

# **ANNUAL SYNAR REPORT**

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

OMB № 0930-0222

**FFY 2021**

**State: New Mexico**

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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 2020 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2021 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 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 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, 2020 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 2021 Synar Survey Results: States that use the Synar Survey Estimation System (SSES) must upload one copy of *SSES Tables 1–8* (in Excel) to WebBGAS. **Please note that, beginning with the FFY 2021 ASR, SSES will generate Tables 6, 7, and 8, which are based on the optional microdata on product type, retail outlet type, and whether identification was requested. If your state does not submit these optional data, Tables 6, 7, and 8 will be blank. Tables 6, 7, and 8 are generated for the convenience of the state, and states are not required to submit completed versions of Tables 6, 7, or 8.** 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 2021: 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 2021 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 2021 is up-to-date and approved by the Center for Substance Abuse Prevention.	
<b>State:</b> New Mexico	
<b>Name of Chief Executive Officer or Designee:</b> Neal A. Bowen, Ph.D.	
<b>Signature of CEO or Designee:</b>	
<b>Title:</b> Director Behavioral Health Services Division	<b>Date Signed:</b>
_____	
<b>If signed by a designee, a copy of the designation must be attached.</b>	

**SECTION I: FFY 2020 (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 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.)* Through passage of Senate Bill 131 in February 2020 to take effect January 1, 2021, New Mexico changed the legal age to purchase tobacco products from 18 to 21. The bill also changed penalties for violations by decriminalizing the NM Tobacco Products Act for youth violations. Tobacco Products retailers who sell to minors will receive administrative citations towards the retailer’s tobacco license, instead of law enforcement citations to clerks. The New Mexico Alcoholic Beverage Control Division of the NM Regulation and Licensing Department has the authority over all matters relating to the issuance, denial, suspension, revocation and other administrative penalties or transfer of licenses under the Tobacco Products Act. The director may request the department of public safety to provide investigatory and enforcement support as deemed necessary. All fees and administrative penalties collected by the division pursuant to the Tobacco Products Act shall be deposited into the tobacco products administration fund.

**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 product categories to youth access law  **Yes**  **No**

**2. Describe how the Annual Synar Report (see 45 C.F.R. 96.130(e)) was 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 2021 ASR was posted to this Web address.)  
*Web address:* \_\_\_\_\_  
*Date published:* \_\_\_\_\_
- 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.) \_\_\_\_\_

**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/ Behavioral Health Services Division (HSD/ BHSD).

PROGRAM OVERSIGHT: New Mexico Human Services Department/ Behavioral Health Services Division/ Office of Substance Abuse Prevention (HSD/ BHSD/ OSAP)

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

Yes  No

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

HSD/ BHSD/ OSAP contracts with the Department of Public Safety/ Special Investigations Unit (DPS/ SIU) to conduct random, unannounced Synar inspections.

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):**

HSD/ BHSD/ OSAP contracts with the Department of Public Safety/ Special Investigations Unit (DPS/ SIU) to enforce NM youth tobacco access laws.

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).**

*The New Mexico Department of Health/ Public Health Division is responsible for implementing the CDC’s Tobacco Use Prevention and Control Program (TUPAC).*

- 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.)* The Synar Coordinator has had meetings with NM Department of Health TUPAC program and The Southwest Tribal Tobacco Coalition, which the Synar Coordinator is a member of. These programs advocate for evidence-based tobacco and electronic cigarette use prevention and control policies. \_\_\_\_\_

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)).**
- 

- 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 2020 (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>			
Number of <u>finest assessed</u>			
Number of <u>permits/licenses suspended</u>			
Number of <u>permits/licenses revoked</u>			
Other (Please describe.)			

- 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

Two activities that take place in support of New Mexico’s enforcement and compliance of the NM youth tobacco access law are:

A face to face merchant education training with prevention providers contracted for Synar activities is provided by the Synar Coordinator. Synar posters and education materials containing information about the NM Tobacco Act are distributed to providers for handouts and resource materials when visiting tobacco retailers.

