

ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB No 0930-0222

Texas

Department of State Health Services
Division of Substance Abuse and Mental Health

FFY 2007



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Substance Abuse and Mental Health Services Administration
Center for Substance Abuse Prevention
www.samhsa.gov

Table of Contents

Introduction..... ii

Funding Agreements/Certifications 1

Section I: FFY 2006 (Compliance Progress).....2

Section II: FFY 2007 (Intended Use).....8

Appendix A: Forms.....10

Appendix B: Synar Survey Sampling Methodology18

Appendix C: Synar Survey Inspection Protocol21

Appendix D: List Sampling Frame Coverage Study23

INTRODUCTION

The Annual Synar Report (ASR) format provides the means for States to comply with the reporting provisions of the Public Health Service Act (42 U.S.C. 300x-26) and the Tobacco Regulation for the SAPT Block Grant (45 C.F.R. 96.130 (e)).

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control number for this project is 0930-0222 with an expiration date of 08/31/2007. Public reporting burden for the collection of information is estimated to average 15 hours for Section I and 3 hours for Section II, including the time for reviewing instructions, completing and reviewing the collection of information, searching existing data sources, and gathering and maintaining the data needed. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to SAMHSA Reports Clearance Officer; Paperwork Reduction Project (0930-0222); 1 Choke Cherry Road, Room 7-1044, Rockville, Maryland 20857

How the Synar report helps the Center for Substance Abuse Prevention

In accordance with the tobacco regulations, States are required to provide detailed information on progress made in enforcing youth tobacco access laws (FFY 2006 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2007 Intended Use Plan). These data are required by 42 U.S.C. 300x-26 and will be used by the Secretary to evaluate State compliance with the statute. Part of the mission of the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention (CSAP) is to assist States¹ by supporting Synar activities and providing technical assistance helpful in determining the type of enforcement measures and control strategies that are most effective. This information is helpful to SAMHSA/CSAP in improving technical assistance resources and expertise on enforcement efforts and tobacco control program support activities, including State Synar Program support services, through an enhanced technical assistance program involving conferences and workshops, development of training materials and guidance documents, and on-site technical assistance consultation.

How the Synar report can help States

The information gathered for the Synar report can help States describe and analyze sub-State needs for program enhancements. These data can also be used to report to the State legislature and other State and local organizations on progress made to date in enforcing youth tobacco access laws when aggregated statistical data from State Synar reports can demonstrate to the Secretary the national progress in reducing youth tobacco access problems. This information will also provide Congress with a better understanding of State progress in implementing Synar, including State difficulties and successes in enforcing retailer compliance with youth tobacco access laws.

¹The term State is used to refer to all the States and territories required to comply with Synar as part of the Substance Abuse Prevention and Treatment Block Grant Program requirements (42 U.S.C. 300x-64 and 45 C.F.R. 96.121).

Getting assistance in completing the Synar report

If you have questions about programmatic issues, you may call CSAP's Division of State and Community Assistance at 240-276-2570 and ask for your respective State Project Officer, or contact your State Project Officer directly by telephone or e-mail using the directory provided. If you have questions about fiscal or grants management issues, you may call the Grants Management Officer, Office of Program Services, Division of Grants Management, at 240-276-1404.

Where and when to submit the Annual Synar Report

The Annual Synar Report (ASR) must be received by SAMHSA no later than December 31, 2006. The ASR must be submitted in the **approved OMB report format**. Use of the approved format will avoid delays in the review and approval process. The chief executive officer (or an authorized designee) of the applicant organization must sign page 1 of the ASR certifying that the State has complied with all reporting requirements.

Submit one signed original of the report, one additional copy, and an electronic version on either CD-ROM or 3.5" diskette to the Grants Management Officer at the address below:

Grants Management Officer
Office of Program Services, Division of Grants Management
Substance Abuse and Mental Health Services Administration

Regular Mail:

1 Choke Cherry Road, Room 7-1091
Rockville, Maryland 20857

Overnight Mail:

1 Choke Cherry Road, Room 7-1091
Rockville, Maryland 20850

FFY 2007: FUNDING AGREEMENTS/CERTIFICATIONS

The following form must be signed by the Chief Executive Officer or an authorized designee and submitted with this application. Documentation authorizing a designee must be attached to the application.

PUBLIC HEALTH SERVICES ACT AND SYNAR AMMENDMENT	
42 U.S.C. 300x-26 requires each State to submit an annual report of its progress in meeting the requirements of the Synar Amendment and its implementing regulation (45 C.F.R. 96.130) to the Secretary of the Department of Health and Human Services. By signing below, the chief executive officer (or an authorized designee) of the applicant organization certifies that the State has complied with these reporting requirements and the certifications as set forth below.	
SYNAR SURVEY SAMPLING METHODOLOGY	
The State certifies that the Synar survey sampling methodology on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2007 is up-to-date and approved by the Center for Substance Abuse Prevention.	
SYNAR SURVEY INSPECTION PROTOCOL	
The State certifies that the Synar Survey Inspection Protocol on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2007 is up-to-date and approved by the Center for Substance Abuse Prevention.	
State: TEXAS	
Name of Chief Executive Officer or Designee: Joe Vesowate	
Signature of CEO or Designee:	
Title: Assistant Commissioner for Mental Health and Substance Abuse	Date Signed: _____
If signed by a designee, a copy of the designation must be attached	

SECTION I: FFY 2006 (Compliance Progress)**YOUTH ACCESS LAWS, ACTIVITIES, AND ENFORCEMENT**

42 U.S.C. 300x-26 requires the States to report information regarding the sale/distribution of tobacco products to individuals under age 18.

1. Please indicate any changes or additions to the State tobacco statute(s) relating to youth access since the last reporting year. Please attach a photocopy of the change(s) in the State law(s) if any was made since the last reporting year. (See 42 U.S.C. 300x-26)

a. Has there been a change in the *minimum sale age* for tobacco products?

Yes No

If Yes, current minimum age: 19 20 21

b. Have there been any changes in State law that impact the State's *protocol for conducting Synar inspections*? Yes No

If Yes, indicate change (check all that apply):

Changed to require that law enforcement conduct inspections of tobacco outlets

Changed to make it illegal for youth to possess, purchase or receive tobacco

Changed to require ID to purchase tobacco

Other change(s) (*please describe*): _____

c. Have there been any changes in the law concerning *vending machines*?

Yes No

If Yes, indicate change (check all that apply):

Total ban enacted

Banned from location(s) accessible to youth

Locking device or supervision required

Other change(s) (*please describe*): _____

d. Have there been any changes in State law that impact the following?

