

# **ANNUAL SYNAR REPORT**

**42 U.S.C. 300x-26**

OMB № 0930-0222

**FFY 2017**

**State: CA**

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## 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 Substance Abuse Prevention and Treatment Block Grant (SABG) (45 C.F.R. 96.130 (e)).

### **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 2016 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2017 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 Center for Substance Abuse Prevention (CSAP) is to assist states<sup>1</sup> 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 CSAP in improving technical assistance resources, expertise on enforcement efforts, and tobacco control program support activities; including state Synar program support services, through an enhanced technical assistance program involving conferences, workshops, development of training materials, guidance documents, and onsite technical assistance consultation.

### **How the Synar report can help states**

The information gathered for the Synar report can help states describe and analyze substate 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.

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<sup>1</sup>The 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 Programs at (240) 276-2550 and ask for your respective State Project Officer, or contact your State Project Officer directly by telephone or email. If you have questions about fiscal or grants management issues, you may call the Grants Management Officer, Office of Financial Resources, Division of Grants Management, at (240) 276-1422.

## **Where and when to submit the Synar report**

The ASR must be received by SAMHSA no later than December 31, 2016 and must be submitted in the format specified by these instructions. 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 one of the ASR certifying that the state has complied with all reporting requirements.

The state must upload one copy of the ASR using the online WebBGAS (Block Grant Application System). In addition, the following items must be uploaded to WebBGAS:

- FFY 2017 Synar Survey Results: States that use the Synar Survey Estimation System (SSES) must upload one copy of SSES Tables 1–5 (in Excel) to WebBGAS. States that do not use SSES must upload one copy of ASR Forms 1, 4, and 5, and Forms 2 and 3, if applicable, (in Excel), as well as a database with the raw inspection data to WebBGAS.
- Synar Inspection Form: States must upload one blank copy of the inspection form used to record the result of each Synar inspection.
- Synar Inspection Protocol: States must upload a copy of the protocol used to train inspection teams on conducting and reporting the results of the Synar inspections. This document should be different than the Appendix C attached to the Annual Synar Report
- A scanned copy of the signed Funding Agreements/Certifications

Each state SSA Director has been emailed a login ID and password to log onto the Synar section of the WebBGAS site.

## FFY 2017: 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.

<b>PUBLIC HEALTH SERVICES ACT AND SYNAR AMENDMENT</b>	
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.	
<b>SYNAR SURVEY SAMPLING METHODOLOGY</b>	
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 2017 is up-to-date and approved by the Center for Substance Abuse Prevention.	
<b>SYNAR SURVEY INSPECTION PROTOCOL</b>	
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 2017 is up-to-date and approved by the Center for Substance Abuse Prevention.	
State: CA	
Name of Chief Executive Officer or Designee: Jennifer Kent	
Original Signed by _____	
Signature of CEO or Designee: _____	
Title: Director, California Department of Health Care Services	Date Signed: 10/28/16
<b>If signed by a designee, a copy of the designation must be attached.</b>	

**SECTION I: FFY 2016 (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. If any changes were made to the state law(s) since the last reporting year, please attach a photocopy of the law to the hard copy of the ASR and also upload a copy of the state law to WebBGAS. (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

Changed definition of tobacco products

Other change(s) *(Please describe.)* \_\_\_\_\_

**c. 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

Vending machines  Yes  No

Added additional product

Categories to youth access law  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 prior to submission of the ASR. (Check all that apply.)**

Placed on file for public review

Posted on a state agency Web site *(Please provide exact Web address and the date when the FFY 2017 ASR was posted to this Web address.)*

*Webaddress:* <http://www.dhcs.ca.gov/provgovpart/Pages/SAPTBLOCKGRANT.as>

*px*

*Date published:* 11/01/2016

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 SABG application process
  - Distributed through the public library system
  - Published in an annual register
  - Other (Please describe.) Department of Health Care Services (DHCS) posts a draft copy of the ASR on the DHCS website for public review and comment for two weeks prior to submitting the final ASR to SAMHSA for approval. Once the ASR is approved, DHCS reposts the final version on the DHCS Website.
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**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(ies) designated by the Governor for oversight of the Synar requirements:**

The California Department of Health Care Services (DHCS) and the California Department of Public Health (CDPH) have shared responsibility to oversee the Synar requirements. The Stop Tobacco Access to Kids Enforcement (STAKE) Act of 1994 (Business and Professions [B&P] Code Section 22950-22963) requires the annual transfer of \$2 million from DHCS's Substance Abuse Prevention Treatment (SAPT) block grant to CDPH to administer the provisions of the Synar Amendment.

Has this changed since last year's Annual Synar Report?

- Yes  No

**b. The state agency(ies) responsible for conducting random, unannounced Synar inspections:**

CDPH, California Tobacco Control Program (CTCP) has an Interagency Agreement with California State University, Sacramento to conduct the random, unannounced inspections of tobacco outlets.

Has this changed since last year's Annual Synar Report?

- Yes  No

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

CDPH, Food and Drug Branch (FDB) is the statewide enforcement agency responsible for enforcing the STAKE Act; however, as a result of legislation enacted in 2007, other state agencies, as well as local law enforcement agencies, are authorized to enforce the STAKE Act. In addition, local law enforcement agencies are responsible for enforcing other tobacco control laws, including Penal Code (PC) Section 308 (a), illegal tobacco sales to minors.

Has this changed since last year's Annual Synar Report?

- Yes  No

**4. Identify the following agencies and describe their relationship with the agency responsible for the oversight of the Synar requirements.**

- a. **Identify the state agency responsible for tobacco prevention activities (the agency that receives the Centers for Disease Control and Prevention’s National Tobacco Control Program funding).**

CDPH, CTCP is responsible for administering California’s statewide tobacco prevention and control activities as authorized in Health and Safety Code Part 3, Chapter 1, Section 104350, to comply with Proposition (Prop) 99, the Tobacco Tax and Health Protection Act of 1988 .

