

The New Mexico Human Services Department (HSD), Behavioral Health Services Division (BHSD), Office of Substance Abuse Prevention (OSAP) is posting this notice to allow for public comment on the Substance Abuse Prevention and Treatment (SAPT) Block Grant Federal Fiscal Year 2016 Synar Component Final Report.

The report is substantially complete, but the public should be aware that the report is currently in draft form. A final State version will not be available until the U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA) has approved the final draft.

Written comments must be sent to the attention of Brian Chavez, Synar Program Coordinator, by fax (505) 476-9277 or email: [BrianL.Chavez@state.nm.us](mailto:BrianL.Chavez@state.nm.us) by close of business day on December 15, 2015.

# **ANNUAL SYNAR REPORT**

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

OMB № 0930-0222

**FFY 2016**

**State: NM**

## Table of Contents

Introduction.....	i
FFY 2016: Funding Agreements/Certifications .....	1
Section I: FFY 2015 (Compliance Progress).....	2
Section II: FFY 2016 (Intended Use) .....	10
Appendix A: Forms 1–5 .....	11
Appendixes B & C: Forms .....	18
Appendix B: Synar Survey Sampling Methodology .....	19
Appendix C: Synar Survey Inspection Protocol .....	22
Appendix D: List Sampling Frame Coverage Study .....	25

Public Burden Statement: 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. Public reporting burden for this collection of information is estimated to average 18 hours per respondent, per year, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to SAMHSA Reports Clearance Officer, 1 Choke Cherry Road, Room 2-1057, Rockville, Maryland, 20857.

## 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 2015 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2016 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, 2015 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 2016 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.
- 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.

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:

Grants Management Officer  
Division of Grants Management  
Office of Financial Resources  
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 2016: 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 AMENDMENT

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 2016 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 2016 is up-to-date and approved by the Center for Substance Abuse Prevention.

State: NM

Name of Chief Executive Officer or Designee: Dr. Wayne Lindstrom

Signature of CEO or Designee:

Director, Behavioral Health Services & CEO of the  
Title: Behavioral Health Collaborative

Date Signed: \_\_\_\_\_

**If signed by a designee, a copy of the designation must be attached.**

**SECTION I: FFY 2015 (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 state law that impact the following?**

Licensing of tobacco vendors ☐ Yes ☒ No

Penalties for sales to minors ☐ Yes ☒ No

Vending machines ☐ Yes ☒ No

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

☐ Placed on file for public review

☒ Posted on a state agency Web site (Please provide exact Web address and the date when the FFY 2016 ASR was posted to this Web address.) www.hsd.state.nm.us;  
www.bhc.nm.us. The ASR was posted December 1-15, 2015.

The New Mexico Human Services Department (HSD), Behavioral Health Services Division (BHSD), Office of Substance Abuse Prevention (OSAP) is posting this notice to allow for public comment on the Substance Abuse Prevention and Treatment (SAPT) Block Grant Federal Fiscal Year 2016 Synar Component Final Report.

The report is substantially complete, but the public should be aware that the report is currently in draft form. A final State version will not be available until the U.S.

Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA) has approved the final draft.

Written comments must be sent to the attention of Brian Chavez, Synar Program Coordinator, by fax (505) 476-9277 or email: [BrianL.Chavez@state.nm.us](mailto:BrianL.Chavez@state.nm.us) by close of business on December 15, 2015.

Each written comment must reference the section of the report to which it applies.

The Public Health Services (PHS) Act, as amended, states that the Synar Report for the Substance Abuse Prevention and Treatment Block Grant Application required under Section 1932 will be made public in such a manner as to facilitate comment from any person (including any Federal person or any other public agency) during the development of the plan.

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- ☐ 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).

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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 Administrative Service Organization (OptumHealth New Mexico) to provide sub-contracts with prevention providers to conduct random, unannounced Synar inspections

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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.) For FFY15, Synar Coordinator Brian Chavez worked with TUPAC, FDA Coordinator, and New Mexico Allied Council on Tobacco. The programs advocate for evidence-based comprehensive tobacco use prevention and control policies and programs, including approaches to defending against emerging tobacco products, tobacco industry tactics and/or non-FDA approved nicotine delivery systems or devices.