Licensing of tobacco vendors Yes No

Penalties for sales to minors Yes No

2. Describe how the Annual Synar Report (see 45 C.F.R. 96.130(e)) and the State Plan (see 42 U.S.C. 300x-51) were made public within the State. (Check all that apply)

Placed on file for public review

Posted on a State agency Web site (Specify Web site location:

<http://www.dshs.state.tx.us/sa/Tobacco/default.shtm>

Notice published in a newspaper or newsletter

Public hearing

- Announced in a news release, a press conference, or discussed in a media interview
- Distributed for review as part of the SAPT Block Grant application process
- Distributed through the public library system
- Published in an annual register
- Other change(s) (please describe): *Workshop presentation at the statewide Tobacco Conference at The Woodlands, Texas on July 24, 2006*

3. Identify the following agency or agencies. (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130)

- a. The State agency(s) designated by the Governor for oversight of the Synar requirements:**

Texas Comptroller of Public Accounts(CPA)by state law has oversight of the Synar Requirements

Has this changed since last year's Annual Synar Report? Yes No

- b. The State agency(s) responsible for conducting random, unannounced Synar inspections:**

Texas Department of State Health Services (DSHS), Division of Mental Health and Substance Abuse/Substance Abuse Services Unit

Has this changed since last year's Annual Synar Report? Yes No

- c. The State agency(s) responsible for enforcing youth tobacco access law(s):**

Texas Comptroller of Public Accounts

Has this changed since last year's Annual Synar Report? Yes No

4. Identify the State agency(s) responsible for tobacco prevention control activities.

Texas Department of State Health Services/Prevention and Prepared Division/Health Promotion Unit of the Disease Prevention and Intervention Section

Has the responsible agency changed since last year's Annual Synar Report?

Yes No

- a. Describe the coordination and collaboration that occur between the agency responsible for tobacco control and the agency responsible for oversight of the Synar requirements. The two agencies (check all that apply):**

Are the same

Have a formal written memorandum of agreement

- X Have an informal partnership
- X Conduct joint planning activities
- X Combine resources
- X Have other collaborative arrangement(s) *(please describe): DSHS Prevention and Preparedness Office of Tobacco Prevention and Control have an interagency contract that stipulates that DSHS will oversee the state's tobacco hotline, conduct a media campaign and manage tobacco awareness classes for youth who have been cited for possession of tobacco*

5. Please answer the following questions regarding the State's activities to enforce the youth access to tobacco law(s) in FFY 2006. (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130(e))

a. Which one of the following describes the enforcement of youth access to tobacco laws carried out in your State? (Check one category only)

Enforcement is conducted exclusively by local law enforcement agencies.

Enforcement is conducted exclusively by State agency(s).

X Enforcement is conducted by both local and State agencies.

b. The following items concern penalties imposed for violations of youth access to tobacco laws by LOCAL AND/OR STATE LAW ENFORCEMENT AGENCIES. Please fill in the number requested or indicate if these data are unavailable or the item is not applicable.

PENALTY	NOT APPLICABLE	NOT AVAILABLE	TOTAL	If Available	
				OWNERS	CLERKS
Number of <u>citations issued</u>			919	NA	NA
Number of <u>finest assessed</u>		<input type="checkbox"/>	*	345	NA
Number of <u>permits/licenses suspended</u>	<input type="checkbox"/>	<input type="checkbox"/>	0*		
Number of <u>permits/licenses revoked</u>	<input type="checkbox"/>	<input type="checkbox"/>	0*		
<i>Other</i> (please describe):	Minor's in Possession Citations		2531**	NA	NA
<i>Other: Enforced controlled buys (stings) completed to test for sales to minors by local law enforcement</i>	Controlled Buys Completed and Reported (not all are reported)		7,309	NA	NA
<i>Other: Inspections for any violation of Texas Statute other than sale to minor by Comptroller's Office and local law enforcement</i>	Tobacco Compliance Inspections		11,520	NA	NA

*Returning the Final Proceedings Report to the Comptroller's office is not mandatory, therefore, the fines assessed by local courts are not known. This also results in a lack of information needed to suspend or revoke licenses.

**Not all MIPs are reported to the Comptroller's office, therefore this is a minimum number

Texas has two types of penalties assessed concerning violations. When local law enforcement issues citations, they result in fines being assessed at the local level. We do not have information on the number of fines assessed. When the Comptroller's office does compliance inspections, violations result in civil penalties. This past year, in addition to the citations issued by local law, the Comptroller's office completed 5,304 inspections, with 345 inspections that had one or more violations which resulted in the collection of civil penalties in the amount of \$146,300.00. These penalties are assessed on the store owners.

c. What additional activities are conducted in your State to support enforcement and compliance with State tobacco access law(s)? (Check all that apply)

- Merchant education and/or training
- Incentives for merchants who are in compliance (e.g., Reward and Reminder)
- Community education regarding youth access laws
- Media use to publicize compliance inspection results
- Community mobilization to increase support for retailer compliance with youth access laws
- Other activities (*please list*): The Texas Tobacco Prevention Hotline and Incentives for Local Law Enforcement

Briefly describe all checked activities:

Merchant Education: Each tobacco retailer (merchant) in Texas must obtain a permit from the Texas Comptroller's office prior to beginning to sell tobacco products. In addition, each tobacco retailer must renew their license to sell tobacco products every two years, on the even numbered year. When a tobacco retailer is established or when they renew their permit, they receive a packet of information from the Comptroller's office concerning their role in enforcing tobacco laws in Texas. Texas continues to distribute a merchant education packet using a Texas flag design; "I Can't Sell – You Can't Buy /Under 18 No Tobacco/Together We Can Stop Kids from Buying Tobacco." A warning sign that is part of the campaign is distributed to retailers. The following materials are included in the retailer guideline packet that is distributed to all retailers that renewed their tobacco sales permit in 2005: warning signs in both English and Spanish, warning stickers for vending machines, a new poster that illustrates need for checking IDs, a flyer that details the quickest way to check ID, an employee booklet that provides information on how employees can comply with the law, register stickers with the new logo that says, "I check ID", a brochure that summarizes the Texas law and a four page information sheet for the tobacco retailers permit requirements.

The Comptroller's office also licenses "seller training programs" that provide classes to merchants and their employees. There are 19 tobacco seller education programs located in communities across the state.

Retailer visits by were made by members of tobacco prevention coalitions, regional Prevention Resource Centers, Texas Department of State Health Services Tobacco Specialists, Texas Comptroller field officers, local law enforcement officers, health association members and other volunteers requesting retailers to comply with State law. DSHS/Substance Abuse Services funds 11 Prevention Resource Centers – one each HHSC region. The PRCs are required to visit at least 100 retailers per month requesting voluntary compliance and providing information and signs. The 11 Prevention Resource Centers tripled the number of retailers that were contacted last year by visiting 13, 133 retailers to ask for voluntary compliance with Texas tobacco law.

