

ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB № 0930-0222

FFY 2010

State: NM



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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 SAPT Block Grant (45 C.F.R. 96.130 (e)).

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; 1 Choke Cherry Road, 7th Floor Rockville, Maryland 20857.

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 10-31-2010.

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 2009 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2010 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 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 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 Programs at (240) 276-2413 and ask for your respective State Project Officer, or contact your State Project Officer directly by telephone or e-mail using the directory provided in the FY 2010 Uniform Application, Appendix A. 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) 276-1422.

Where and when to submit the Synar report

The Annual Synar Report (ASR) must be received by SAMHSA no later than December 31, 2009. 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.

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 2010 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) 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.

Each State SSA Director has been e-mailed a login ID and password to log onto the Synar section of the WebBGAS site.

Additionally, the State must submit one signed original of the report (including the signed Funding Agreements/Certifications), as well as one additional copy of the signed Funding Agreements/Certifications, to the Grants Management Officer at the address below:

Ms. Barbara Orlando
Grants Management Officer
Office of Program Services
Division of Grants Management
Substance Abuse and Mental Health Services Administration

Regular Mail:

1 Choke Cherry Road, Rm.7-1091
Rockville, Maryland 20857

Overnight Mail:

1 Choke Cherry Road, Rm.7-1091
Rockville, Maryland 20850

FFY 2010: 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 2010 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 2010 is up-to-date and approved by the Center for Substance Abuse Prevention.
State: New Mexico
Name of Chief Executive Officer or Designee: Pamela S. Hyde, J.D.
Signature of CEO or Designee:
Title: Cabinet Secretary, Human Services Department Date Signed: _____
If signed by a designee, a copy of the designation must be attached.

SECTION I: FFY 2009 (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
 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 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.)* _____

- 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.*) _____

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:

ADMINISTRATIVE OVERSIGHT- New Mexico Human Services Department

PROGRAM OVERSIGHT- New Mexico Department of Health/ Public Health Division/ Health Systems Bureau/Office of Substance Abuse Prevention

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

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

New Mexico Department of Health/Public Health Division/Health Systems Bureau/Office of Substance Abuse Prevention

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):

New Mexico Department of Health through a Joint Powers Agreement with the Department of Public Safety/Special Investigations Division.

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

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

New Mexico Department of Health/Public Health Division/Office of Substance Abuse Prevention (OSAP); has the responsibility for all Synar Amendment tobacco prevention activities throughout New Mexico including Merchant Education, Random Merchant Compliance Checks, Coverage Study, Training for Prevention Contractors, etc. The New Mexico Department of Health/Public Health Division/Tobacco use Prevention and Control Program (TUPAC) is responsible for community education, media literacy training/media campaigns, policy development, and funds tobacco prevention and cessation. OSAP and TUPAC conduct joint proposal reviews and funding award allocations to ascertain appropriate coverage of tobacco prevention efforts throughout the State and to ensure that prevention programming is not duplicated.

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 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.)* After a re-organization last state fiscal year OSAP was placed under Public Health Division, the same division TUPAC was structured under. This move has brought OSAP and TUPAC closer to collaborate on tobacco prevention and reduction of sales to youth. The OSAP Synar Program Manager also attends the bi-weekly TUPAC staff meetings and presents on Synar activities throughout New Mexico.
OSAP also collaborates with OptumHealth (OH), the State Entity assigned for management of substance abuse prevention funding. OH provides administrative and technical assistance and, in conjunction with OSAP, conducts site evaluations to monitor compliance of prevention contractors' to include the Synar Amendment.

5. Please answer the following questions regarding the State’s activities to enforce the youth access to tobacco law(s) in FFY 2009 (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(ies).
 - 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. 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>	NA	NA	NA
Number of <u>fin es assessed</u>	NA	NA	NA
Number of <u>permits/licenses suspended</u>	NA		NA
Number of <u>permits/licenses revoked</u>	NA		NA
Other <i>(Please describe.)</i>	NA	NA	NA

- 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.*) _____

Briefly describe all checked activities:

Merchant Education Training is provided to all OSAP Prevention Services Contractors and to all Special Investigations Division (SID) Agents. OSAP also conducts additional merchant education visits with merchants that are not in compliance. Synar components are required contractual activities in all OSAP/OH contracts.

