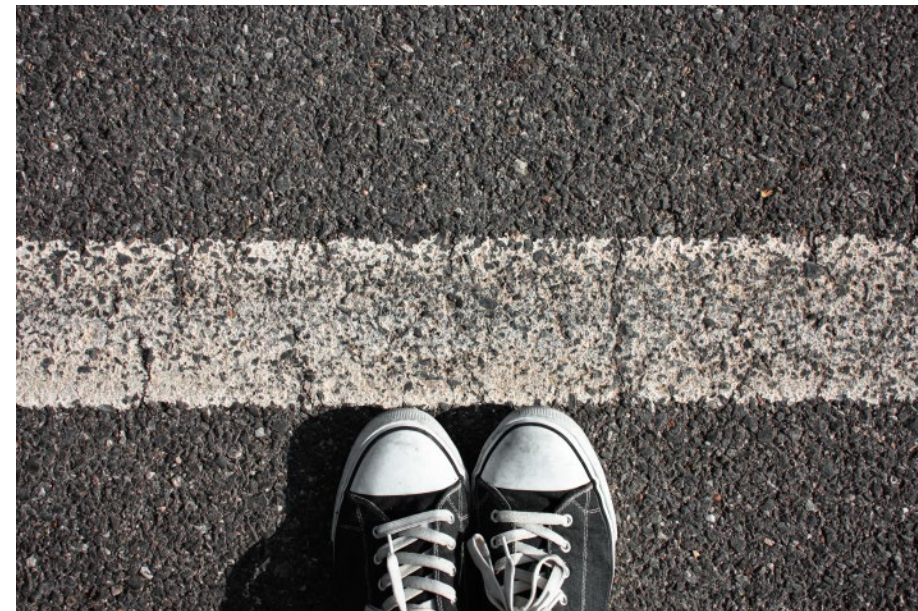
ALLEN MATTISON
TRISTER, ROSS, SCHADLER & GOLD, PLLC

amattison@tristerross.com
202-839-4488

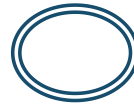
Goal: Boost Advocacy – *Safely*

Topics to Cover:

- Who May Lobby?
- What is lobbying?
- How much is allowed?
- What can government/university employees legally do?
- Is testifying OK?
- What are the social media rules?



Who May Lobby?



- Nonprofit Organizations – Including APHA and Affiliates
- Individuals
 - APHA Volunteers
 - General public
 - Even government employees – in your personal capacity



Who Sets the Rules?



County Health
Rankings & Roadmaps

Building a Culture of Health, County by County



WISCONSIN
UNIVERSITY OF WISCONSIN-MADISON

Section 501(c)(3) Charities May Lobby, But Not With Restricted Grants



- **Public charity 501(c)(3)s legally may conduct a limited amount of lobbying.**
- **Private foundation 501(c)(3)s may not directly pay for lobbying.**
 - Many foundations prohibit their grants from being used to lobby.

Congressional & State Lobbying Reporting Applies, Too.



- The limits on 501(c)(3)s – and the grant restrictions – involve only the IRS lobbying rules.
- Congress and each state have different lobbying definitions.
 - Check LDA and state laws for registration and reporting requirements.
- Plus, governments restrict employees' official activities.

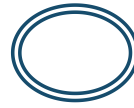
How Much Lobbying is Allowed?



Depends Whether Organization Uses 501(h)

- 501(h) Test
 - Clear definitions
 - Lots of advocacy for legislation is non-lobbying (if you're strategic)
 - Sliding scale:
 - Organizations of \$500,000 or less may spend 20% on lobbying
 - \$2M org. may spend \$250,000
 - \$17M org. may spend \$1 million
- No Substantial Part Test
 - Vague definitions
 - Advocacy to influence legislation is lobbying
 - No specific limits. Lawyers generally advise a limit of 3-5%
- Churches must use NSP; other faith-based organizations may use 501(h).

What is Lobbying?



- Direct Lobbying
 - A communication directly with legislator or staff
 - On specific legislation
 - That reflects the organization's view on the legislation.
- Grassroots Lobbying
 - A communication to the public
 - On specific legislation
 - That reflects the organization's view on the legislation, and
 - **Includes a call to action**

What is Lobbying?



IRS “Call to Action”

- Asks the audience to contact their legislator
- Identifies the audience’s legislative representative
- Provides contact information for legislator
- Identifies legislator as neutral or opposed to your position on the bill
- Provides vehicle for contacting legislator (e.g., form email)
- Identifies legislator as on committee that will vote on a bill



Baltimore City Council should pass bill banning sugary drinks from kids' menus

By Kevin A. Slayton Sr.
Feb 25, 2018

As a pastor in East Baltimore, I see my community suffering from improper nutrition on a regular basis. Poor eating and drinking habits contribute to chronic diseases as the children, adults and grandparents from generation to generation.