Incentives for merchants The state designed a Certificate of Recognition for tobacco merchants who do not sell to minors during a controlled buy. They are on heavy card stock,

are red, white and blue and require the merchants name and the issuing law enforcement agencies name to be written in. Some merchants choose to display them upon receipt. In 2005, through the Prevention Resource Centers, the state launched a local media campaign to “out” retailers who sell tobacco to minors. Five templates for PSA ads for local newspapers were developed for use by the **Halt Underage Retailer Tobacco Sales Coalition** to publicize the names of retailers who sell tobacco to minors during compliance checks by local law enforcement using a list provided by the Comptroller’s office. The PRCs are working to garner support from local coalitions and the American Cancer Society, American Lung Association and the American Heart Association.

Community Education Local law enforcement agencies, the Prevention Resource Centers, DSHS/Substance Abuse Services-funded prevention programs, the American Heart Association, the American Cancer Society, DSHS Prevention and Preparedness and many school districts across the state included minors and tobacco information in presentations. Aimed at both youth and adults, these presentations provided the message that tobacco is harmful and addictive. Information concerning state laws was also presented. During the year, the DSHS/Substance Abuse Services-funded PRCs and prevention programs facilitated **12718 plus 05** prevention presentations to 43, 063 adults and 281,493 youth in local communities across the state. Thirteen DSHS/Substance Abuse Services-funded prevention providers provided the Center for Disease Control-approved Life Skills Training program to 50,022 youth. 716 youth participated in the Toward No Tobacco Use curriculum.

Through grants funded by the Comptroller’s office, beginning in the state fiscal year, 2006 (9/1/05 to 8/31/06), 93 local law enforcement agencies and 88 school districts with school-based police conducted compliance education to minors, retailers, court personnel, and enforcement activities across the state. The following is a summary of all of the community education efforts reported to Texas STEP at Texas State University – San Marcos by 208 law enforcement agencies and 181 local school district school-based police:

Parents	22,622
Officers:	1,316
Individuals:	339,167
Retailers:	3,579
Children:	354,962
Educators:	11,343
Total	733,264

Note: The number of agencies reporting from 6/1/05 to 5/31/06 overlaps two state fiscal years resulting in the increase in the number of agencies reporting.

Texas STEP provides compliance education and public awareness information on the tobacco laws and provides oversight of the Comptroller’s office law enforcement grantees.

In addition, through a contract with DSHS Prevention and Preparedness, the Center for Safe Communities and Schools at Texas State University – San Marcos (CSCS) also conducts community education.

Community Training & Conferences

2 Prevention Resource Center Trainings	55 adults	
Teen Tobacco Summit (3)	36 adults	160 youth
Two Teen Ambassador In-Service Trainings	9adults	17 youth
Safe and Drug Free Schools Conference	15 adults	
Teen Tobacco Summit and Comprehensive Tobacco Conference	311 adults	253 youth
Southwest Regional Prevention Convention	18 adults	
Synar Technical Assistance Trainings	21 adults	
Tobacco Settlement LE Training	13 adults	
DARE Officer Trainings	54 adults	
<hr/> Total	<hr/> 532 adults	<hr/> 430 youth

The Texas Teen Summit and Comprehensive Tobacco Prevention Conference, held annually in July, provided tobacco prevention and control education to 253 youth and 311 adults representing local law enforcement, local school districts and community-based organizations.

DSHS/Prevention and Preparedness has made available throughout most of Texas an eight hour awareness class for minors who are cited for tobacco possession. 2795 youth participated in the awareness classes.

Media The "Worth It?" campaign is the public education campaign by the Department of State Health Services/Prevention and Preparedness (and funded by the Comptroller's office and Tobacco Settlement funds) aimed at educating teens about the Texas Tobacco Law and its consequences. The "Worth It?" campaign at www.worthit.org is one of three tobacco prevention efforts in Texas, which include the "Tobacco is Foul" youth prevention campaign at www.ducktexas.com and the "Quit Tobacco" cessation campaign for adults. The "Enforcing is Easy" media campaign is directed toward parents, retailers, and enforcement educating on SB55 was developed by DSHS Prevention and Preparedness for the Comptroller's office. The PSAs and other materials promote the message that everyone has the responsibility to keep tobacco out of the hands of youth.

DSHS-funded prevention providers throughout the state provided more than 634 public service announcements, news articles, press releases and editorials.

Community Mobilization: Tobacco Prevention Coalitions helped to enhance the state's education and prevention activities and continued to be a vital part of reducing the availability of tobacco to minors. Existing coalitions include representatives of public and private health organizations, DSHS-funded substance abuse providers, local law enforcement officers, DARE officers, educators, parents, youth and others. These coalitions were important to raising community awareness of minors' access to tobacco issues and for providing resources for education and prevention. Nineteen DSHS-funded community coalitions are involved in community education and support for limiting minors' access to tobacco. The coalitions have adopted prevention approaches such as coalition-made counter advertising in order to change norms regarding tobacco use among children and adolescents and creating an environment that does not expose youth to the use and possession of tobacco. There are 19 additional community

coalitions that specifically support smoke free community ordinances.

The Texas Tobacco Prevention Hotline: The Texas Tobacco Prevention Hotline (1-800-345-8647) is a vehicle for citizens in local communities to report violations of the minors and tobacco law. Citizens can call toll-free to report a merchant selling tobacco products to minors, tobacco advertising within 1,000 ft from a church or school, or a cigarette vending machine that is accessible to minors, etc. Once the service determines the caller's particular need, the caller is transferred to the proper authority. The service is available 24 hours per day and is bilingual.

Incentives for Local Law Enforcement: The Comptroller's office has developed an award program to promote successful local law enforcement agencies who have created successful tobacco compliance programs. The awards were presented at a Local Law Enforcement Social at the 2006 Teen Tobacco Conference. The receiving agencies received a framed certificate of appreciation.

SYNAR SURVEY METHODS AND RESULTS

The following questions pertain to the survey methodology and results of the Synar survey used by the State to meet the requirements of the Synar Regulation in FFY 2006. (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130)

6. Has the sampling methodology changed from the previous year?

Yes **XX** No

The State is required to have an approved up-to-date description of the Synar sampling methodology on file with CSAP. Please submit a copy of your Synar Survey Sampling Methodology (Appendix B). If the sampling methodology changed from the previous reporting year, these changes must be reflected in the methodology submitted.

7. Please answer the following questions regarding the State’s annual random, unannounced inspections of tobacco outlets. (See 45 C.F.R. 96.130(d)(2))

a. Did the State use the optional Synar Survey Estimation System (SSES) to analyze the Synar survey data?

XX Yes No **SEE ATTACHED SSES SUMMARY TABLES**

If Yes, attach SSES summary tables 1, 2, 3 and 4 and go to Question 8.