Incentives- Following the compliance inspection results, OSAP Prevention Services Contractors award certificates to merchants found in compliance with New Mexico Law.

Community Education- OSAP Contractors, TUPAC Contractors, New Mexicans Concerned About Tobacco (NMCAT), Stop Tobacco On My People (STOMP), and many other national, local, and statewide coalitions; conduct community education and community awareness campaigns that focus on youth access, changing community norms regarding youth use of tobacco, environmental smoke hazards, and laws/policy that prevent youth use. Tribal governments are coordinating more community events for teaching their youth the difference between commercial uses of tobacco versus traditional uses; effecting the prevention of youth initiation and use of tobacco substances.

Media- All OSAP/OH Prevention Services Contractors are contractually required to publish the compliance results in the news media.

- d. 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 5d, 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:

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 2009 (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.

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, and the standard error.**

Unweighted RVR	7.4%
Weighted RVR	7.4%
Standard error (s.e.) of the (weighted) RVR	1.5%

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

$$\frac{7.4}{\text{RVR Estimate}} + (1.645 \text{ times } \frac{1.5}{\text{Standard Error}}) = \frac{9.9}{\text{Right Limit}}$$

- 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 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.

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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 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 frame coverage study: 2009

b. Percent coverage from the latest frame coverage study: 83%

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: 2011

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 02/28/09 **To** 04/15/09
MM/DD/YY MM/DD/YY

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

68

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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- c. **Fill out and attach Form 5 in Appendix A (Forms 1–5).** *(Not required if the State used the Synar Survey Estimation System (SSES) to analyze the Synar survey data.)*

SECTION II: FFY 2010 (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 target rate for Synar inspections to be completed in FFY 2010. 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 provides extensive merchant education and compliance check training for all Prevention Contractors as part of their contractual agreement in providing services. The State has also developed a standardized merchant education package, consisting of signage and decals, to be used during the Synar merchant education effort and which was distributed to all youth accessible tobacco products outlets. All identified youth accessible tobacco outlets in the state received at least one visit, 100% of visits will be face-to-face during State Fiscal Year 2009. The State is working in collaboration with the TUPAC Program to support more consistent tracking through all components of Synar with our new web-based system that tracks all merchant education and compliance check visits.

All identified youth accessible tobacco outlets in the state received at least on law enforcement consummated buy operation during the State Fiscal Year 2009.

There are no anticipated changes to youth access laws for the coming year.

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.*) Prevention funding

Briefly describe all checked challenges and propose a plan for each, or indicate the State's need for TA related to each relevant challenge.

Limited resources for law enforcement of youth access laws: The Special Investigation Division (SID) protocol requires that specific geographic areas receive blanket coverage during any of its tobacco related operations to make maximum use of the agent's time and to maximize coverage for the entire State. With cut and limited Prevention budgets, SID can not start visits until they received full payment from Department of Health for those services. This is giving us limited timing for SID visits because they are not able to start visits at the beginning of our State Fiscal Year such as our Prevention Contractors are able to. We are trying to work more closely with our connecting office to cut back on processing timelines of budgets and agreement arrangements.

Limitations in the State youth tobacco access laws: Adherence to youth tobacco access laws and related use of tobacco products cannot be adequately addressed due to tribal land outlets located in New Mexico. OSAP is communicating efforts to capture outlets on tribal land, focusing on at least one merchant education visit per outlet and also compliance visits where permitted.

Limitations on completeness/accuracy of list of tobacco outlets: With collaboration between OSAP and TUPAC the State has created and implemented a web-based database in which all of our Prevention Contractors (including SID) can enter all of their merchant education visits and compliance visits in an effort to keep a log for accuracy of all New Mexico tobacco outlets. FFY2010 was the first year of implementation on of the database on Prevention Contractors. Next fiscal year we should have more data captured in an effort to maximize our coverage and broaden our list of outlets throughout the State.