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- b. **Has the responsible agency changed since last year’s Annual Synar Report?**

Yes  No

- c. **Describe the coordination and collaboration that occur between the agency responsible for tobacco prevention and the agency responsible for oversight of the Synar requirements. (Check all that apply.) The two agencies**

Are the same

Have a formal written memorandum of agreement

Have an informal partnership

Conduct joint planning activities

Combine resources

Have other collaborative arrangement(s) (Please describe.) \_\_\_\_\_

No relationship

- d. **Does a state agency contract with the Food and Drug Administration’s Center for Tobacco Products (FDA/CTP) to enforce the youth access and advertising restrictions in the Family Smoking Prevention and Tobacco Control Act?**

Yes  No (if no, go to Question 5)

- e. **If yes, identify the state agency responsible for enforcing the youth access and advertising restrictions in the Family Smoking Prevention and Tobacco Control Act (the agency that is under contract to the Food and Drug Administration’s Center for Tobacco Products (FDA/CTP)).**

CDPH, FDB is the statewide enforcement agency responsible for enforcing the youth access and advertising restrictions in the Family Smoking Prevention and Tobacco Control Act.

- f. **Has the responsible agency changed since last year’s Annual Synar Report?**

Yes  No

- g. **Describe the coordination and collaboration that occur between the agency contracted with the FDA to enforce federal youth tobacco access laws and the agency responsible for oversight of the Synar requirements. (Check all that apply.) The two agencies:**

Are the same

Have a formal written memorandum of agreement

Have an informal partnership

Conduct joint planning activities

- Combine resources
- Have other collaborative arrangement(s) *(Please describe.)* \_\_\_\_\_
- No relationship

**h. Does the state use data from the FDA enforcement inspections for Synar survey reporting?**

- Yes  No

**5. Please answer the following questions regarding the state’s activities to enforce the state’s youth access to tobacco law(s) in FFY 2016 (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 state 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(ies).
- Enforcement is conducted by both local *and* state agencies.

**b. The following items concern penalties imposed for all violations of state youth access to tobacco laws by LOCAL AND/OR STATE LAW ENFORCEMENT AGENCIES (this does not include enforcement of local laws or federal youth tobacco access laws). Please fill in the number requested. If state law does not allow for an item, please mark “NA” (not applicable). If a response for an item is unknown, please mark “UNK.” The chart must be filled in completely.**

PENALTY	OWNERS	CLERKS	TOTAL
Number of <u>citations issued</u>	292	0	292
Number of <u>finest assessed</u>	292	0	292
Number of <u>permits/licenses suspended</u>	59		59
Number of <u>permits/licenses revoked</u>	0		0
Other <i>(Please describe.)</i>	NA	NA	NA

**c. Are citations or warnings issued to retailers or clerks who sell tobacco to minors for inspections that are part of the Synar survey?**

- Yes  No

*If “Yes” to 5c, please describe the state’s procedure for minimizing risk of bias to the survey results from retailers alerting each other to the presence of the survey teams:*

**d. Which one of the following best describes the level of enforcement of state youth access to tobacco laws carried out in your state? (Check one category only.)**

- Enforcement is conducted only at those outlets randomly selected for the Synar survey.
- Enforcement is conducted only at a subset of outlets not randomly selected for the Synar survey.
- Enforcement is conducted at a combination of outlets randomly selected for the Synar survey and outlets not randomly selected for the Synar survey.

**e. Did every tobacco outlet in the state receive at least one compliance check that included enforcement of the state youth tobacco access law(s) in the last year?**

- Yes  No

**f. What additional activities are conducted in your state to support enforcement and compliance with state youth tobacco access law(s)? (Check all that apply and briefly describe each activity in the text boxes below each activity.)**

- Merchant education and/or training

CTCP utilizes a multi-faceted, multi-agency, coordinated approach to educate over 35,000 California tobacco retailers about the youth access laws. California recently updated several laws that govern the sale of tobacco products to age 21 and also broadened the definition of tobacco products. These changes took effect June 9, 2016. Educational materials were developed and updated in a packet disseminated to approximately 35,000 tobacco retailers, including vape shop owners, in California. Included in packets were (2) *STAKE Act Age-of-sale Warning* stickers, a *Letter to Retailers from the California Department of Public Health Director and State Health Officer*, *What is a Tobacco Product?* Tip Sheet, *ID Verification* Tip Sheet, *We Check ID* Window Cling, and a *Minimum Sale Age and Electronic Smoking Devices, A Summary for Retailers* factsheet. The materials are available in Arabic, Punjabi, Chinese, Korean, Vietnamese and Spanish on CTCP's website. <http://www.cdph.ca.gov/programs/tobacco/Pages/Tobacco21.aspx>

Other retailer information and resources on CTCP's website include: *Retail Tobacco Laws Frequently Asked Questions* document, which responds to questions from retailers about the new tobacco laws; *Minimum Clerk Age Jurisdictions* list, which describes the local jurisdictions having minimum clerk age for the sale of tobacco products; *How to Comply: Tips for Retailers* document, which provides guidance on how to comply with the law, tips on training, and how to refuse a sale; and *Notice to Employees* document, which describes new age-of-sale requirements for tobacco products and provides a place for an employee to acknowledge the requirements by signing the document. It is offered as an example and may be modified to meet the needs of the retailer.