If No, continue to Question 7b.

b. Report the weighted and unweighted Retailer Violation Rate (RVR) estimates, and the standard error.

Unweighted RVR _____

Weighted RVR _____

Standard error (s.e.) of the (weighted) RVR _____

Fill in the blanks to calculate the right limit of the right-sided 95% confidence interval.

$$\underline{\hspace{2cm}} \text{ RVR Estimate} \quad \text{Plus} \quad \begin{matrix} + & (1.645 & \times & \underline{\hspace{2cm}} &) \\ (1.645 & \text{times} & \text{Standard Error} &) \end{matrix} \quad \text{equals} \quad \underline{\hspace{2cm}} \text{ Right Limit}$$

c. Fill out Form 1 in Appendix A (Forms). (Required regardless of the sample design)

d. How were the (weighted) RVR estimate and its standard error obtained?

(Check the one that applies)

- Form 2 (Optional) in Appendix A (Forms) *(Attach completed Form 2)*
 Other *(Please specify. Provide formulae and calculations or attach and explain the program code and output with description of all variable names.)*

e. If stratification was used, did any strata in the sample contain only one outlet or cluster this year?

- Yes No No stratification

If Yes, explain how this situation was dealt with in variance estimation.

f. Was a cluster sample design used?

- Yes No

If No, go to Question 7g.

If Yes, fill out and attach Form 3 in Appendix A (Forms), and answer the following question:

Were any certainty primary sampling units selected this year?

- Yes No

If Yes, explain how the certainty clusters were dealt with in variance estimation.

g. Report the following outlet sample sizes for the Synar survey.

	Sample Size
Effective sample size (sample size needed to meet the SAMHSA precision requirement assuming simple random sampling)	
Target sample size (the product of the effective sample size and the design effect)	
Original sample size (inflated sample size of the target sample to counter the sample attrition due to ineligibility and non-completion)	
Eligible sample size (number of outlets found to be eligible in the sample)	
Final sample size (number of eligible outlets in the sample for which an inspection was completed)	

h. Fill out Form 4 in Appendix A (Forms).

8. Did the State's Synar survey use a list frame?

XX Yes No

If Yes, answer the following questions about its coverage:

a. The calendar year of the latest frame coverage study: NA

b. Percent coverage from the latest frame coverage study: NA

c. Was a new study conducted in this reporting period? Yes No

If Yes, please complete Appendix D (List Sampling Frame Coverage Study) and submit it with the Annual Synar Report.

d. The calendar year of the next coverage study planned: 2007 An official coverage study will be conducted in coordination with CSAP's guidance document and schedule.

9. Has the Synar survey inspection protocol changed from the previous year?

Yes No

The State is required to have an approved up-to-date description of the Synar inspection protocol on file with CSAP. Please submit a copy of your Synar Survey Inspection Protocol (Appendix C). If the inspection protocol changed from the previous year, these changes must be reflected in the protocol submitted.

a. Provide the inspection period: **From:** 06/15/2006 **To:** 07/17/2006
MM/DD/YY MM/DD/YY

b. Provide the number of youth inspectors used in the current inspection year:
60

- c. **Fill out and attach Form 5 in Appendix A (Forms).** *(Not required if the State used the Synar Survey Estimation System (SSES) to analyze the Synar survey data)*

SECTION II: FFY 2007 (Intended Use):

Public law 42 U.S.C. 300x-26 of the Public Health Service Act and 45 C.F.R. 96.130 (e) (4, 5) require that the States provide information on future plans to ensure compliance with the Synar requirements to reduce youth tobacco access.

1. In the upcoming year, does the State anticipate any changes in the:

Synar sampling methodology Yes No

Synar inspection protocol Yes No

If changes are made in either the Synar sampling methodology or the Synar inspection protocol, the State is required to obtain approval from CSAP prior to implementation of the change and file an updated Synar Survey Sampling Methodology (Appendix B) or an updated Synar Survey Inspection Protocol (Appendix C), as appropriate.

2. Please describe the State's plans to maintain and/or reduce the retailer violation rate for Synar inspections to be completed in FFY 2007. Include a brief description of plans for law enforcement efforts to enforce youth tobacco access laws, activities that support law enforcement efforts to enforce youth tobacco access laws, and any anticipated changes in youth tobacco access legislation or regulation in the State.

- The state will again propose to the legislature a change in the state statute to make it illegal for a minor to attempt to purchase tobacco products.
- DSHS has submitted an Exceptional Item in the Legislative Agenda Request to the legislature for the next biennium that will enable the state to expand comprehensive programming statewide. This additional funding would enable DSHS to contract with local and county health departments to perform community based activities, education service centers to work with schools, local law enforcement agencies to enforce Texas tobacco laws, media/public relations firms to produce and disseminate prevention and cessation messaging, and higher education institutions to perform surveillance and evaluation..
- Over the last year, DSHS has assessed tobacco prevention and cessation activities across two divisions, Mental Health and Substance Abuse Services and Prevention and Preparedness, looking at agency priorities, functional alignment, and available resources to recommend options for the tobacco program improvement. As a result, DSHS has integrated the programs of both divisions into the Division of Mental Health and Substance Abuse Services to assure the most effective and efficient statewide efforts. This integration was effective September 1, 2006. DSHS has requested CSAP Technical Assistance for a developing a strategic plan that will direct program implementation in FY2008. The state will continue to provide community education, retailer education, retailer incentives, media campaigns, and community mobilization strategies to

support the work of local law enforcement. The integration will bring increased coordination across these strategies in 2007.

- The Comptroller's office award program to promote successful local law enforcement agencies who have created successful tobacco compliance programs will be continued in 2007.

3. Describe any challenges the State faces in complying with the Synar regulation. (Check all that apply)

- Limited resources for law enforcement of youth access laws
- Limited resources for activities to support enforcement and compliance with youth tobacco access laws
- Limitations in the State youth tobacco access laws
- Limited public support for enforcement of youth tobacco access laws
- Limitations on completeness/accuracy of list of tobacco outlets
- Limited expertise in survey methodology
- Laws/regulations limiting the use of minors in tobacco inspections
- Difficulties recruiting youth inspectors
- Geographic, demographic, and logistical considerations in conducting inspections
- Cultural factors (e.g., language barriers, young people purchasing for their elders)
- Issues regarding sources of tobacco under tribal jurisdiction
- Other challenges (*please list*): Limited Enforcement of Minors in Possession laws
- No challenges (*please explain*): _____

Briefly describe all items checked above:

Limited resources for law enforcement of youth access laws

The size, diversity and location of Texas continues to present a logistical challenge to the agencies involved in implementation of the Synar regulations. The population of Texas (21,828,569) is distributed among 28 metropolitan statistical areas and 254 counties, covering 267,277 miles. The state's vast border includes more than 1200 miles bordering Mexico and 624 miles of coastline. A total of 196 of Texas 254 counties are rural and of these, 106 are located near one of the state's 27 metro areas. A total of 57 counties are completely rural—containing no town with a population of 2,500 or more—and the rest lie somewhere in between. Financial resources to provide a comprehensive approach in Texas are lacking.