Cultural factors: With about 53% of New Mexico's population being both Hispanic and Native American combined, language, tradition, and cultural barriers represent challenges contributing to youth access of tobacco products. In the small mountain villages where there are still some traces of 16th century Spanish and Native American language spoken, younger generations conduct the business of the elders. While the Native American communities conduct community events that serve to teach their youth the difference between ceremonial and commercial use of tobacco, the language barriers in both of those ethnic groups, leave no one other than their youth to purchase tobacco products for their elders. Despite these barriers, all Prevention Contractors have a contractual requirement to implement Synar activities, which allows for the ability to work through the cultural issues. Our Contractors are also expanding merchant education on the rural areas; educating outlets that no tobacco sales shall be made to youth for an adult.

Issues regarding sources of tobacco under tribal jurisdiction- Many sovereign nation tribal governments license tobacco outlets to sell tobacco products to the general public

at greatly reduced prices on tribal land. Although more progressive tribal governments are taking a more active role in passing resolutions, restricting areas for tobacco use, or are expressing an interest in monitoring compliance of tobacco outlets, it is unknown how many outlets exist in sovereign governments. Coverage studies also do not include tribal land, therefore we do not have adequate representation of how many more outlets may be in certain areas of the state if they are located on tribal land. OSAP is trying to work best around this barrier; we have contracted with more Native American Prevention Contractors and are slowly starting to provide more merchant education to outlets in tribal lands with the relationship of our contractors.

Other Challenges: With the downfall of the economy we are experiencing hard budget cuts to our Prevention funding. OSAP contracts are the mass majority of our prevention funding and we require all of our contractors to implement the Synar Amendment regardless if they receive funding from the Substance Abuse Prevention & Treatment Block Grant. We are experiencing challenges on implementation to our rural outlets because of lack of funding for travel. OSAP has developed plans to change Prevention contractor scopes of work to try to work around the cut funding to try to maintain the fidelity of our Prevention Programs.

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 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 2010). 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 2010).

- 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.

Calculation of Weighted Retailer Violation Rate										
										State: _____
										FFY: 2010
(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'/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 2010).

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: 2010				
(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 2010).

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: 2010 _____	
(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 2010).

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: _____
		FFY: 2010
	(1) Attempted Buys	(2) Successful Buys
Male		
15 years		
16 years		
17 years		
18 years		
Male Subtotal		
Female		
15 years		
16 years		
17 years		
18 years		
Female Subtotal		
Other		
Total		

APPENDICES 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 appendices, therefore, should generally describe the design and protocol and 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: NM
 FFY: 2010

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
Dirmark USA, Inc	1	Commercial business list purchased in 1998	With the purchase of this list, it continues to be maintained and updated on an ongoing basis throughout the year during Merchant Education, Compliance Survey, and our Enforcement components. These components, along with Coverage Studies conducted, allow us the opportunity to continually be updating our lists; therefore eliminating duplicates, verifying business names, addresses, and evidence of tobacco retail, and/or altogether, adding new outlets to the list frame. The Enforcement component that we have in place with SID, allows one more measure for updated tracking.
Other	6	Synar Components: Merchant Education visits, Compliance Surveys, and Enforcement conducted statewide.	Annual

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

N/A

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. 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.

The State has been divided into 12 stratas consisting of contiguous counties. Each stratum contributes a constant percentage of random samples based on its sampling frame. This percentage is based on the ratio of the State's target sample to the sample frame. Stratum listed below:

Stratum 1: Bernalillo County which includes Albuquerque, the State's largest city.

Stratum 2: Lincoln and Otero Counties

Stratum 3: Chavez and Eddy Counties

Stratum 4: Curry, De Baca, and Quay Counties

Stratum 5: Lea and Roosevelt Counties
 Stratum 6: Guadalup, Torrance, and Valencia Counties
 Stratum 7: Los Alamos, Sandoval, and Santa Fe Counties
 Stratum 8: Colfax, Harding, Mora, San Miguel, and Union Counties
 Stratum 9: Cibola and McKinley Counties
 Stratum 10: Rio Arriba, San Juan, and Taos Counties
 Stratum 11: Dona Ana County, with the City of Las Cruces
 Stratum 12: Catron, Grant, Hidalgo, Luna, Sierra, and Socorro Counties

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.)