- d. 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)).**

HSD/BHSD/OSAP holds the FDA Tobacco Contract and is responsible for enforcing Federal tobacco law. FDA Coordinator Retta Riley was hired in February, 2013.

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

☐ Yes ☒ No

- f. 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.) Synar and FDA programs are housed in the same office suite, bureau, and division, and are required by contract and office policy to collaborate with one another. FDA Coordinator Retta Riley has been cross-trained to provide the Synar Merchant Education Training as well as Merchant Compliance Check training. In addition, Brian Chavez, Synar Coordinator, serves as the back-up FDA Coordinator. Therefore, both FDA and Synar staff have been cross-trained on the two tobacco programs to facilitate collaboration and coordination.*

g. 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 2015 (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 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 citations issued	NA	156	156
Number of fines assessed	NA	119	119
Number of permits/licenses suspended	NA		NA
Number of permits/licenses revoked	NA		NA
Other (Please describe.)			
Warning		18	18
Dismissed		19	19

- c. 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.
- d. 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
- e. What additional activities are conducted in your state to support enforcement and compliance with state youth tobacco access law(s)? (Check all that apply.)
- ☒ Merchant education and/or training
- ☒ 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
- ☒ 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: Two forms of Merchant Education are provided. The State Synar Coordinator first provides a face to face training for providers contracted for

Synar activities. During this training, Synar posters and educational materials on the New Mexico tobacco laws are distributed for handouts and training tools used when visiting tobacco outlets. Providers then conduct Merchant Education visits to the tobacco merchants located in their area. Any person witnessing a tobacco sale to a minor can call the Synar Coordinator, whose phone number is on the Synar poster. These calls are then referred to the Special Investigations Unit for follow-up.

**Incentives:** After completion of Synar compliance visits, outlets that asked for identification and would not sell tobacco to youth are given congratulatory letters by OSAP providers that the outlet received a Synar inspection (passed by asking for identification and not selling tobacco to a minor), and thank the outlet for helping to protect New Mexico youth. If the outlet failed the inspection they are given another merchant education visit and are warned about New Mexico's youth access laws and penalties.

**Community Education:** OSAP contractors, TUPAC contractors, New Mexicans Concerned About Tobacco (NMCAT), Stop Tobacco on My People (STOMP), 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:** All OSAP Synar providers are required by contract to publish the Synar compliance results in the news media. These include PSAs, interviews, and newspaper articles.

**Community Mobilization:** 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.

- f. **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 5f, 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:*

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## 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 2015 (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, the standard error, accuracy rate (number of eligible outlets divided by the total number of sampled outlets), and completion rate (number of eligible outlets inspected divided by the total number of eligible outlets).**

Unweighted RVR

\_\_\_\_\_

Weighted RVR

\_\_\_\_\_

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

\_\_\_\_\_

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

RVR Estimate      +      (1.645      ×      )      =  
plus      (1.645      times      Standard Error      )      equals      Right Limit

Accuracy rate

\_\_\_\_\_

Completion rate

\_\_\_\_\_

c. **Fill out Form 1 in Appendix A (Forms 1–5).** *(Required regardless of the sample design.)*

d. **How were the (weighted) RVR estimate and its standard error obtained?**  
*(Check the one that applies.)*

☐ Form 2 (Optional) in Appendix A (Forms 1–5) *(Attach completed Form 2.)*

☐ Other *(Please specify. Provide formulas and calculations or attach and explain the program code and output with description of all variable names.)*

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

☐ Yes ☐ No ☐ No stratification

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

f. **Was a cluster sample design used?**

☐ Yes ☐ No

*If Yes, fill out and attach Form 3 in Appendix A (Forms 1–5), and answer the following question.*

*If No, go to Question 7g.*

**Were any certainty primary sampling units selected this year?**

☐ Yes ☐ No

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

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

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

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

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

☒ Yes ☐ No

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

**a. The calendar year of the latest frame coverage study:** 2015

**b. Percent coverage from the latest 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:** 2018

**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** 03/26/15 **to** 05/15/15  
MM/DD/YY MM/DD/YY

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

77

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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**b. 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 2016 (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 2016. 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 operations on a year-round schedule for FFY15, which will be continued for FFY16.