Another challenge that Texas faces is the fact that neither the peace officer training, nor the continuing education requirements for law enforcement officers including the Department of Public Safety, local police departments, and sheriff's departments includes education on the Texas tobacco laws. Specific tobacco law education for law enforcement officers is left to the Comptroller's office. All funded agencies attend a one day training class to learn the protocols for performing education of retailers and court personnel, students, inspections and controlled buys. The Comptroller's office will assist any agency through training or by working side-by-side to perform enforcement activities, whether funded or not. Few agencies without a grant request assistance. One of our challenges is getting the word out about

this service.

Officers reported manpower shortages as an obstacle to their department's tobacco enforcement program, because they do not have enough officers trained to enforce tobacco laws. This in turn has put more responsibilities on fewer officers because tobacco enforcement is an added responsibility to their regularly assigned duties making time management a big challenge.

One legal constraint that continues to limit the ability of the state to report final outcomes is the fact that the law does not penalize the courts for not following through in processing the Final Proceeding Report for disposition of violations/penalties. Lack of support from the judicial system continues to be a challenge although this past year, the Comptroller grantees were required to train court personnel on this and other issues concerning the tobacco laws. A total of 235 court personnel were trained by local law enforcement.

Limited resources for activities to support enforcement and compliance with youth tobacco access laws

In the Texas Tobacco Prevention Initiative area of east Texas, funding for law enforcement agencies has been drastically reduced in the last five years. Because of the reduction in funding, the main focus has been placed on enforcement to maintain compliance with tobacco sales to minors' rate. Currently 80% of effort is directed towards enforcement/retailer education of tobacco laws, and 20% directed towards youth/community education, training and reporting requirements.

Difficulties recruiting youth inspectors

Officers continue to report that it is an ongoing challenge to recruit minors to conduct controlled buys in their jurisdictions that are not recognized by clerks and other shoppers, and that demographically match the areas they are working in, especially in smaller communities. Another challenge is having access to minors in the 14-16 age range to select from, largely due to the reduction of funds available for school/community education. The reduction of funds has limited the amount of time spent in the schools/community conducting prevention activities where the officers have recruited the minors in the past. Officers reported that they have been forced to use their own children and the children of fellow officers to conduct controlled buys.

Cultural factors

Officers continue to report a language barrier as a major challenge in training retail employees because many of the new owners/employees of convenience store are now Middle Eastern and/or Asian descent. This makes training difficult as law enforcement agencies do not have officers/translators available that can speak the languages or translate materials as needed.

Other: Limited Enforcement of Minors in Possession laws

School Resource Officers (SRO's) in the school/education environments are reluctant to write MIP-Tobacco citations to youth for possession and/or use of cigarettes and/or tobacco products. It was reported that this is due mostly to the lack of SRO's knowledge of tobacco youth access laws.

APPENDIX A: FORMS

FORM 1 (Required for all States not using the Synar Survey Estimation System (SSES) to analyze the Synar Survey data)

Complete Form 1 to report sampling frame and sample information and to calculate the unweighted retailer violation rate using results from the current year's Synar survey inspections.

Instructions for Completing Form 1: In the top right hand corner of the form, provide the State name and reporting Federal fiscal year (FFY 2007). Provide the remaining information by stratum if stratification was used. Make copies of the form if additional rows are needed to list all the strata.

Column 1: *If stratification was used:*

1(a) Sequentially number each row.

1(b) Write in the name of each stratum. All strata in the State must be listed.

If no stratification was used:

1(a) Leave blank.

1(b) Write "State" in the first row (indicates that the whole state is a single stratum).

Note for unstratified samples: for columns 2-5, wherever the instruction refers to "each stratum," report the specified information for the State as a whole.

Column 2: 2(a) Report the number of over-the-counter (OTC) outlets in the sampling frame in each stratum.

2(b) Report the number of vending machine (VM) outlets in the sampling frame in each stratum.

2(c) Report the combined total of OTC and VM outlets in the sampling frame in each stratum.

Column 3: 3(a) Report the estimated number of eligible OTC outlets in the OTC outlet population in each stratum.

3(b) Report the estimated number of eligible VM outlets in the VM outlet population in each stratum.

3(c) Report the combined total estimated number of eligible OTC and VM outlets in the total outlet population in each stratum.

The estimates for Column 3 can be obtained from the Synar survey sample as the weighted sum of eligible outlets by outlet type.

Column 4: 4(a) Report the number of eligible OTC outlets for which an inspection was completed, for each stratum.

4(b) Report the numbers of eligible VM outlets for which an inspection was completed, for each stratum.

4(c) Report the combined total of eligible OTC and VM outlets for which an inspection was completed, for each stratum.

Column 5: 5(a) Report the number of OTC outlets found in violation of the law as a result of completed inspections, for each stratum.

5(b) Report the number of VM outlets found in violation of the law as a result of completed inspections, for each stratum.

5(c) Report the combined total of OTC and VM outlets found in violation of the law as a result of completed inspections, for each stratum.

Totals: For each sub-column (a-c) in Columns 2-5, provide totals for the State as a whole in the last row of the table. These numbers will be the sum of the numbers in each row for the respective column.

FORM 2 (Optional)
Appropriate for stratified simple or systematic random sampling designs.

Complete Form 2 to calculate the weighted RVR. This table (in Excel form) is designed to calculate the weighted RVR for stratified simple or systematic random sampling designs, accounting for ineligible outlets and non-complete inspections encountered during the annual Synar survey.

Instructions for Completing Form 2:

In the top right hand corner of the form, provide the State name and reporting Federal fiscal year (FFY 2007).