Prevention providers then conduct Merchant Education visits to tobacco retailers in the provider's area. They provide Synar posters for display that include the Synar coordinator's work phone number. This is for anybody that chooses to report any tobacco sales to minor(s). Any and all reports are then forwarded to DPS Special Investigations Unit for follow up.

- 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)

- Community education regarding youth access laws

OSAP contractors, TUPAC contractors, New Mexican Allied Council on Tobacco (NMACT), The Southwest Tribal Tobacco Coalition, in addition to 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/policies that prevent youth use.

- Media use to publicize compliance inspection results

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

TUPAC provider contracts continue to require involvement in community efforts for youth tobacco prevention, including sales. Such activities include the community awareness of tobacco retailers located next to school zones and a campaign called "No Minor Sale" educates communities about tobacco retailer laws and not selling to minors.

- Other activities (*Please list.*) \_\_\_\_\_

## 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 2020 (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**

**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, upload a copy of SSES tables 1–8 (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** UNK

**Weighted RVR** UNK

**Standard error (s.e.) of the (weighted) RVR** UNK

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

$$\begin{array}{ccccccc} \text{UNK} & + & (1.645 & \times & \text{UNK}) & = & \text{UNK} \\ \text{RVR Estimate} & \text{plus} & (1.645 & \text{times} & \text{Standard Error} ) & \text{equals} & \text{Right Limit} \end{array}$$

**Accuracy rate** UNK

**Completion rate** UNK

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.)

The New Mexico Synar Program is experiencing challenges with compliance inspection data collection, and data recording due to challenges that The New Mexico Department of Public Safety/Special Investigations Unit is experiencing. All Synar operations (Compliance/Enforcement) were halted in March 2020. All NM DPS/SIU resources were then diverted to enforce COVID 19 public health orders set forth by NM Governor, Michelle Lujan-Grisham and state public health officials.

The biggest challenge NM Synar is experiencing is with gathering the NM DPS/SIU compliance data for SSES computing and FFY21 ASR reporting. This is due to a couple of reasons. First, the sudden and untimely death of the administrative secretary. The Loss of the NM DPS/SIU secretary is a major loss to her office and The NM Synar Program. The amount of Synar enforcement/compliance operations knowledge, program scheduling and access to program operational data that she had. The acting secretary is experiencing challenges in locating and accessing the compliance data (Synar survey), that is needed for reporting. The office of substance Abuse Prevention and NM DPS/SIU are working together to get this data for the FFY21 NM ASR.

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.

UNK

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.

UNK

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

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

**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: 2019**

**b. Percent coverage from the latest Sampling frame coverage study: 82%**

**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: 2022**

**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 01/01/20 to 03/31/20**  
MM/DD/YY MM/DD/YY

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

UNK

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 2021 (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 2021. 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.

**Plans to support law enforcement efforts:** Department of Public Safety's Special Investigations Unit has been contracted to provide law enforcement/compliance operations on a year-round schedule for FFY20 and will continue for FFY21. Updates will be made to NM's inspection protocols, Merchant Education materials, and approved signage. The Covid-19 pandemic has presented many challenges this year. One major challenge is: DPS halted all Synar related enforcement/compliance operations, due to safety concerns with COVID 19 and focus on enforcement of Governor of NM's pandemic safety orders.

**Activities that support law enforcement efforts:** OSAP has contracted with 26 prevention providers and one contractor for merchant education in FFY20 and will continue for FFY21. Tobacco Products retailer licensing has been signed into law, to take effect January 1, 2021. The New Mexico Tobacco products Act was amended to raise the age to legally purchase tobacco products in the State of New Mexico. The legal age has been raised from 18 to 21 years of age (01/01/2021 Start date). Penalties for violators have been removed from clerks and minors. Penalties will now be administrative citations towards the retailer's tobacco license, which will now be handled by Andrew Vallejos | Director, Alcoholic Beverages Control Division (ABC), New Mexico Regulation and Licensing.