Activities that support law enforcement efforts: OSAP has contracted with 30 prevention providers for merchant education in low coverage areas for FFY15 and will continue to do so in FFY16.

Anticipated changes in youth tobacco access legislation or regulation: Effective June 19, 2015 the State of New Mexico passed a law prohibiting the sale of e-cigarettes and nicotine liquid containers to minors under the age of 18. The state of New Mexico Synar program will be submitting a request for approval to change the Synar protocol to include e-cigarettes in the annual Synar Survey. The NM Taxation & Revenue Department is considering licensing tobacco products. The New Mexico Tobacco Control Policy Workgroup is working toward obtaining tobacco licensing for the State of New Mexico.

**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
- ☐ Issues regarding the age balance of youth inspectors

- ☐ Issues regarding the gender balance of youth inspectors
- ☒ Geographic, demographic, and logistical considerations in conducting inspections
- ☐ Cultural factors (e.g., language barriers, young people purchasing for their elders)
- ☒ Issues regarding sources of tobacco under tribal jurisdiction
- ☒ Other challenges (*Please list.*) Non-licensed State

*Briefly describe all checked challenges and propose a plan for each, or indicate the state's need for technical assistance related to each relevant challenge.*

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 SAPT funded tribes, attempting to provide merchant education visits where permitted.

Limitations on completeness/accuracy of list of tobacco outlets: Since the State of New Mexico does not license the sale of tobacco products, no single state agency is responsible for a comprehensive list of tobacco outlets. Therefore, OSAP has difficulty keeping an accurate and thorough listframe. OSAP has once again redesigned and updated the web-based tobacco outlet database this year to improve accuracy on the outlet list. A query system now allow 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 and targeted for entry. In addition, OSAP receives referrals sent from the NM Taxation and Revenue Department who requires retailers request Synar information when planning to sell tobacco products. These new outlets are then added to the merchant list.

Difficulties recruiting youth inspectors: In many rural areas of the state, contractors have a problem recruiting youth inspectors from both genders in general and then who are not recognized in their local communities. OSAP is working with the newly funded coalitions to recruit the required gender, race, and age group identified in the inspection protocol. In addition, Synar Coordinator Brian Chavez is a basketball coach and has been working with other coaches to recruit youth for Synar activities.

Geographic, demographic, and logistical considerations in conducting inspections: New Mexico contains many rural and remote towns/villages which are not physically located in our contractors' coverage areas. The addition of 10 new prevention providers has expended coverage into all but two of these gap areas. In cases where no prevention provider exists, OSAP has contracted with two nearby prevention providers to cover these two areas.

Issues regarding sources of tobacco under tribal jurisdiction: NM has 22 tribes and pueblos across the state. As sovereign nations, New Mexico tribes are able to license tobacco outlets to 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 can not 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 on this issue. One of our tribal providers, Five Sandoval Indian Pueblos, allows some merchant education to tobacco outlets on their lands.

Non-licensed state: The State of New Mexico is currently a non-licensed to state to sell tobacco. It makes it difficult to determine who sales tobacco in New Mexico as well as zoning policies near school zones.

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## 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 2016). 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 2016).

- 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.

[illegible]

17



**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 2016).

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: 2016	
(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 2016).

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

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

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

<b>Synar Survey Inspector Characteristics</b>		
		<b>State:</b> _____
		<b>FFY:</b> 2016
	(1) Attempted Buys	(2) Successful Buys
<b>Male</b>		
15 years		
16 years		
17 years		
18 years		
<b>Male Subtotal</b>		
<b>Female</b>		
15 years		
16 years		
17 years		
18 years		
<b>Female Subtotal</b>		
<b>Other</b>		
<b>Total</b>		

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

### **Instructions**

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

## APPENDIX B: SYNAR SURVEY SAMPLING METHODOLOGY

State: NM

FFY: 2016

**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 2014	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.
Database USA	1	Commercial business list purchased in 2014	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

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

NA

- 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.) \_\_\_\_\_

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

☐ Census (STOP HERE: Appendix B is complete.)