Prior to the new tobacco legislation, CTCP disseminated approximately 16,782 pieces of educational materials to retailers, local and state law enforcement agencies, local health departments, community-based organizations, and grocery

stores from July 1, 2015, through June 8, 2016. The total included 13,366 of the *STAKE Act Age-of-sale Warning* stickers, and 2,194 of the *License ID Guide* sticker. Four other materials that were included in the grand total and were offered until the supply was depleted were: *STAKE Act Age-of-sale Warning* poster (402); *Tobacco Stings are Happening: Over 18/Under 18* postcards (521), *Any Kid Could be an Undercover Buyer* postcards (701). The largest orders for stickers and signs were from 7-11 Stores California in the Los Angeles, Southern & Northern Region (2,850).

The FDB STAKE Act Enforcement Unit also conducts merchant education by providing retail store personnel with educational materials about California's tobacco retailer laws and by referring them to the Tobacco Education Clearinghouse of California (TECC) for additional materials. These materials are disseminated subsequent to an inspection resulting in a STAKE Act violation and when the retailer is notified of the violation. Additionally, the FDB sends an official letter to STAKE Act violators, outlining youth access law requirements. Between July 2015 and June 2016, approximately 292 letters were mailed to tobacco retailers that violated the STAKE Act. Over 2,000 STAKE Act inspections are conducted annually by the FDB. Stores checked for compliance are generally selected on a random basis within a given geographic area and/or in response to reports of illegal tobacco sales left on the toll-free number by concerned citizens.

- Incentives for merchants who are in compliance (e.g., nonenforcement compliance checks in which compliant retailers are given positive reinforcement and noncompliant retailers are warned about youth access laws)

Twenty-nine of California's 61 local county and city health departments, and many of the competitive grantees funded by CTCP, implement a variety of interventions to reduce youth access to tobacco and encourage enforcement of tobacco laws affecting retailers. These interventions include merchant incentives such as retailer public recognition for compliance via: press releases, newspaper articles, website postings, plaques, store signage and sticker campaigns, and "report card" programs highlighting youth access law compliance.

- Community education regarding youth access laws

CTCP maintains and updates youth access materials for tobacco control advocates in the field. These materials are available statewide through TECC. Local projects also use materials available from the TECC catalog and/or create original materials for local distribution. TECC and CTCP's Media Unit are available to assist the local projects to develop specific materials. Many of these materials promote the STAKE Act-mandated toll-free complaint line. Between July 2015 and June 2016, the complaint line logged 129 calls from the public reporting possible illegal tobacco sales to youth.

Media use to publicize compliance inspection results

Local health departments regularly release the results of their local youth tobacco purchase surveys, resulting in media coverage on the issue throughout the state. The results of the 2015 Youth Tobacco Purchase Survey (YTPS) were included in a press release announced by CDPH on October 16, 2015, and posted on the Website <http://www.cdph.ca.gov/Pages/NR15-077.aspx>

The press release and data charts were viewed more than 2,251 times. This data was collected from October 16, 2015 – June 30, 2016.

The 2016 YTPS results will be posted on CDPH's Website in the fall of 2016.

Community mobilization to increase support for retailer compliance with youth access laws

CTCP-funded contractors conduct various educational and policy related interventions to reduce youth access to tobacco. Currently 22 local health departments are working on a tobacco retailer licensing policy objective in their 2014-2017 work plans. In addition, seven competitive grantees are implementing educational and/or policy-related interventions addressing youth access to tobacco in their work plans.

As of June 30, 2016, 156 local tobacco retailer licensing ordinances were enacted in California. Of these, 126 include strong provisions that have sufficient fees to cover enforcement costs and well-defined enforcement provisions. Throughout California, 167 cities and counties have one or more policies that provide additional protections in the retail environment such as restricting retailer density and/or location in local communities; restricting tobacco marketing and advertising in stores; and restricting the sale of menthol cigarettes and/or flavored other tobacco products. In March 2016, CTCP conducted a one day *Flavored Tobacco and Menthol Training*. This one-day training was held for local health departments and competitive grantees working to implement a policy to restrict the sale of flavored/menthol tobacco products and/or a Tobacco Retail License (TRL) that could include a flavors restriction plug-in. The training provided information and tools needed to strengthen an existing policy to restrict the sale of flavored tobacco/menthol, assisted projects in developing a new flavored tobacco/menthol policy, and encouraged other projects to add a flavors/menthol component to current or future TRL policy efforts.

During this period, CTCP, TECC, The Center, and Change Lab Solutions also provided numerous pieces of educational materials and/or technical assistance to educate and assist local health departments and competitive grantees on how to advance tobacco retailer licensing policies as well as information related to the latest tobacco control legislation affecting age of sales and definition of tobacco products and FDA tobacco regulations. Materials can be found on Tobacco 21 subsite of CTCP website.

<http://www.cdph.ca.gov/programs/tobacco/Pages/Tobacco21.aspx>

- Other activities (*Please list.*) Collaboration with the Attorney General's Office (AG), Tobacco Litigation and Enforcement Section, Collaboration with Board of Equalization (BOE), Collaboration with FDB, Evaluation and Surveillance Activities, Healthy Stores for a Healthy Community Campaign
- 

**Collaboration with the AG:**

The AG's Tobacco Litigation and Enforcement Section provides CTCP with valuable input into the development of statewide strategies to reduce sales to minors and promote compliance with California and federal laws and regulations concerning the sale and marketing of tobacco products. During this period, the AG was a key stakeholder in the ongoing statewide *Healthy Stores for a Healthy Community* retail environment campaign. Moreover, the Section wrote a white paper analyzing the authority of state and local jurisdictions to regulate the sale or distribution of flavored tobacco products at the point of sale, and one of the attorneys in the Section made a presentation on new trends in digital marketing of tobacco products at CTCP's *Joining Forces to Address New Challenges* conference in October 2015. The AG provided CTCP with information about the Assurances of Voluntary Compliance (AVCs), multi-state agreements between State Attorneys General and national retail chains. A total of 13 agreements are currently in place covering over 100,000 retail outlets nationwide. The AG provided considerable technical assistance to CTCP with the implementation of the state's new tobacco control laws that became effective June 9, 2016.