Choosing healthy beverages is a huge problem for the children of Baltimore. One in three kids in this city drinks at least one soda every day. The American Heart Association reports that children over the age of 2 drink only one 8-ounce sugar-sweetened drink a week.

The disparity is resulting in children developing chronic diseases that you normally don't see in other parts of the country. One in three Baltimore children is unable to maintain a healthy weight, and research shows that sugary drinks are a key contributor. Chronic diseases such as heart disease, type 2 diabetes and tooth decay are increasingly common among our city's kids.

This is an especially alarming problem in our low-income neighborhoods, where families consume two and a half more sugary drinks than higher-income families. In communities like East Baltimore, we are fighting a lack of awareness about healthy eating and drinking and by the many food and beverage industries that are bombarding families with cheap, innutritious, sugar-laden drink options for their kids.

Our city has a chance to help its children learn how to make nutritious choices. On Feb. 27, the **Baltimore City Council is expected to vote on the Healthy Kids' Meal Bill** that would require restaurants to offer water, milk, 100 percent fruit juice and other healthy drinks the default beverage on kids' menus at city restaurants. The legislation is backed by Sugar Free Kids Maryland, the City Health Department and the American Heart Association — groups that have set national standards for creating a culture of health.

The City Council has an opportunity to play a meaningful role in supporting parents' desire to ensure a healthy start to life for Baltimore's children. This legislation is good policy, and it's the right idea for Baltimore. By making healthy options easier for families to choose in restaurants, kids will be more likely to choose better drinks like milk and water. When we create a community that supports these kinds of choices, we will be able to see dramatic drops in chronic disease. It will not only help our children become healthier now, but also help them develop habits that reinforce a lifetime of good health.

My congregation has seized its own opportunity to take the lead in promoting healthy food and drinks. We run a soup kitchen every Saturday and invite anyone in the neighborhood who could use a meal. Recently, we've substituted healthier items in the lunches we serve. We also have made changes to serve healthier drinks and more fresh fruits and vegetables, instead of starches and processed foods. As a community institution, our church wants to emphasize the importance of eating and drinking nutritionally. Since we have increased healthier options, even more families have started coming to our soup kitchens.

Baltimore must seize this opportunity to build a healthy city, healthy habits and healthy children. When we support our children's health, we support the health of everyone in the city, whether they live in low- or high-income communities. **Passing the Baltimore City Healthy Kids' Meal Bill would make a tangible difference for all our children's future.** It's the right thing to do.

Kevin A. Slayton Sr. is pastor of the New Waverly United Methodist Church.

MA Food System Retweeted



James Welch @Sen_Jim_Welch · Mar 1, 2018

Great visit today from advocates for the Healthy Incentives Program. In addition to hearing just how important this program is to Springfield I also got an oregano plant! Time to test my green thumb



What about on Social Media?

Rules are the Same as Other Tactics

- Social media is a public communication
 - Reference to legislation + call to action = grassroots lobbying
- “Contact your legislator”
- Tagging a legislator



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Mothering Justice @momjustice · May 17

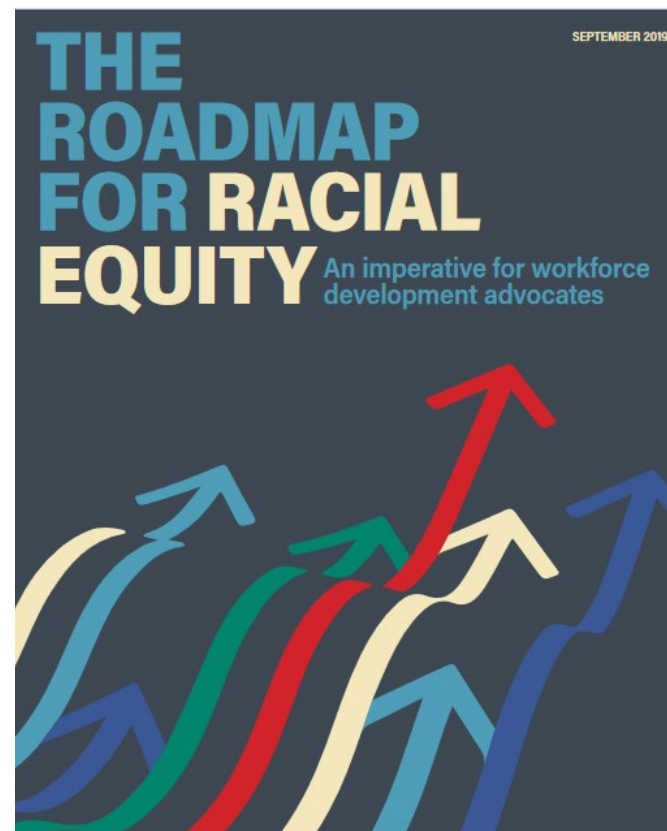
@RepJimmyGomez brings son Hodge to #MamasCaucus event, says in order for mothers to thrive, partners need to step up and assume more responsibilities. “When equitable parenting is top of mind, it has impacts on policy making.” 💜

What is *not* lobbying?