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

The effective sample size is determined by:

$$n_e = p(1-p) / (s.e.)^2$$
 Where p is the expected retailer violation rate, and s.e.= 0.018237, which is the desired standard error to meet the SAMHSA preceision requirement of 3% margin or error for the on-sided 95 percent confidence interval.
 Target sample size (nt)=dne, whered=design effect
 Original sample size (no)=nt/ (rlrc), where rl is the eligibiility rate and rc is the completion rate.
 The sample size is allocated proportionally to frame size across strata.

APPENDIX C: SYNAR SURVEY INSPECTION PROTOCOL

State: NM

FFY: 2010

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 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(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): _____

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.

Youth aged fifteen to seventeen years old, were recruited from the communities to represent the local population and diversity. The youth recruitment process adhered to a specific protocol, which required the recruitment of youth who look to be fifteen to seventeen years old, yet who were old enough to understand and remain calm during compliance survey inspection process. The participating programs were recommended to assess perceived age of youth by asking other adults to guess the age of the youth selected. The protocol also states that a sufficient number of youth be recruited through youth groups and/or community agencies, striving for gender parity and racial diversity.

During the Synar non-consummated compliance survey training, which was conducted by OSAP, adult participants were instructed about how to train youth inspectors, including safety considerations, how to identify a "sale", conducting role-plays, completing documentation, and debriefing procedures. Trained adult participants were responsible to provide training and protocols to other staff and to youth inspectors regarding conducting the non-consummated tobacco compliance survey in assigned communities. The adults were provided with the following and instructions:

- * Youth Recruitment Process
- * Validating Youth Appearance
- * Teen, Family and Parent Preparation and Consent Documents
- * Reporting/feedback to Adult Inspectors
- * Debriefing on What Worked and What Can Be Improved
- * Identification and Recording of Unlisted Tobacco Outlets

The Public Health Division, Office of Substance Abuse Prevention was responsible for Synar trainings. The Synar trainings were designed to address local issues, which relate specifically to the culturally diverse and rural communities of New Mexico.

Two Synar Merchant Education and two Synar Compliance Survey trainings were conducted for Prevention contractors in two different locations that provided maximum access for contractors. Each training session is scheduled for a minimum of four hours, and with the intent to cover the vast geographic area of the State. A separate training combining Merchant Education, Compliance Surveys, and Enforcement Operations was conducted for SID agents during which above protocols and procedures were discussed.

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.)

During documentation of each individual outlet visit, youth are issued a field name consisting of both number and numeric symbols combined to conceal identity of the youths name.

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.*)

The following is excerpted from the Synar Field Manual:

1. Two youth educators must accompany at least one adult educator. Responsible adult staff must be present at all times. SID agents conduct merchant education directly with the merchant. If youth educators are available, they may be used in the educational process.

2. The compliance check team drives to the merchant location, and parks out of sight of the entrance. Youth surveyors and the adult escort should not be seen together either before or immediately following the compliance check. The adult escort enters the establishment first to determine the safety of the environment.

a) Avoid situations where you may be along with a single youth

b) Youth participants should never be sent into a situation that is potentially dangerous. It is the responsibility of the adult escort to ensure the safety of youth participants. If the outlet or neighborhood appears unsafe, conduct the survey at a later time. Some youth might express concern about going into neighborhoods that are unfamiliar or appear unsafe. In any such case, a decision to proceed into any area that is perceived as unsafe by youth or adult is inadvisable. If the youth surveyor is uncomfortable for a less obvious reason, you should obtain the aid of the alternate youth and continue with the compliance check operations, at a later time if necessary.

c) Only the adult escort or agency staff should transport youth. All participants must wear seatbelts while traveling in a vehicle. Participants are not to jaywalk or walk against red traffic lights. Adults are to be cautious drivers and obey all traffic rules.

d) An adult in each compliance check team should carry a letter from the parent organization verifying the legitimacy of the compliance check activities. This letter should include the names and phone numbers of at least two responsible agency personnel who can be reached in case of any emergency.

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.*)

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

(The following is excerpted from the Synar Field Manual)

The guiding principle for the compliance check operation is the encouragement of all New Mexico tobacco merchants to comply with the law and protect the health and welfare of youth.

The following are requirements, protocol, and preparation for the compliance check survey; procedure follows.

1. Merchant Education efforts must be completed accurately and thoroughly to ensure that the OSAP database is adequately updated with all current New Mexico tobacco outlets identified by the Prevention Services Contractors. Upon the Merchant Education component being completed, a 20% random sample is drawn from of the updated database.