**Collaboration with BOE:**

CTCP annually notifies BOE of the statewide rate of illegal tobacco sales to minors. The BOE also coordinates mass mailings of educational brochures, STAKE Act age-of-sale warning signs, and order forms for merchant education materials through TECC. Since 2008, CTCP and CTCP-funded contractors have collaborated with BOE on the implementation of an ongoing regional retailer training program. During State Fiscal Year (SFY) 15/16, BOE partnered with nine local tobacco control projects to conduct Tobacco Licensing Act classes for retailers. In addition, BOE is an instrumental partner in the implementation of distributing educational materials to licensed tobacco retailers regarding new legislation raising the minimum age of sale to 21. In addition, BOE worked with CTCP to create messaging for their website about potential conflicts between state and local tobacco licenses. A few local jurisdictions are implementing policies that limit the number of retailers or require density restrictions in a jurisdiction, so there is potential for a retailer to receive a state tobacco license from BOE and be denied a local tobacco license. BOE agreed to place messaging in several areas on their website recommending that retailers check with their local licensing entity prior to applying for a BOE tobacco retail license. In the rare instance where this problem may occur, BOE is also willing to engage with the retailer to determine any potential remedy.

**Collaboration with FDB:**

CTCP continues its ongoing, productive collaboration with the FDB STAKE Act Enforcement Unit. CTCP and FDB participated in monthly coordination calls with

the youth recruitment and Youth Tobacco Purchase Survey contractors to promote communication, efficient delivery of services, and quality assurance.

FDB provides the BOE with available adjudicated STAKE Act violation data (3rd, 4th and 5th STAKE Act Violation) in order to facilitate tobacco retailer license suspension and revocation requirements of the Cigarette and Tobacco Products Licensing Act of 2003 (B&P Code commencing with Section 22970).

**Evaluation and Surveillance Activities:**

CTCP conducts ongoing surveillance through the California Adult Tobacco Survey to monitor support for enforcement of tobacco sales to minors laws and regulatory efforts to decrease youth access to tobacco. Additionally, the California Student Tobacco Survey collects data on where youth obtain tobacco products.

To evaluate the implementation of the new tobacco law raising the minimum age of sale to 21 and redefining e-cigarettes as a tobacco product, CTCP plans to conduct a scientific and unannounced Young Adult Tobacco Purchase Survey and a Young Adult E-Cigarette Purchase survey to assess the illegal sales rate of cigarettes and e-cigarettes to minors under 21 years old.

**Healthy Stores for a Healthy Community Campaign:**

CTCP, in partnership with tobacco control stakeholders, DHCS, the CDPH Nutrition Education and Obesity Prevention Branch, Chronic Disease Control Branch, Safe and Active Communities Branch, and Sexually Transmitted Disease (STD) Branch, continue its efforts to implement the statewide Healthy Stores for a Healthy Community (HSHC) Campaign. Monthly stakeholder's calls are held to discuss planning and implementation of data collection activities. In an effort to educate the various stakeholders in the 2016 data collection process, an HSHC Data Collection training was held in March 2016. The training included changes to data collection instruments which include questions related to STD prevention as well as an expanded section on electronic cigarettes related to the retail environment, a practice data collection session with hand held devices, and engagement strategies for how to recruit participants within various stakeholder groups for data collection purposes.

## 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 2016 (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  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.*

**a. If yes, Describe how and when this change was communicated to SAMHSA**

The sampling methodology did not change, but effective FFY 2017, California is reporting all stores removed through telephone verification process as disposition code I10 in SSES, per email communication with California's Synar Coordinator on 1/7/2016.

**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?**

Yes  No

*If Yes, attach SSES summary tables 1, 2, 3, and 4 to the hard copy of the ASR and upload a copy of SSES tables 1–5 (in Excel) to WebBGAS. Then go to Question 8. If No, continue to Question 7b.*

**b. Report the weighted and unweighted Retailer Violation Rate (RVR) estimates, the standard error, accuracy rate (number of eligible outlets divided by the total number of sampled outlets), and completion rate (number of eligible outlets inspected divided by the total number of eligible outlets).**

**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.

$$\text{RVR Estimate} \quad + \quad (1.645 \quad \times \quad \text{Standard Error} \quad ) \quad = \quad \text{Right Limit}$$

plus      (1.645      times      Standard Error )      equals

Accuracy rate \_\_\_\_\_

Completion rate \_\_\_\_\_

c. **Fill out Form 1 in Appendix A (Forms 1–5).** (*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 1–5) (*Attach completed Form 2.*)

Other (*Please specify. Provide formulas 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 Yes, fill out and attach Form 3 in Appendix A (Forms 1–5), and answer the following question.*

*If No, go to Question 7g.*

**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.**

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

**h. Fill out Form 4 in Appendix A (Forms 1–5).**

**8. Did the state’s Synar survey use a list frame?**

Yes  No

*If Yes, answer the following questions about its coverage.*

**a. The calendar year of the latest Sampling frame coverage study: 2012**

**b. Percent coverage from the latest Sampling frame coverage study: 96%**

**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: 2017**

**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. If Yes, describe how and when this change was communicated to SAMHSA**

**b. Provide the inspection period: From 3/6/16 to 6/8/16**  
MM/DD/YY MM/DD/YY

**c. Provide the number of youth inspectors used in the current inspection year:**

75

NOTE: If the state uses SSES, please ensure that the number reported in 9b matches that reported in SSES Table 4, or explain any difference.