- Column 1: Write in the name of each stratum into which the sample was divided. These should match the strata reported in Column 1(b) of Form 1.
- Column 2: Report the number of outlets in the sampling frame in each stratum. These numbers should match the numbers reported for the respective strata in Column 2(c) of Form 1.
- Column 3: Report the original sample size (the number of outlets originally selected, including substitutes or replacements) for each stratum.
- Column 4: Report the number of sample outlets in each stratum that were found to be eligible during the inspections. Note that this number must be less than or equal to the number reported in Column 3 for the respective strata.
- Column 5: Report the number of eligible outlets in each stratum for which an inspection was completed. Note that this number must be less than or equal to the number reported in Column 4. These numbers should match the numbers reported in Column 4(c) of Form 1 for the respective strata.
- Column 6: Report the number of eligible outlets inspected in each stratum that were found in violation. These numbers should match the numbers reported in Column 5(c) of Form 1 for the stratum.
- Column 7: Form 2 (in Excel form) will automatically calculate the stratum RVR for each stratum in this column. This is calculated by dividing the number of inspected eligible outlets found in violation (Column 6) by the number of inspected eligible outlets (Column 5). The State unweighted RVR will be shown in the Total row of Column 7.
- Column 8: Form 2 (in Excel form) will automatically calculate the estimated number of eligible outlets in the population for each stratum. This calculation is made by multiplying the number of outlets in the sampling frame (Column 2) times the number of eligible outlets (Column 4) divided by the original sample size (Column 3). Note that these numbers will be less than or equal to the numbers in Column 2.
- Column 9: Form 2 (in Excel form) will automatically calculate the relative stratum weight by dividing the estimated number of eligible outlets in the population for each stratum in Column 8 by the Total of the values in Column 8.
- Column 10: Form 2 (in Excel form) will automatically calculate each stratum's contribution to the State weighted RVR by multiplying the stratum RVR (Column 7) by the relative stratum weight (Column 9). The weighted RVR will be shown in the Total row of Column 10.
- Column 11: Form 2 (in Excel form) automatically calculates the standard error of each stratum's RVR (Column 7). The standard error for the State weighted RVR will be shown in the Total row of Column 11.
- TOTAL: For Columns 2-6, Form 2 (in Excel form) provides totals for the State as a whole in the last row of the table. For Columns 7-11, it calculates the respective statistic for the State as a whole.

FFY: 2007 State: Texas

Date: 9/8/2006

FORM 2 (Optional) Appropriate for stratified simple or systematic random sampling designs.

Calculation of Weighted Retailer Violation Rate										
										State: _____
										FFY: <u>2007</u>
(1) Stratum Name	(2) N Number of Outlets in Sampling Frame	(3) n Original Sample Size	(4) n1 Number of Sample Outlets Found Eligible	(5) n2 Number of Outlets Inspected	(6) x Number of Outlets Found in Violation	(7) p=x/n2 Stratum Retailer Violation Rate	(8) N'=N(n1/n) Estimated Number of Eligible Outlets in Population	(9) w=N'/Total Column 8 Relative Stratum Weight	(10) pw Stratum Contribution to State Weighted RVR	(11) s.e. Standard Error of Stratum RVR
TOTAL										

- N - number of outlets in sampling frame
- n - original sample size (number of outlets in the original sample)
- n1 - number of sample outlets that were found to be eligible
- n2 - number of eligible outlets that were inspected
- x - number of inspected outlets that were found in violation
- p - stratum retailer violation rate ($p=x/n2$)
- N' - estimated number of eligible outlets in population ($N'=N*n1/n$)
- w - relative stratum weight ($w=N'/\text{Total Column 8}$)
- pw - stratum contribution to the weighted retailer violation rate
- s.e. - standard error of the stratum RVR

FORM 3 (Required when a cluster design is used for all States not using the Synar Survey Estimation System (SSES) to analyze the Synar survey data)

Complete Form 3 to report information about primary sampling units when a cluster design was used for the Synar survey.

Instructions for Completing Form 3:

In the top right hand corner of the form, provide the State name and reporting Federal fiscal year (FFY 2007).

Provide information by stratum if stratification was used. Make copies of the form if additional rows are needed to list all the strata.

Column 1: Sequentially number each row.

Column 2: *If stratification was used:* Write in the name of stratum. All strata in the State must be listed.

If no stratification was used: write "State" in the first row to indicate that the whole state constitutes a single stratum.

Column 3: Report the number of primary sampling units (PSUs) (i.e., first-stage clusters) created for each stratum.

Column 4: Report the number of PSUs selected in the original sample for each stratum.

Column 5: Report the number of PSUs in the final sample for each stratum.

TOTALS: For Columns 3-5, provide totals for the State as a whole in the last row of the table.

Summary of Clusters Created and Sampled				
				State: _____
				FFY: <u>2007</u>
(1) Row #	(2) Stratum Name	(3) Number of PSUs Created	(4) Number of PSUs Selected	(5) Number of PSUs in the Final Sample
TOTAL				

FORM 4 (Required for all States not using the Synar Survey Estimation System (SSES) to analyze the Synar Survey data)

Complete Form 4 to provide detailed tallies of ineligible sample outlets by reasons for ineligibility and detailed tallies of eligible sample outlets with noncomplete inspections by reasons for noncompletion.

Instructions for Completing Form 4:

In the top right hand corner of the form, provide the State name and reporting Federal fiscal year (FFY 2007).

Column 1(a): Enter the number of sample outlets found ineligible for inspection by reason for ineligibility. Provide the total number of ineligible outlets in the row marked **“Total”**.

Column 2(a): Enter the number of eligible sample outlets with noncomplete inspections by reason for noncompletion. Provide the total number of eligible outlets with noncomplete inspections in the row marked **“Total”**.

Inspection tallies by reason of ineligibility or noncompletion			
			State
			FFY <u>2007</u>
(1) INELIGIBLE		(2) ELIGIBLE	
Reason for ineligibility	(a) Counts	Reason for noncompletion	(a) Counts
Out of business		In operation but closed at time of visit	
Does not sell tobacco products		Unsafe to access	
Inaccessible by youth		Presence of police	
Private club or private residence		Youth inspector knows salesperson	
Temporary closure		Moved to new location	
Unlocatable		Drive thru only/youth inspector has no driver's license	
Wholesale only/Carton sale only		Tobacco out of stock	
Vending machine broken		Run out of time	
Duplicate		Other noncompletion reason(s) <i>(describe)</i>	
Other ineligibility reason(s) <i>(describe)</i>			
Total		Total	

FORM 5 (Required for all States not using the Synar Survey Estimation System (SSES) to analyze the Synar survey data)

Complete Form 5 to show the distribution of outlet inspection results by age and gender of the youth inspectors.

Instructions for Completing Form 5:

In the top right hand corner of the form, provide the State name and reporting Federal fiscal year (FFY 2007).

Column 1: Enter the number of attempted buys by youth inspector age and gender.

Column 2: Enter the number of successful buys by youth inspector age and gender.

If the inspectors are age eligible but the gender of the inspector is unknown, include those inspections in the "OTHER" row. Calculate subtotals for males and females in rows marked SUBTOTALS. Sum SUBTOTALS for male, female, and OTHER and record in the bottom row marked TOTAL. Verify that that the TOTAL of attempted buys and successful buys equal the total for Column 4(c) and Column 5(c), respectively, on Form 1. If the totals do not match, please explain any discrepancies.