Leverage the “Subsequent Use” Rule

- A non-lobbying communication that is first distributed broadly to the public may later be used as part of a lobbying effort.
- Reports, factsheets, op-eds that mention legislation but with no IRS “call to action.”



What is ***not*** lobbying?



Subsequent Use: Grassroots Outreach is Key

- Briefing for academics
- Media release
 - Editorial writers
 - Bloggers, podcasters
 - Talk radio producers – always need expert voices and controversy to fill timeslots
- Outreach to potential allies
 - Business
 - Physicians
 - PTAs
 - Civic/Ethnic/Religious Organizations
 - Sports/fitness

What is ***not*** lobbying?



Technical Advice or Assistance

- Oral or written assistance provided in response to a written request by a governmental body, legislative committee or subcommittee

What is *not* lobbying?



Technical Advice or Assistance

- Request must be made in the name of the entity, not just from an individual member
 - E.g., Committee chair asking on behalf of the committee

D. Scott Dibble
State Senator
District 61
Minneapolis - South, Southwest & Downtown

111 State Capitol
75 Rev. Dr. Martin Luther King, Jr. Blvd
Saint Paul, MN 55155-1606



Senate

State of Minnesota

January 27, 2014

Rachel Callanan
Regional Vice President of Advocacy, Minnesota & Wisconsin
American Heart Association
4701 West 77th Street
Minneapolis, MN 55435

Dear Ms. Callanan,

On behalf of the Transportation and Public Safety Division of the Minnesota Senate Finance Committee, I request that you provide our committee with information regarding mechanisms other states have used for funding active transportation options. Based on your expertise in this area, and the

What is ***not*** lobbying?



Technical Advice or Assistance

- Advice must be available to all members of the requesting entity



- May advocate a viewpoint, if the request specifically asks for opinions or recommendations





Lora Wier recently visited with Monica Carmean, Senator Jon Tester's Legislative Counsel on Health, while in Washington DC. Lora discussed the importance of federal public health funding and the prevention and public health fund.





OKLAHOMA PUBLIC HEALTH ASSOCIATION

PUBLIC HEALTH POLICY

OPHA 2023 Policy Agenda

This agenda was developed through a multi-phase process of brainstorming with OPHA members, consolidating agendas and priorities with the Policy Agenda Working Group, aligning the public policy priorities agenda with the OPHA Public Policy Committee and OPHA Board. The agenda was reviewed and endorsed by the OPHA Executive Board, and any changes proposed by the Public Policy Committee after initial approval will receive additional review and approval by the OPHA Executive Board.

Child Health

This topic area includes preventing and mitigating adverse and behavioral health outcomes with focus areas including:

- Adverse Childhood Experiences (ACEs)
- Protective and Compensatory Childhood Experiences
- Trauma-informed policies and practices
- Anti-bullying
- Comprehensive sexual health education

Our Mission

OPHA's mission is to promote public health improvements through education, practice and

Get Informed!

- Stay informed about Oklahoma's health by visiting **Oklahoma Policy Institute's website**
- Visit APHA's **Advocacy** page for more information
- APHA Letters to **Congress and federal agencies**
- APHA **monthly Legislative Updates**

Get Involved!

For more information contact OPHA Public Policy Committee Chair McKenzie Cowlbeck at mckenziecowlbeck@gmail.com.

Why the Utah Public Health Association declares racism a public health crisis

House Joint Resolution 13, being considered by the Utah Legislature, highlights the detrimental effects of racism on public health

By the Utah Public Health Association | Mar 3, 2021, 2:10pm EDT

The Utah Public Health Association believes racism is a barrier to health access and equity and is a public health crisis that must be proactively addressed within our state. Race has long been described as a social construct that categorizes humans based on common outward appearance criteria. Racism, the structural systems that reinforce discrimination and limit opportunity, impacts all of us — and especially communities of color.

It is for these and other related reasons that the Utah Public Health Association wholeheartedly supports Rep. Sandra Hollins' HJR13, Joint Resolution Declaring Racism a Moral and Public Health Crisis. We thank Rep. Hollins for her dedicated efforts to improve public health in Utah and remove systemic barriers to care, and our Legislature for lifting this important issue.



Georgia Public Health Association

May 4 · 🌐



Day two with [TALK 92.1](#). Today's guests were Jimmie Smith, GPHA Vice President; Scott Maxwell of Maxwell & Mathews; Epidemiologists Rachel Franklin with Cobb-Douglas and Amber Erikson with Macon-Bibb; and Eric Jens, DPH Risk Communicator.

We'll be back live on Talk 92.1 tomorrow morning starting at 7AM!