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**d. Fill out and attach Form 5 in Appendix A (Forms 1–5).** *(Not required if the state used SSES to analyze the Synar survey data.)*

## SECTION II: FFY 2017 (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:

- 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 target rate for Synar inspections to be completed in FFY 2017. 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.

As of June 9, 2016, California raised the minimum age of sale for tobacco products from 18 to 21 years of age, and electronic smoking devices were added to the definition of tobacco products. To help retailers comply with these new laws, CTCP developed a series of educational materials, including age-of-sale warning signs, window clings reminding customers of the new law, and tip sheets to help clerks check identification. Reducing illegal tobacco sales to minors is a major effort of CTCP. Multi-year funding is provided to 61 local health departments, all of which may elect to address reducing tobacco access to minors in their comprehensive tobacco control plans. Additionally, funds are made available to community-based organizations through a competitive grant process. CTCP will continue its focus on maintaining or reducing the target rate for Synar inspections by 1) Supporting the enactment of comprehensive, tailored local tobacco retail licensing policies which incorporate license fees designated for enforcement; and 2) Providing technical assistance and training about emerging retail environment policy strategies, coalition building, and tobacco retail licensing implementation. Examples of policy intervention goals include: local tobacco retailer licensing; restricting retailer density and/or location in local communities; restricting tobacco marketing and advertising in stores; increasing retailer compliance with local, state and federal tobacco control laws; healthy retailer incentives; restricting the sale of menthol cigarettes and/or flavored other tobacco products; and promoting tobacco-free pharmacies.

CTCP's *Partners* Website and *Rover*, the extensive online library catalogue, continue to serve as important resources for enforcement best practices and guidelines, advertisements (ads), press releases, case studies, checklists, merchant education materials, PowerPoint presentations, sample forms, sample letters, sample opinion editorials, survey instruments, and protocols, all aimed at assisting CTCP-funded projects to address the sale and marketing of tobacco products. Additional resources for tobacco control advocates include CTCP's main website, <http://www.cdph.ca.gov/programs/tobacco/Pages/default.aspx> and the TobaccoFreeCA Facebook page, <https://www.facebook.com/TobaccoFreeCA/>.

The CTCP Website includes a section for tobacco retailers directing them to information on the new tobacco laws. <http://www.cdph.ca.gov/programs/tobacco/Pages/Tobacco21.aspx>

CTCP funds the Boys and Girls Club of Fresno County to conduct statewide youth recruitment for the STAKE Act compliance checks and the Youth Tobacco Purchase Survey. CTCP will continue to fund statewide projects to support local efforts to reduce the availability of tobacco. Change Lab Solutions, a CTCP funded agency, will continue to train CTCP-funded projects on retailer licensing and emerging policy interventions to reduce tobacco availability in local communities around the state. The Center for Tobacco Policy and Organizing will continue to provide services and hands-on training to CTCP-funded projects conducting community organizing and strategic planning activities as well as youth access-related policy work in their communities. The California Youth Advocacy Network will continue to provide direct services regarding youth engagement and leadership, and the Tobacco Control Evaluation Center will continue to assist CTCP-funded projects with developing strong evaluation plans and conducting evaluation activities, including retail data collection.

CTCP will continue to refresh, develop, and provide state-of-the-art, tailored educational materials to promote a reduction in tobacco sales to minors. In order to address new tobacco laws, CTCP convened an implementation workgroup to develop and disseminate educational materials to retailers and the public. A Frequently Asked Questions documents is continuously revised to reflect inquiries by the public regarding the new tobacco control laws. CTCP's Media Unit developed gas pump toppers and convenience store ads to be posted at various locations across California. The ad emphasizes the new legal age of sale and includes a referral to the state quit line. Additionally, ads will be placed in major convenience store publications.

**3. Describe any challenges the state faces in complying with the Synar regulation. (Check all that apply and describe each challenge in the text box below it.)**

- Limited resources for law enforcement of youth access laws

The FDB STAKE Act Enforcement Unit has operated with limited staff within a flat \$1.6 million annual budget since the inception of the STAKE Act Enforcement Unit in 1995, which is augmented by funds collected through penalty assessment for state enforcement of the STAKE Act. Due to increased personnel costs, the current budget limits inspection capacity to 7 percent of the approximately 35,000 retailers in the state.

On June 9, 2016, the Stop Tobacco Access to Kids Enforcement (STAKE) Act and Penal Code section 308 were amended to increase the age restriction for tobacco sales from 18 years old to 21 years old. In addition, in the STAKE Act, the definition of tobacco products was amended to include electronic smoking devices that deliver nicotine or any vaporized liquid including electronic cigarettes, cigars, pipe, hookah, e-liquids and components of electronic cigarette delivery devices. While expansion of the tobacco restriction laws is welcomed, it presents several challenges in complying with the Synar regulation. Due to inclusion of a largely unregulated commodity of electronic cigarettes, FDB anticipates a higher non-compliance rate as compared to traditional combustible tobacco products. Additionally, it is estimated that an additional 2,000 establishments will be added to the total number to tobacco retailers in the state. This will stretch current

enforcement resources. Further, underage decoys utilized for inspections and surveillance are minors, but with the increase age restriction of 21 years old, FDB will need to secure underage decoys that are 18-20 years old to conduct enforcement of the increased age limit. Added funding would also facilitate possible operational coordination between federal, state and local law enforcement. The 2008 STAKE Act cleanup bill (Senate Bill 624) allows local jurisdictions to enforce the STAKE Act; however FDB has no information on any other agencies conducting STAKE Act enforcement.