**Unstratified statewide sample:**

- ☐ Simple random sample (Go to Question 9.)  
☐ Systematic random sample (Go to Question 6.)  
☐ Single-stage cluster sample (Go to Question 8.)  
☐ Multistage cluster sample (Go to Question 8.)

**Stratified sample:**

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

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

7. Provide the following information about stratification.

- a. Provide a full description of the strata that are created.

The State has been divided into 12 strata 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. 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.)**

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

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

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

☒ Yes (Respond to part b.)

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

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

- ☐ **State Level** (Respond to Question 10a.)  
☒ **Stratum Level** (Respond to Question 10a and 10b.)

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

(SSES)

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

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

**Inputs for Effective Sample Size:**

RVR: 10.4

Frame Size: 2377

**Input for Target Sample Size:**

Design Effect: 1.1

**Inputs for Original Sample Size:**

Safety Margin: 50%

Accuracy (Eligibility) Rate: 90%

Completion Rate: 92%

- 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:**

Stratum ID	Stratum size	Stratum Sample Size
1	696	147
2	114	24
3	167	35
4	96	20
5	120	26
6	110	23
7	259	55
8	103	22
9	122	26
10	275	58
11	162	34
12	153	32

Proportional allocation was used

- 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.

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## APPENDIX C: SYNAR SURVEY INSPECTION PROTOCOL

State: NM

FFY: 2016

*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: Stipends are allowed but not wages due to employment)  
☐ 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): Law Enforcement: Department of Public Safety/Special Investigations Unit.

**State or local government agencies other than law enforcement: Human Services Department/Behavioral Health Services Division/Office of Substance Abuse Prevention.**

**Private Contractors: Carlsbad Community Anti-Drug/Gang Coalition, Colfax County Youth Empowerment Services, Inc, Five Sandoval Indian Pueblos, Hands Across Cultures, North Central Community Based Services, Partnership for Community Action, Pueblo of Laguna, Rocky Mountain Youth Corps, San Juan County Partnership, Sandoval County DWI, Santa Fe Public Schools, UNM - Campus Office of Substance Abuse Prevention, Youth Development, Inc., Bernalillo County Office of Health and Social Services, Bootheel Youth Association, City of Socorro, Eddy County DWI, Kewa Family Wellness Center, Mescalero Prevention Program, Native American Community Academy, Perpetual Tears Memorial, Pueblo of Tesuque, Sierra County DWI, Strategic Network of Advocates for the Prevention of Suicide and Substance Abuse, The Community Foundation of Southern New Mexico, The Grant Community Health Council, and The Luna Health Council**

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  
☐ 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.

5. 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 ethnic diversity. The youth recruitment process adhered to a specific protocol, which required the selection of youth who look to be fifteen to seventeen years old, yet who were old enough to understand and remain calm during a compliance

survey inspection process. The participating programs were asked to assess the perceived age of youth by asking other adults to guess the age of the selected youth. The protocol 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, adult and youth participants were instructed on safety considerations, identifying a "sale", conducting role-plays, completing documentation, and debriefing procedures. Trained adult participants were responsible to provide training and protocols to other staff 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
- \* Adult Field Inspection Protocol Guide
- \* Youth Field Inspection Protocol Guide

Youth unable to attend the in-person training were scheduled by the Synar Coordinator for in-person, webinar, or phone training.

The Synar trainings were designed to address local issues, which relate specifically to the culturally diverse and rural communities of New Mexico. Merchant education trainings and non-consummated compliance trainings were both conducted with an interactive portion for participants. The merchant education training had a Powerpoint exercise that allowed participants to fill out merchant education forms in groups as if they were providing a merchant education visit based on the outlet's details identified in the Powerpoint. Common mistakes or missing information on education visits discovered during internal audits of documents were able to be addressed directly. Participants were grouped together by having more experienced sub-contractors paired with new Synar sub-contractors. The non-consummated compliance training used a prop set up of a tobacco outlet, its parking lot, and vehicles that participants were able to walk together in. The set-up allowed monitoring of the actual inspection and viewing of the sub-contractors and their youth as they entered the parking lot. This exercise provided the ability to critique all inspection actions such as: parking out of view of outlet, safety escape protocol, evaluation of surroundings before entering, time allotment of youth entering after inspection, etc.