Synar Survey Inspector Characteristics		State <u>Texas</u>
		FFY <u>2007</u>
	(1) Attempted Buys	(2) Successful Buys
<u>Male</u>		
14 yrs		
15 yrs		
16 yrs		
17 yrs		
18 yrs		
MALE SUBTOTAL		
<u>Female</u>		
14 yrs		
15 yrs		
16 yrs		
17 yrs		
18 yrs		
FEMALE SUBTOTAL		
OTHER		
TOTAL		

APPENDIX B

STATE: Texas

FFY: 2007

SYNAR SURVEY SAMPLING METHODOLOGY

1. What type of sampling frame is used?

List frame *(Go to Question 2)*

Area frame *(Go to Question 3)*

List-assisted area frame *(Go to Question 2)*

2. List all sources of the list frame. Indicate the type of source from the list below. Provide a brief description of the frame source. Explain how the lists are updated (method), including how new outlets are identified and added to the frame. In addition, explain how often the lists are updated (cycle). (After completing this question, go to Question 4)

Use the corresponding number to indicate Type of Source in the table below:

1 – Statewide commercial business list

4 – Statewide retail license/permit list

2 – Local commercial business list

5 – Statewide liquor license/permit list

3 – Statewide tobacco license/permit list

6 – Other

Name of Frame Source	Type of Source	Description	Updating Method and Cycle
Active Tobacco Tax Retailer's Database	4	Mainframe System	<p>The cigarette/tobacco retailer permits are renewed every two years by the Comptroller's Office. The taxpayer is sent a renewal application and is requested to return the signed and completed application with payment or to notify the Comptroller's office if they are no longer in business.</p> <p>Taxpayers can also send the business location, vending machine, or vehicle supplement form(s) to add additional locations, vending machines or vehicles after the initial permit approval process. Original applications are also received to add new entity set ups, as well as new locations, vending machines or vehicles.</p> <p>Taxpayers also send correspondence and/or copies of their previous permit requesting updates to their cigarette/tobacco retailer permit account</p> <p>Daily, on-line real-time updates to mainframe database obtained from tobacco permit applications and sales tax applications.</p>

3. If an area frame is used, describe how area sampling units are defined and formed.

a. Is any area left out in the formation of the area frame? Yes No

If Yes, what percentage of the State's population is not covered by the area frame?

_____ %

4. Federal regulation requires that vending machines be inspected as part of the Synar survey. Are vending machines included in the Synar survey?

Yes No

If No, please indicate the reason they are not included in the Synar survey.

State law bans vending machines

State law bans vending machines from locations accessible to youth

State has SAMHSA approval to exempt vending machines from the survey

Other (please describe): _____

5. Which category below best describes the sample design? (Check only one)

Census (*STOP HERE: Appendix B is complete*)

Unstratified State-wide sample:

Simple random sample (*go to Question 9*)

Systematic random sample (*go to Question 6*)

Single-stage cluster sample (*go to Question 8*)

Multi-stage cluster sample (*go to Question 8*)

Stratified sample:

Simple random sample (*go to Question 7*)

Systematic random sample (*go to Question 6*)

Single-stage cluster sample (*go to Question 7*)

Multi-stage cluster sample (*go to Question 7*)

Other (please describe and go to Question 9): _____

6. NA/Describe the systematic sampling methods. (After completing Question 6, go to Question 7 if stratification is used. Otherwise go to Question 9.)

7. Provide the following information about stratification**a. Provide a full description of the strata that are created.**

Counties are used as Primary Sampling Units (PSUs). Based on tobacco outlet list frame in Texas, the PSUs are stratified according to the number of tobacco outlets by county. A total of ten strata (A1, A2, A3, A4, A5, A6, A7, B, C, and D stratum) are created as follows:

- A1-A7: Seven counties with the largest number of outlets to be self-representing PSUs (or counties with more than 500 outlets),
- B: Counties with 100-500 outlets,
- C: Counties with 26-99 outlets,
- D: Counties with fewer than 26 outlets.

b. Is clustering used within the stratified sample?

Yes (go to Question 8)

No (go to Question 9)

8. Provide the following information about clustering**a. Provide a full description of how clusters are formed. (If multi-stage clusters are used, give definitions of clusters at each stage.)**

Clusters are the counties used within the stratified sample. There are 254 counties in Texas, which are formed into ten strata for the first stage of sampling.

b. Specify the sampling method (simple random, systematic, or probability proportional to size sampling) for each stage of sampling and describe how the method(s) is (are) implemented.Sampling of PSUs

Identify the seven counties with the largest number of outlets (> 500) to be self-representing PSUs. In total, these counties represent about half of all outlets in the State. The seven counties that form strata A1 to A7 (each stratum is the county itself) are included with probability one.

Select six counties in the B stratum, four counties in the C stratum, and two counties in the D stratum by using the systematic “probability proportional to size” (PPS) sampling method. The PPS takes different cluster sizes into account in selection probabilities. To benefit from the implicit stratification, the counties

within each B, C, or D stratum will be sorted first by the most important stratification variable. Nested sorting will be used for progressively less important variables. Three stratification variables related to ethnicity status and metro-nonmetro status are used. In the order of importance, they are percent Hispanics (large, medium, small), percent African Americans (large, medium, small), and rural-urban continuum codes (metro, nonmetro).

Selection of Outlets

The second-stage is to use the simple random sampling (SRS) to select a fixed number of outlets within each county/PSU for the strata B and C. In the D stratum, all outlets in the two sampled counties will be taken. A simple random sample of the proportionally allocated sample size is selected from each of A1-A7 strata.

If a selected county/PSU contains fewer outlets than are needed, then sample outlets from the next PSU in the same stratum would be increased to make up the shortfall.

Stratum Sample Allocation

After determining the total sample size, the proportional allocation method is used to distribute the total original sample size to the strata (i.e., proportionally to the stratum outlet population sizes). Then, the subsample size in each selected county is determined by equally dividing the stratum sample size by the number of selected clusters (counties within a stratum).

Reserve Sample List Methodology

After a maximum 3 attempts of the original selected outlet are made by the Synar Inspection team, a reserve sample list is used. The reserve sample list is used to replace the ineligible outlet to obtain enough sample size as planned in each primary sampling unit (or county). The reserve sample is generated based on the same sampling method as for the original sample list. The simple random sampling (SRS) is applied to select outlets for the original sample list in each selected county in stratum A, B, or C. Then, the SRS is applied again to select outlets for the reserve list from the remained outlets (after taking out the original sample list) in each selected county. It's reasonable to have enough sample size for the reserve list, but not necessary to have the same number as the original sample list. So, the sample size of the reserve list is decided to be about two-thirds of the sample size of the original sample list. For example, the original sample size for Harris county is planned to be 180. After randomly selecting 180 outlets for the sample list, another 120 outlets are randomly selected for its reserve list. For some small counties, all the remaining outlets will be used as the reserve list. The sampling procedures described above are fully performed by using the SAS program.