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

In-kind resources to support statewide youth access efforts such as new tobacco law implementation and media campaigns continue to be very limited. An emphasis will be placed on providing technical assistance to local tobacco control projects to develop local media and educational materials.

Financial support for CTCP's retail environment efforts continues to be provided in-kind, such as the maintenance of *Partners*, the tobacco project resource website, *Rover*, the CTCP Website, the provision of technical assistance and training for local projects, the publication and dissemination of training materials such as, *Tobacco Control Laws that Affect Retail Businesses* brochure and California Retailers and Tobacco Laws Training.

In SFY 2015-16, CTCP allocated approximately \$ 4,257,059 of Proposition 99 funds to reduce minors' access to tobacco products. Additionally, CTCP allocated \$112,594 for Tobacco 21 materials and mailing costs. As Proposition 99 tobacco tax revenues decline, fewer resources will be available to allocate towards reducing illegal tobacco sales to minors.

Limitations in the state youth tobacco access laws

PC 308(a), a criminal law prohibiting the sale of tobacco products to minors, is enforced by local law enforcement agencies. The new tobacco legislation raised the minimum age of sale to 21 years of age; however, the minimum age of possession subsection was removed from Penal Code Section 308. Removal of the youth possession clause means that youth possession is no longer illegal or citable under the new law. Because the law is enforced through the criminal courts, local district attorneys are often reluctant to prosecute these cases due to their limited time and court costs. Authority for the enforcement of STAKE Act is a civilly prosecuted law; however, it is a challenge for local law enforcement agencies to allocate sufficient resources to conduct ongoing STAKE Act youth decoy operations that meet the legislatively defined operational guidelines.

CTCP continues to focus and support strong local tobacco retailer licensing policies across the state and will continue to improve collaboration with local law enforcement of PC 308 and STAKE Act compliance by creating materials related to California Tobacco Control laws enforcement and disseminating an updated Tobacco Law Enforcement Roundtable Planning Toolkit.

- 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
- The recruitment of youth inspectors is an ongoing challenge for a variety of reasons: funding, conflicting youth priorities, youth aging out of the program, parents who do not want their children to participate, conflicting school schedules, and small rural communities where youth are well known and the anonymity of the youth is compromised. In addition, the sheer size of California presents a challenge in recruiting youth inspectors to cover the entire state.

CDPH will continue helping the youth recruitment contractor tailor recruitment strategies to reach specific communities, groups and institutions and adjust recruitment timeframes to increase the likelihood that youth of appropriate age and ethnic/racial background will be recruited for planned decoy operations.
- Issues regarding the balance of inspections conducted by youth inspectors age 15 and under
- Issues regarding the balance of inspections conducted by one gender of 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.*) Expansion of State underage tobacco restriction laws

California increased the minimum age of sale for tobacco products to 21 years of age and broadened the definition of tobacco products to include electronic smoking devices. Clear guidance is needed from CSAP for the development of appropriate protocols for future Synar efforts. Additionally, guidance is needed to update buy sampling designs and buy protocols, including determining age of decoys.

## APPENDIX A: FORMS 1–5

### **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 (RVR) 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 2017). 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 subcolumn (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 noncomplete 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 2017).

- 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 for the state 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.

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

<b>Calculation of Weighted Retailer Violation Rate</b>										
										State: _____
										FFY: 2017
(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
<b>Total</b>										

- 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'/Total Column 8)
- pw - stratum contribution to the weighted RVR
- 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 2017).

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.

<b>Summary of Clusters Created and Sampled</b>				
<b>State:</b> _____				
<b>FFY:</b> 2017 _____				
(1) Row #	(2) Stratum Name	(3) Number of PSUs Created	(4) Number of PSUs Selected	(5) Number of PSUs in the Final Sample
<b>Total</b>				

**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 2017).

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."

<b>Inspection Tallies by Reason of Ineligibility or Noncompletion</b>			
		<b>State:</b> _____	
		<b>FFY:</b> 2017	
(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		Ran out of time	
Duplicate		Other noncompletion reason(s) ( <i>Describe.</i> )	
Other ineligibility reason(s) ( <i>Describe.</i> )			
<b>Total</b>		<b>Total</b>	

**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 2017).

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 “Male Subtotal” and “Female Subtotal.” Sum subtotals for Male, Female, and Other and record in the bottom row marked “Total.” Verify that the total of attempted buys and successful buys equals the total for Column 4(c) and Column 5(c), respectively, on Form 1. If the totals do not match, please explain any discrepancies.

<b>Synar Survey Inspector Characteristics</b>		
		<b>State:</b> _____
		<b>FFY:</b> 2017 _____
	(1) Attempted Buys	(2) Successful Buys
<b>Male</b>		
15 years		
16 years		
17 years		
18 years		
<b>Male Subtotal</b>		
<b>Female</b>		
15 years		
16 years		
17 years		
18 years		
<b>Female Subtotal</b>		
<b>Other</b>		
<b>Total</b>		

## **APPENDIXES B & C: FORMS**

### Instructions

Appendix B (Sampling Design) and Appendix C (Inspection Protocol) are to reflect the state's CSAP-approved sampling design and inspection protocol. These appendixes, therefore, should generally describe the design and protocol and, with the exception of Question #10 of Appendix B, are not to be modified with year-specific information. Please note that any changes to either appendix must receive CSAP's advance, written approval. To facilitate the state's completion of this section, simply cut and paste the previously approved sampling design (Appendix B) and inspection protocol (Appendix C).

## APPENDIX B: SYNAR SURVEY SAMPLING METHODOLOGY

State: CA  
 FFY: 2017

**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
Board of Equalization (BOE) Licensing List	3	The licensing list is provided by the BOE. The Cigarette and Tobacco Products Licensing Act of 2003 (California B&P Code Section 22970-22995) requires California retailers of cigarettes and tobacco products to obtain a license from the BOE in order to sell tobacco products.	The list is continually updated by the BOE

**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(s) they are not included in the Synar survey. Please check all that apply.