### 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

Staffing issues with NM DPS/SIU have been a significant barrier. The promotion of SIU's captain brought in a replacement completely unfamiliar with the Synar program, necessitating immediate education and technical assistance. Simultaneously, the sudden and unexpected death of the administrative secretary at

DPS caused operational delays with data entry, data recovery, citation data, and court outcomes. The loss of this DPS employee has had a catastrophic impact on Synar reporting. In her place, a Lieutenant has been tasked with assisting the acting Synar Coordinator in an attempt to retrieve the Synar data. These challenges have been further exacerbated by the COVID 19 pandemic. All resources have been directed to pandemic response and the enforcement of New Mexico's health/safety orders, issued by New Mexico Governor, Michelle Lujan-Grisham and NM public health officials. All tobacco law enforcement operations ceased March 23, 2020.

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

- Limitations in the state youth tobacco access laws

Limitations in the State youth tobacco access laws: NM youth tobacco access laws and related use of tobacco products cannot be extended to tobacco outlets on sovereign tribal lands. OSAP continues to work with The Southwest Tribal Tobacco Coalition and SAPT funded tribes, attempting to provide merchant education visits where permitted.

- Limited public support for enforcement of youth tobacco access laws

- Limitations on completeness/accuracy of list of tobacco outlets

Limitations on completeness/accuracy of list of tobacco outlets: The State of New Mexico will now require tobacco products retailers to be licensed to sell, distribute, and/or manufacture tobacco products. In the past, no single state agency was responsible for keeping a comprehensive list of tobacco outlets. Therefore, OSAP has had difficulty keeping an accurate and thorough tobacco products retailer list frame. A query system now allows users to easily sort and query information in addition to expanding the reports menu options. This allows other state agencies such as the Tobacco Use Prevention and Control Program, the Taxation & Revenue Department, and the NM State Fire Marshall's Office to compare the Synar merchant list with their lists to determine if additional outlets are not on the list serve. Outlets not listed are identified by prevention providers during assigned Merchant Education visits. Newly identified outlets are then added to the merchant list and those merchants that do not sell tobacco products or not in business are deleted. This is an active process that is time consuming. All data entry to the Synar tobacco merchant list is handled by the OSAP Synar Coordinator.

- Limited expertise in survey methodology

- Laws/regulations limiting the use of minors in tobacco inspections

- Difficulties recruiting youth inspectors

Due to safety concerns during the pandemic, there have been some difficulties with recruitment. New Mexico DPS/SIU Operations were stopped in March 2020 until the Governor lifts the public health orders requiring use of face masks.

- 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

Issues exist with Synar activities on Tribal lands (Sovereign land) and United States military bases and national labs. Access to these areas require background checks while border lines are not always clearly defined.

- Cultural factors (e.g., language barriers, young people purchasing for their elders)

- Issues regarding sources of tobacco under tribal jurisdiction

Issues regarding sources of tobacco under tribal jurisdiction: NM has 24 tribes across the state. As sovereign nations, New Mexico does not license tobacco outlets on sovereign tribal lands. Tobacco product retailers sell tobacco products to the general public at greatly reduced prices on tribal lands while not being held to NM tobacco laws. Since coverage studies cannot include tribal land, NM is limited in its capacity to develop a comprehensive assessment of tribal tobacco outlets. OSAP will continue to work with our Native American prevention contractors and The Southwest Tribal Tobacco Coalition on this issue. Natural, locally grown tobacco has religious significance and plays an important role in ceremonies, and prayer. Commercial tobacco products (cigarettes, cigars) are not normally used during traditional ceremonies.

- Other challenges (*Please list.*)

The COVID 19 pandemic is the biggest challenge with implementing the Synar Regulation. The Governor and public health officials have issued statewide public health orders to address the spread of COVID 19, limiting community member travel, contact and business. These orders have caused interruptions with all Synar activities. Several providers contracted to conduct Merchant Education assignments have not completed assignments due to closures of businesses, closures of offices, health safety concerns, and positive COVID 19 test results.

As COVID 19 spreads and makes everyday activities challenging, the New Mexico Synar Program has made every effort to complete all Merchant Education visits (Identified merchants: 1,980) and meet requirements of the Synar regulation. Other agencies working with the Synar program have many challenges that have led to

delays with data collection and Synar reporting. Due to the pandemic, New Mexico Department of Public Safety/Special Investigations Unit has stopped all tobacco enforcement and compliance inspections, beginning in March 2020 to the present. NM DPS/SIU has not provided a date for Synar inspections to resume.