The Reserved Target Outlet List is used by the Synar Survey contractor only when the status of the inspection of an outlet on the Primary Target Outlet List is as follows:

- Store located, out of business
- Store located, attempt not done for safety reasons
- Unable to locate store
- Store located, inaccessible by youth
- Store located, does not sell tobacco products

The reserve sample is listed by order. The Synar Survey contractor conducting the survey is told to use the reserve list in numerical order (using the first retail outlet on the reserve sample, followed by the next, etc.). Synar Compliance Inspections are not conducted out of numerical order on the reserve list. Since the reserve list has been randomly selected from the SAS program, the outlets will be simply used by order and cannot be arbitrarily selected by the user.

9. Provide the formulae for determining the effective, target, and original outlet sample sizes.

The SSES sample size calculator is used to estimate the sample size. The formula for calculating the effective sample size, n_e , is based on page 35 (formula S3.4) of the Sample Design Guidance. It is written as:

$$n_e = \frac{1}{\left(\frac{(0.0182)^2}{P(1-P)} + \frac{1}{N} \right)},$$

where P is an expected RVR (for which the previous year's RVR can be used), and N is the outlet population (frame) size. The target sample size should be derived as the effective sample size multiplied by the design effect ($n_t = dn_e$).

The original sample size is determined by inflating the target sample size by the expected eligibility rate (r_l) and the expected completion rate (r_c). The original sample size can be written as:

$$n_o = \frac{n_t}{r_l r_c}.$$

Please note that the original sample size is further inflated by a 10% safety margin.

APPENDIX C

STATE: TexasFFY: 2007

SYNAR SURVEY INSPECTION PROTOCOL

Note: Attach a copy of the inspection form and protocol used to record the inspection result.

1. How does the State Synar survey protocol address the following?

a. Consummated buy attempts?

- Required Not Permitted
 Permitted under specified circumstances Not specified in protocol

b. Youth inspectors to carry ID?

- Required Not Permitted
 Permitted under specified circumstances Not specified in protocol

c. Adult inspectors to enter the outlet?

- Required Not Permitted
 Permitted under specified circumstances Not specified in protocol

d. Youth inspectors to be compensated?

- Required Not Permitted
 Permitted under specified circumstances Not specified in protocol

2. Identify the agency(s) or entity(s) that actually conduct the random, unannounced Synar inspections of tobacco outlets. (Check all that apply)

- Law enforcement agency(s)
 State or local government agency(s) other than law enforcement
 Private contractor(s)
 Other

List the agency name(s): The Center for Safe Communities and Schools at Texas State University at San Marcos for the Texas Department of State Health Services/Division of Mental Health and Substance Abuse

3. Are Synar inspections combined with law enforcement efforts (i.e., do law enforcement issue warnings or citations to retailers found in violation of the law at the time of the inspection)?

- Always Usually Sometimes Rarely Never

4. Describe the methods used to recruit, select, and train youth inspectors and adult supervisors.

Local law enforcement officers are recruited and selected by the Center for Safe Communities & Schools staff. CSCS staff observes officers who are involved in the enforcement agency trainings for qualities of leadership, training ability and advocacy interest. Referrals are made by local law enforcement agencies for officers that show a keen interest in tobacco prevention and enforcement. The officers complete an application that requires training experience and are required to make a presentation on SB 55 as part of the interview. The officers then recruit and train local adult supervisors and youth inspectors. The officers recruit from the local law enforcement agencies for the Adult Supervisors. The supervisors are primarily chosen from local sheriff's department or the local constable's office because the inspections take place in their jurisdiction. Next, CSCS recruits from the local police departments. The local CSCS officers recruit, select and train the youth inspectors. Youth aged 14 to 17 are chosen to be inspectors from local schools or through local agency contacts by the CSCS staff.

The Center for Safe Communities & Schools provides training for all local law enforcement officers involved in conducting the Synar inspections. During the eight-hour training, officers are trained on how to plan and conduct inspections and how to recruit and train volunteer minors. Previously trained officers demonstrate the planning and development of an inspection and discuss the details of conducting actual inspections. Reporting forms and data collection procedures are explained in detail.

Officers are also briefed on current state law and their roles and responsibilities in enforcing the law. They are given background information on why the state is trying to reduce youth tobacco use, information about the tobacco companies and how they target teens, and ways that teens are exposed to tobacco products.

Experienced law enforcement officers who have received extensive CSCS training provide training and technical assistance to the local law enforcement officers in inspection methods in a one day training. The training may also include additional technical assistance in mapping out routes, trouble shooting, and working with the local inspectors until the inspections are completed.

The youth inspectors are trained in the inspection methods detailed below and are given the opportunity to role play the inspections and in some cases go to a large retailer who has agreed to participate in a mock inspection.

5. Are there specific legal or procedural requirements instituted by the State to address the issue of youth inspectors' immunity when conducting inspections?

a. Legal Yes No (If Yes, please describe):

b. Procedural Yes No (If Yes, please describe):

The law allows for the use of minors in compliance inspections as "minor decoys," with the provision that they be under the age of 17 and accompanied by a law enforcement officer.

Senate Bill 55 excuses a youth participating in an inspection from the penalty of the law and requires that an adult accompany the youth.

6. Are there specific legal or procedural requirements instituted by the State to address the issue of the safety of youth inspectors during all aspects of the Synar inspection process?

a. Legal Yes No (*If Yes, please describe*):

b. Procedural Yes No (*If Yes, please describe*):

While there is not a specific directive regarding the minor's safety, the law allows local law enforcement to issue policy regarding whether or not the minor will carry an ID. Most agencies do not allow minor's to carry an ID for their safety because the ID (license or identification card) will have the minor's home address and minor's last name and minor can be identified. CSCS law enforcement training material directs law enforcement agencies conducting the Synar Survey not to allow minor's to carry an ID to protect the minor.

Also, regarding safety of the minor, law enforcement agencies are trained to consider the safety of the minor as a priority when conducting controlled buys. The minor is also trained to leave the store if they feel threatened or uncomfortable. Minors and officers role-play scenarios for most type of situations that may occur while in the process of a controlled buy. This information is included in the training manual.

7. Are there any other legal or procedural requirements the State has regarding how inspections are to be conducted (e.g., age of youth inspector, time of inspections, training that must occur)?

a. Legal Yes No (*If Yes, please describe*):

Senate Bill 55 excuses a youth participating in an inspection from the penalty of the law and requires that an adult accompany the youth.

b. Procedural Yes No (*If Yes, please describe*):

SEE ATTACHED SYNAR INSPECTION PROTOCOL

APPENDIX D

STATE: _____

FFY: _____

List Sampling Frame Coverage Study
(LIST FRAME ONLY)

1. Calendar year of the coverage study: _____

2. Percent coverage found: _____ %
(Provide calculation of the percent coverage)

3. Provide a description of the coverage study methods and results.