- State law bans vending machines.
- State law bans vending machines from locations accessible to youth.
- State has a contract with the FDA and is actively enforcing the vending machine requirements of the Family Smoking Prevention and Tobacco Control Act.
- Other (Please describe.) \_\_\_\_\_

If Yes, please indicate how likely it is that vending machines will be sampled.

- Vending machines are sampled separately to ensure vending machines are included in the sample
- Vending machines are sampled together with over the counter outlets, so it is possible that no vending machines were sampled, however they are included in the sampling frame and have a non-zero probability of selection
- Other reasons (Please describe.) \_\_\_\_\_

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

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

**Unstratified statewide sample:**

- Simple random sample (Go to Question 9.)
- Systematic random sample (Go to Question 6.)
- Single-stage cluster sample (Go to Question 8.)
- Multistage 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.)
- Multistage cluster sample (Go to Question 7.)
- Other** (Please describe and go to Question 9.) \_\_\_\_\_

**6. 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.**

**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 multistage clusters are used, give definitions of clusters at each stage.)*

- 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.**

**9. Provide the following information about determining the Synar Sample.**

- a. **Was the Synar Survey Estimation System (SSES) used to calculate the sample size?**

**Yes** *(Respond to part b.)*

**No** *(Respond to part c and Question 10c.)*

- b. **SSES Sample Size Calculator used?**

**State Level** *(Respond to Question 10a.)*

**Stratum Level** *(Respond to Question 10a and 10b.)*

- c. **Provide the formulas for determining the effective, target, and original outlet sample sizes.**

The effective sample size is given by:

$$n_e = \frac{z_{1-\alpha/2}^2 p(1-p)}{d^2}$$

where,

$z_{1-\alpha/2}^2 = 1.96$ , which is 100(1 -  $\alpha/2$ ) percentile of the standard normal distribution with  $\alpha = 0.05$ ,

$p$  = target illegal sales rate of 0.2,

$d$  = desired precision of 0.03 with respect to the two-sided 95% confidence interval.

The target sample size,  $n_t$ , is the effective sample size times the design effect. The design effect,  $d_e$  is 1.0 because the survey uses a simple random sample. Thus, the Target sample size is the same as the effective sample size.

$$n_t = n_e * d_e$$

The original sample size is then given by

$$n_o = \frac{n_t}{r_i r_c}$$

where,  $r_i$  is the eligibility rate from the previous year's survey and  $r_c$  is the completion rate from the previous year's survey.

The calculated original sample size is further inflated by an inflation factor that varies from year to year.

**10. Provide the following information about sample size calculations for the current FFY Synar survey.**

- a. **If the state uses the sample size formulas embedded in the SSES Sample Size Calculator to calculate the state level sample size, please provide the following information:**

**Inputs for Effective Sample Size:**

RVR:

Frame Size:

**Input for Target Sample Size:**

Design Effect:

**Inputs for Original Sample Size:**

Safety Margin:

Accuracy (Eligibility) Rate:

Completion Rate:

- b. **If the state uses the sample size formulas embedded in the SSES Sample Size Calculator to calculate the stratum level sample sizes, please provide the stratum level information:**

--

- c. **If the state does not use the sample size formulas embedded in the SSES Sample Size Calculator, please provide all inputs required to calculate the effective, target, and original sample sizes as indicated in Question 9.**

RVR: 20%

Design Effect: 1.0

Eligibility Rate: 85.2%

Completion Rate: 98.0%

Actual Inflation Factor: 150

## APPENDIX C: SYNAR SURVEY INSPECTION PROTOCOL SUMMARY

State: CA  
FFY: 2017

*Note: Upload to WebBGAS a copy of the Synar inspection form under the heading “Synar Inspection Form” and a copy of the protocol used to train inspection teams on conducting and reporting the results of the Synar inspections under the heading “Synar Inspection Protocol.”*

### 1. How does the state Synar survey protocol address the following?

#### a. Consummated buy attempts?

- Required  
 Permitted under specified circumstances (Describe: \_\_\_\_\_ )  
 Not permitted

#### b. Youth inspectors to carry ID?

- Required  
 Permitted under specified circumstances (Describe: \_\_\_\_\_ )  
 Not permitted

#### c. Adult inspectors to enter the outlet?

- Required  
 Permitted under specified circumstances (Describe: \_\_\_\_\_ )  
 Not permitted

#### d. Youth inspectors to be compensated?

- Required  
 Permitted under specified circumstances (Describe: \_\_\_\_\_ )  
 Not permitted

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

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

List the agency name(s): California State University, Sacramento (CSUS)

**3. Are Synar inspections combined with law enforcement efforts (i.e., do law enforcement representatives 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 type of tobacco products that are requested during Synar inspections.**

**a. What type of tobacco products are requested during the inspection?**

- Cigarettes  
 Small Cigars  
 Cigarillos  
 Smokeless Tobacco  
 Electronic Cigarettes/Electronic Nicotine Delivery Systems (ENDS)  
 Other Large Cigars

**b. Describe the protocol for identifying what types of products and what brands of products are requested during an inspection.**

Youth are instructed to first ask for Marlboro or Camel cigarettes. These brands were selected because they are commonly available in stores and popular among youth. If neither of these brands are sold, the youth ask for a different brand of cigarettes. If the retailer does not sell cigarettes, the youth ask for cigars. If the retailer does not sell cigars, the youth ask for chewing tobacco.