The pandemic is affecting key provider staff that conduct Merchant education. Currently, 14 days are required for the quarantine of COVID positive individuals. This is a challenge when meeting Merchant Education due dates. Prevention providers are experiencing staff turnover as well as office shutdowns due to health safety concerns and positive COVID cases with key staff.

## 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 2021). 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 2021).

- 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: <u>2021</u>
(1) Stratum Name	(2) N Number of Outlets in Sampling Frame	(3) n Original Sample Size	(4) n1 Number of Sample Outlets Found Eligible	(5) n2 Number of Outlets Inspected	(6) x Number of Outlets Found in Violation	(7) p=x/n2 Stratum Retailer Violation Rate	(8) N'=N(n1/n) Estimated Number of Eligible Outlets in Population	(9) w=N'/Total Column 8 Relative Stratum Weight	(10) pw Stratum Contribution to State Weighted RVR	(11) s.e. Standard Error of Stratum RVR
<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 2021).

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> 2021 _____
(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 2021).

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> 2021	
(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 2021).

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 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> 2021 _____
	(1) Attempted Buys	(2) Successful Buys
<b>Male</b>		
15 years		
16 years		
17 years		
18 years		
19 years		
20 years		
<b>Male Subtotal</b>		
<b>Female</b>		
15 years		
16 years		
17 years		
18 years		
19 years		
20 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) and respond to Question #10 of Appendix B to provide the requested information about sample size calculations for the Synar survey conducted in FFY 2020.

## APPENDIX B: SYNAR SURVEY SAMPLING METHODOLOGY

State: New Mexico  
 FFY: 2021

**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
- 2 – Local commercial business list
- 3 – Statewide tobacco license/permit list
- 4 – Statewide retail license/permit list
- 5 – Statewide liquor 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 2019	This list is maintained and updated on an ongoing basis throughout the year during Merchant Education, Compliance Survey, and Enforcement components. Along with the Coverage Study, the Synar cycle of activities allows the opportunity to continually eliminate duplicates, verify business names and addresses, and add new outlets to the list frame.
Big Database USA	1	Commercial business list purchased in 2019	This list is maintained and updated on an ongoing basis throughout the year during Merchant Education, Compliance Survey, and Enforcement components. Along with the Coverage Study, the Synar cycle of activities allows the opportunity to continually eliminate duplicates, verify business names and addresses, and add new outlets to the list frame.
Other	6	Synar Components: Merchant Education visits, Compliance Surveys, and Enforcements conducted statewide.	Annual, in person verification of merchant identification (merchant list frame) through Synar activities.

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(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.)

N/A

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 strata consisting of contiguous counties. Each stratum contributed 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. Strata 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: Guadalupe, 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 multistage clusters are used, give definitions of clusters at each stage.)

N/A

- 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.**

N/A

**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.**

SSES

**10. Provide the following information about sample size calculations for the Synar survey conducted in FFY 2020.**

**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: 1980

**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.**

N/A

# APPENDIX C: SYNAR SURVEY INSPECTION PROTOCOL SUMMARY

State: New Mexico  
FFY: 2021

*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): New Mexico State Police, Department of Public Safety/Special Investigations Unit.

**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

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

Identification of the exact tobacco product that will be asked for by the youth purchaser is determined locally. Each youth is required to identify a specific cigarette brand in advance and to have a back-up brand in mind should the first product not be available. This product is to remain consistent throughout compliance check operations.

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

OSAP currently contracts with Department of Public Safety/Special Investigations Unit (DPS/SIU) officers to carry out the Synar survey. Officers follow the Synar Field Manual and DPS/SIU Policies and Procedures. They maintain awareness of inspection actions such as: parking out of view of outlet, safety escapes protocol, evaluation of surroundings before entering, time allotment of youth entering after inspection, etc.