2. Youth participants must be selected from 15 to 17 year-old youth, and every attempt possible should be made to ensure gender parity. Incentives can be provided to encourage youth to participate.

o Validate youthful appearance: The youth who participate in the compliance checks must appear their age. In-person or photo assessments must be conducted with 3 to 5 other adults. The adults are asked to guess the age of the youth. If the predominant response is that the youth look their ages, they are eligible for the compliance check operations. Photos must have been taken within one month, and must show youth as they would normally appear.

3. All adult escorts and youth must be trained in the compliance check protocols.

4. Training efforts should include role-playing in various situations to familiarize youth and escorts with possible situations they may encounter. Familiarize escorts and youth with the procedure for accurate and efficient completion of the compliance check form during training.

5. Familiarization with the Synar legislation and the New Mexico Tobacco Products Act, and any local tobacco products laws or ordinances.

Procedure: Conducting The Compliance Check

1. Things to be determined prior to commencement of Compliance Checks:

o Compliance checks are conducted during the afternoon daylight hours, i.e., 2:30 to 6:00 PM.

o The geographical area to be examined, and the types of businesses to be entered.

o All youth must have informed consent of parents or guardians to participate.

o Local determination of the exact tobacco product that will be asked for by the youth purchaser. This product will remain constant throughout compliance check operations.

2. The compliance check team drives to the merchant location, and parks out of sight

of the entrance. Youth surveyors and the adult escort should not be seen together either before or immediately following the compliance check. The adult escort enters the establishment first to determine the safety of the environment.

3. Two youth, preferably a male/female team, enter the establishment 2-3 minutes later.

4. A single youth approaches the sales clerk and attempts the purchase. This youth will be designated as Youth 1 on the compliance check form. The non-purchasing youth will observe the transaction, and will be designated Youth 2 on the compliance check form.

- o If ID is asked for, the youth honestly replies that he/she does not have ID.

- o If age is asked, the youth must respond honestly and audibly.

- o If asked whom the purchase is for, the youth must respond “for myself”.

- o Youth do not carry money to consummate a purchase, refuse price reductions, gifts of money or tobacco from other customers, and, in no way ever, receive any tobacco product.

- o A willingness on the part of the sales clerk to sell the product, or a willingness to sell the product to another customer who has offered to give the youth the tobacco product in the presence of the sales clerk, is considered a completed sale. If the clerk puts the tobacco product on the counter and pushes it toward the youth while awaiting payment, the sale should be considered completed.

- o No youth attempting purchase may ever encourage, attempt to persuade, or tease a clerk in the attempt to purchase. All interactions with the sales clerk must be conducted in a straight forward manner, without any pressure or encouragement to sell.

- o It is important to maintain reasonable gender parity in attempts to purchase, so alternating female-male purchasers is important.

5. Youth exit the tobacco outlet upon completion of the attempt.

6. Adult escort waits a few moments and exits the store.

7. The escort and youth complete the compliance check form completely prior to conducting the next compliance check. .

APPENDIX D: LIST SAMPLING FRAME COVERAGE STUDY

(LIST FRAME ONLY)

State: NM

FFY: 2010

1. Calendar year of the coverage study: 2009

2. Percent coverage found: 83%

(Provide calculation of the percent coverage.)

Coverage= (total matched outlets)/(total outlets found) = (103)/(124)= 0.83065 or 83%

The coverage involved k=15 non-overlapping areas with each area having approximately m=10 outlets. The sample size determination followed the guidelines in Appendix B, Guide for a Synar Sampling Frame Coverage Study.

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

The total sampling frame for the State of New Mexico consists of N=1195 outlets. These outlets can be divided into $(1195)/(10)=119.5$ or 120 areas.

These areas are either in rural or urban districts with each having about 10 outlets.

These areas were numbered from 1 to 120 and randomized four times. After the fourth randomization, the first 15 areas were selected for the coverage study. The area locations are listed in Table 1.

The instructions to the field worker were adhered to as shown in the Guide for a Synar Sampling Frame Coverage Study, Coverage Study Field Procedures, dated January 2006. Table 2 lists the instructions.

The results are indicated in Table 1.