**5a. Describe the methods used to recruit, select, and train adult supervisors.**

CDPH/CTCP entered into an Interagency Agreement with CSUS to conduct the survey. Their responsibilities include: verification of stores, finalizing the survey instrument, training youth and research assistants, conducting the survey, and entering the data.

CSUS adult research assistants accompany the youth to conduct the tobacco purchase survey. The research assistants attend a two-hour training session prior to conducting fieldwork. At the first store site, the research assistants are observed by CSUS staff to ensure that the survey procedures are properly followed. Adult supervisors are trained with a standardized training protocol.

**5b. Describe the methods used to recruit, select, and train youth inspectors.**

CTCP contracts with the Boys and Girls Club of Fresno County to conduct an ongoing youth decoy outreach program which recruits approximately 300 youth per year to participate in tobacco sales surveys and enforcement activities. The Boys and Girls Club conducts ongoing recruitment activities by coordination and collaboration with health departments and law enforcement agencies. The Boys and Girls Club also partners with school groups, faith-based organizations, youth service groups/agencies, community-based organizations and tobacco control coalitions. Media activities that aid in recruitment such as radio public service announcements and marketing activities are also conducted. Behavior modification materials in the form of incentives and stipends are given to youth to promote program recruitment and retention.

CDPH/CTCP entered into an Interagency Agreement with CSUS to conduct the survey. Their responsibilities include: verification of stores, finalizing the survey instrument, training youth and research assistants, conducting the survey, and entering the data.

CSUS provided youth participants with 30-90 minutes of training prior to participation in the youth tobacco purchase survey using a standardized training protocol. All youth-identifying data were kept confidential to protect the safety and identity of the youth.

**6. 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.)*

For FFY 2017, minors' immunity from prosecution for enforcement participation was granted in the language of the STAKE Act.

**b. Procedural**

Yes  No

*(If Yes, please describe.)*

**7. 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.)*

The safety of minors involved in all STAKE Act enforcement and survey inspection operations is of the utmost concern to all supervising adults and enforcement agents. The safety protocol used by CSUS is as follows:

Youth are never sent into potentially volatile or dangerous situations. If adults or youth find themselves in an "uncomfortable" or "confrontational" situation while in a store or neighborhood, they are to exit the area immediately. No one is to confront a store clerk or customer for any reason. Youth are to report "uncomfortable" situations immediately to the accompanying adult.

All participants are instructed to wear seat belts while traveling in a car. Doors should be locked, and every effort made to act in a safety-conscious manner at all times. Adults are to be cautious drivers and obey all traffic rules. Participants should not jaywalk across streets or walk against red traffic lights.

Each accompanying adult is to carry a letter from CDPH verifying the legitimacy of the surveying activities. In addition, adults are required to carry the phone number of a CSUS staff member who can be reached during the purchase attempt activities should a problem arise.

**8. 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.)*

For FFY 17, the STAKE Act regulation required using 15 or 16 year old youth in inspections.

**b. Procedural**

Yes  No

*(If Yes, please describe.)*

# APPENDIX D: LIST SAMPLING FRAME COVERAGE STUDY

(LIST FRAME ONLY)

State: \_\_\_\_\_

FFY: 2017 \_\_\_\_\_

1. Calendar year of the coverage study: \_\_\_\_\_

2. a. Unweighted percent coverage found: \_\_\_\_\_%  
b. Weighted percent coverage found: \_\_\_\_\_%  
c. Number of outlets found through canvassing: \_\_\_\_\_  
d. Number of outlets matched on the list frame: \_\_\_\_\_

3. a. Describe how areas were defined. (e.g., census tracts, counties, etc.)

b. Were any areas of the state excluded from sampling?

Yes  No

If Yes, please explain.

4. Please answer the following questions about the selection of canvassing areas.

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

Census (Go to Question 6.)

**Unstratified statewide sample:**

Simple random sample (Respond to Part b.)

Systematic random sample (Respond to Part b.)

Single-stage cluster sample (Respond to Parts b and d.)

Multistage cluster sample (Respond to Parts b and d.)

**Stratified sample:**

Simple random sample (Respond to Parts b and c.)

Systematic random sample (Respond to Parts b and c.)

Single-stage cluster sample (Respond to Parts b, c, and d.)

Multistage cluster sample (Respond to Parts b, c, and d.)

Other (Please describe and respond to Part b.) \_\_\_\_\_

b. Describe the sampling methods.

c. Provide a full description of the strata that were created.

d. Provide a full description of how clusters were formed.

5. Were borders of the selected areas clearly identified at the time of canvassing?

Yes  No

6. Were all sampled areas visited by canvassing teams?

Yes (*Go to Question 7.*)  No (*Respond to Parts a and b.*)

a. Was the subset of areas randomly chosen?

Yes  No

b. Describe how the subsample of visited areas was drawn. Include the number of areas sampled and the number of areas canvassed.

7. Were field observers provided with a detailed map of the canvassing areas?

Yes  No

*If No, describe the canvassing instructions given to the field observers.*

8. Were field observers instructed to find all outlets in the assigned area?

Yes  No

*If No, respond to Question 9.*

*If Yes, describe any instructions given to the field observers to ensure the entire area was canvassed, then go to Question 10.*

9. If a full canvassing was not conducted:

a. How many predetermined outlets were to be observed in each area? \_\_\_\_\_

b. What were the starting points for each area? \_\_\_\_\_

c. Were these starting points randomly chosen?

Yes  No

d. Describe the selection of the starting points.

- e. **Please describe the canvassing instructions given to the field observers, including predetermined routes.**

- 10. Describe the process field observers used to determine if an outlet sold tobacco.**

- 11. Please provide the state's definition of "matches" or "mismatches" to the Synar sampling frame? (i.e., address, business name, business license number, etc).**

- 12. Provide the calculation of the weighted percent coverage (if applicable).**