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

DPS/SIU recruits youth aged sixteen to seventeen years old to represent the local population and ethnic diversity. Minors chosen to participate in an operation will be required to complete a protected Source Record and parents of the participating youth are required to fill out a Parent Consent Form. Minors chosen to attempt to purchase tobacco will be approved by the director/commander or designee, prior to participating in any operations. Minors chosen should appear to be their age. Minors should not have any facial hair, such as a beard or moustache, or wear excessive make up. The DPS officer will ensure that the minor has not previously and independently purchased tobacco products from any retailer to be approached. The minor will be educated with regards to entrapment prohibitions as well as orientation of operational guidelines and constraints. Minors will not be utilized for tobacco compliance operations if they are younger than 15 (16 per DPS Synar inspection protocol). Minors will not be utilized if they are on probation, parole or have any criminal history.

**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.)*

**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 following is excerpted from the Synar Inspection Protocol:

1. Two youth must be accompanied by at least one adult officer. Responsible adult staff must be present at all times.
  2. The compliance check team drives to the merchant location and parks out of sight of the entrance. Youth surveyors and the adult officer should not be seen together either before or immediately following the compliance check. The adult officer enters the establishment first to determine the safety of the environment.
    - a) Avoid situations where the adult officer has only a single youth
    - b) Youth participants should never be sent into a situation that is potentially dangerous. It is the responsibility of the adult officer to ensure the safety of youth participants. The youth's participation is completely voluntary and they can choose to stop at any time
    - c) Only the adult officer should transport youth. All participants must wear seatbelts while traveling in a vehicle.
    - d) The adult officer will carry emergency phone numbers of family doctor, parent/guardian, and parent consent forms relating to the youth participant.

**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.)*

**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.
2. Youth participants must be selected from 16 to 17 year-old youth, and every attempt possible should be made to ensure gender parity.
3. Validate youthful appearance: Youth who participate in the compliance checks must appear their age.
4. All adult officers and youth must be trained in the compliance check protocols.
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**

Things to be determined prior to commencement of compliance checks:

- Compliance checks are conducted during the afternoon daylight hours, i.e. 2:30-6:00 PM.
- The geographical area to be examined, and the types of businesses to be entered.
- All youth must have informed consent of parents or guardians to participate.
- Local determination of the exact tobacco product that will be asked for by the youth purchaser. This product will remain constant throughout the compliance check operations.



# APPENDIX D: LIST SAMPLING FRAME COVERAGE STUDY

(LIST FRAME ONLY)

State: New Mexico  
FFY: 2021

1. Calendar year of the coverage study: 2019

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.)

Census tracts

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

Yes  No

If Yes, please explain.

Areas that were inaccessible were excluded from the sampling, such as prisons, military bases and sovereign Tribal lands.

The coverage study design is always submitted for SAMHSA's review and is not adopted without their approval. The design is more or less fixed and has been proven to work overtime, and we are not proposing any changes to the design. New Mexico committed a procedural error in 2019 in the multi-step process of pulling the sample, resulting in one step being inadvertently skipped. Consequently, the incorrect data is not provided in question 2.

New Mexico has now instituted two corrective steps to prevent such a mistake occurring again. Corrective step 1 is to clearly document the steps to be followed in the sample generation process, in order to reduce the possibility of missing a step, which is what happened.

Corrective step 2 is to assign someone to review the sample generated, check it for errors, and compare it to the requirements of the study design, not to re-do the design itself.

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.**

The samples are always randomly selected, and they can be simple or stratified. The correct sample in compliance with the study design specifications is a random stratified sample, while what we originally submitted to SAMHSA was mistakenly a random simple sample.

**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.*

The observer was given instruction to follow identified streets and/or New Mexico highways in the assigned area to locate any merchants that could possibly sell tobacco/E-cig products.

**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.**

Following identified streets and NM highways in an assigned area, the field worker identified the eligibility of an identified outlet by entering the outlet and visually checking if the outlet sells tobacco products.

**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.)**

Each visited outlet was asked to provide its business name, physical address, and/or location mailing address of the outlet. The information received from the coverage study was checked against the Synar database to determine if that outlet was listed in our list frame. Outlets that matched business name, location and address were considered matches. Outlets that did not contain that like information to outlets in the database were considered mismatches.

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

\_\_\_\_\_