**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.)*

Currently the State of New Mexico is obtaining minor immunity state wide. The State of New Mexico has received minor immunity in 3 of 33 counties. The Office of General Council at Human Services Division is currently working with the New Mexico Attorney General office to obtain minor immunity state wide.

**b. Procedural**

☒ Yes ☐ No

*(If Yes, please describe.)*

Procedures in place: Prevention contractors commonly trade local youth with near by communities to protect the identity of youth. Per approval by CSAP (Susan Marsiglia Grey, 2007) some prevention contractors requested the utilization of codes when filling out the inspection forms to protect the identity of the youth that participate in the documented surveys. A list of names correlating to those codes are provided to the Synar Coordinator.

**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 Field Manual:

1. Two youth educators must be accompanied by at least one adult educator. Responsible adult staff must be present at all times. SIU agents conduct merchant education directly with the merchant. If youth educators are available, they may be used in the education 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 the adult escort 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 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 such cases, 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 or proceed 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.

**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 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.

-Validate youthful appearance: 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. 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:

- Compliance checks are conducted during the afternoon daylight hours, i.e., 2:30 to 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 compliance check operations.

## APPENDIX D: LIST SAMPLING FRAME COVERAGE STUDY

(LIST FRAME ONLY)

State: NM

FFY: 2016

1. Calendar year of the coverage study: 2015

- 2.
- a. Unweighted percent coverage found: 86%
  - b. Weighted percent coverage found: 82%
  - c. Number of outlets found through canvassing: 122
  - d. Number of outlets matched on the list frame: 100

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

1. Area frame: Census tracts will be the area frame. Data on census tracts were acquired from the Census Bureau. There are 498 tracts in NM for the 2010 census. 418 tracts have more than 10 people per square mile [Catron County, 6,924 square miles and 3,725 people, is one tract]. The higher-density tracts (>10 people/sq mi) cover 87% of the population and 9.4% of the land area of New Mexico. There were 2,336 active outlets in the updated FY 2014 merchant list as of 12/19/14, or 4.7 per tract.

Assumptions:

a. The 2,336 active outlets in the new list represent roughly 90% coverage, so the true number of outlets is approximately 2,600. The previous coverage study found 1.3 outlets per 1,000 population (2010 pop) in the sampled tracts, which would also lead to an estimate of approximately 2,600 total outlets.

b. High density tracts contain 87% of the outlets, proportional to population.

c. An initial target of 150 identified outlets will be sufficient.

d. Low density tracts will be sampled at 1/3th the rate of high density tracts.

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

☐ Yes ☒ No

If Yes, please explain.

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

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

☒ Census (Go to Question 6.)

Unstratified statewide sample:

- ☐ Simple random sample (*Respond to Part b.*)
- ☐ Systematic random sample (*Respond to Part b.*)
- ☐ Single-stage cluster sample (*Respond to Parts b and d.*)
- ☐ Multistage cluster sample (*Respond to Parts b and d.*)

**Stratified sample:**

- ☐ Simple random sample (*Respond to Parts b and c.*)
- ☐ Systematic random sample (*Respond to Parts b and c.*)
- ☐ Single-stage cluster sample (*Respond to Parts b, c, and d.*)
- ☐ Multistage cluster sample (*Respond to Parts b, c, and d.*)
- ☐ **Other** (*Please describe and respond to Part b.*) \_\_\_\_\_

**b. Describe the sampling methods.**

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

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

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

- ☐ Yes ☐ No

**6. Were all sampled areas visited by canvassing teams?**

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

**a. Was the subset of areas randomly chosen?**

- ☐ Yes ☐ No

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

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

- ☒ Yes ☐ No

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

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

☒ Yes ☐ No

*If No, respond to Question 9.*

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

The areas to be canvassed were identified by street names or New Mexico State highway numbers. The observer was also given instruction of area direction that included a travel map of each canvassed area. NM Area's Designated for the Coverage Study.pdf handout attached to ASR.

**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.**

The field observers were instructed to walk into outlets which might sell tobacco products to determine if they did sell the 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 data base 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. The contractor was provided with TigerWeb aerial shots to confirm locations. After the coverage study percentage was calculated, the contractor entered the mismatched and/or new outlets into the database to update it.

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