

# ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB № 0930-0222

STATE OF CALIFORNIA

Department of Health Services

Tobacco Control Section

FFY 2006



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Substance Abuse and Mental Health Services Administration  
Center for Substance Abuse Prevention  
[www.samhsa.gov](http://www.samhsa.gov)

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## INTRODUCTION

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

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

### **How the Synar report helps the Center for Substance Abuse Prevention**

In accordance with the tobacco regulations, States are required to provide detailed information on progress made in enforcing youth tobacco access laws (FFY 2005 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2006 Intended Use Plan). These data are required by 42 U.S.C. 300x-26 and will be used by the Secretary to evaluate State compliance with the statute. Part of the mission of the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention (CSAP) is to assist 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 SAMHSA/CSAP in improving technical assistance resources and expertise on enforcement efforts and tobacco control program support activities, including State Synar Program support services, through an enhanced technical assistance program involving conferences and workshops, development of training materials and guidance documents, and on-site technical assistance consultation.

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

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

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

## Where and when to submit the Annual Synar Report

The Annual Synar Report (ASR) must be received by SAMHSA no later than December 31, 2005. The ASR must be submitted in the **approved OMB report format**. Use of the approved format will avoid delays in the review and approval process. The chief executive officer (or an authorized designee) of the applicant organization must sign page 1 of the ASR certifying that the State has complied with all reporting requirements.

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

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

### Regular Mail:

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

### Overnight Mail:

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

## FFY 2006: 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 AMMENDMENT</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 2006 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 2006 is up-to-date and approved by the Center for Substance Abuse Prevention.
<b>State:</b> California
<b>Name of Chief Executive Officer or Designee:</b> KIMBERLY BELSHÉ
<b>Signature of CEO or Designee:</b>
<b>Title:</b> <u>Secretary, CA Health &amp; Human Services Agency</u> <b>Date Signed:</b> _____
<b>If signed by a designee, a copy of the designation must be attached</b>

## SECTION I: FFY 2005 (Compliance Progress)

### YOUTH ACCESS LAWS, ACTIVITIES, AND ENFORCEMENT

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

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

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

Yes  No

*If Yes, current minimum age:*     19     20     21

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

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

- Changed to require that law enforcement conduct inspections of tobacco outlets  
 Changed to make it illegal for youth to possess, purchase or receive tobacco  
 Changed to require ID to purchase tobacco  
 Other change(s) (*please describe*): \_\_\_\_\_

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

Yes  No

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

- Total ban enacted  
 Banned from location(s) accessible to youth  
 Locking device or supervision required  
 Other change(s) (*please describe*): \_\_\_\_\_

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

Licensing of tobacco vendors     Yes  No  
 Penalties for sales to minors     Yes  No

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

- Placed on file for public review  
 Posted on a State agency Web site (Specify Web site location: \_\_\_\_\_)

- Notice published in a newspaper or newsletter  
 Public hearing  
 Announced in a news release, a press conference, or discussed in a media interview  
 Distributed for review as part of the SAPT Block Grant application process  
 Distributed through the public library system  
 Published in an annual register  
 Other change(s) (*please describe*): \_\_\_\_\_

The Department of Alcohol and Drug Programs (ADP) manages delivery of the Substance Abuse Prevention and Treatment Block Grant Program through California's 58 counties. ADP works with the County Alcohol and Drug Program Administrators' Association of California to advance substance abuse prevention and discuss emerging issues, including the Synar report data and interventions to reduce illegal tobacco sales to youth.

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

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

The California Department of Health Services (CDHS) is assigned statutory responsibility to implement the Synar Amendment via Business and Professions (B&P) Code Section 22950-22963, the Stop Tobacco Access to Kids Enforcement (STAKE) Act of 1994.

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

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

CDHS has an Interagency Agreement with the Behavioral Health Institute (BHI) of the San Diego State University Foundation, a nonprofit educational corporation organized under the laws of the State of California, to conduct the annual random, unannounced inspections of tobacco outlets.

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

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

CDHS, Food and Drug Branch (FDB) is the statewide enforcement agency responsible for enforcing the STAKE Act. Local law enforcement agencies are responsible for enforcing other tobacco control laws, including Penal Code (PC) Section 308(a), illegal tobacco sales to minors.

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

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

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

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

Yes  No

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

- Are the same
- Have a formal written memorandum of agreement
- Have an informal partnership
- Conduct joint planning activities
- Combine resources
- Have other collaborative arrangement(s) (please describe): \_\_\_\_\_

5. Please answer the following questions regarding the State’s activities to enforce the youth access to tobacco law(s) in FFY 2005. (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130(e))

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

- Enforcement is conducted exclusively by local law enforcement agencies.
- Enforcement is conducted exclusively by State agency(s).
- Enforcement is conducted by both local and State agencies.

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

PENALTY	NOT APPLICABLE	NOT AVAILABLE	TOTAL	If Available	
				OWNERS	CLERKS
Number of <u>citations issued</u>			682 <sup>1</sup>	682	
Number of <u>finest assessed</u>		<input type="checkbox"/>	682 <sup>1</sup>	682	
Number of <u>permits/licenses suspended</u>	<input type="checkbox"/>	<input type="checkbox"/>	167 <sup>2</sup>		
Number of <u>permits/licenses revoked</u>	<input type="checkbox"/>	<input type="checkbox"/>	0		
<p><i>Other</i> (please describe): <sup>1</sup>Reflects only those civil penalties assessed by CDHS. Citations and fines assessed by over 2,000 local enforcement agencies are not reported to any state agency and therefore are not available. <sup>2</sup> Assessed by the Board of Equalization (BOE) for non-compliance with state licensing statutes. All suspensions were for reasons other than tobacco sales to minors. Tobacco retail license suspensions and revocations done by local jurisdictions are not tracked by any state agency.</p>					

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

- Merchant education and/or training
- Incentives for merchants who are in compliance (e.g., Reward and Reminder)

- Community education regarding youth access laws
- Media use to publicize compliance inspection results
- Community mobilization to increase support for retailer compliance with youth access laws
- Other activities (*please list*): Collaboration with the Attorney General's Office (AG), Tobacco Litigation Unit; Collaboration with BOE, Tobacco Licensing Program; Collaboration with the State Department of Alcoholic Beverage Control (ABC); and Evaluation and Surveillance Activities.

*Briefly describe all checked activities:*

Merchant Education and/or Training

CDHS/TCS uses a multi-faceted, multi-agency, coordinated approach to educate California tobacco retailers about youth access laws. This includes development and dissemination of a tobacco retail education PowerPoint training titled, *Stop Tobacco Sales to Youth: California Retailers and Youth Tobacco Laws*. It includes an introductory letter to retailers and a clerk quiz. This educational tool which was promoted to retail associations and tobacco control groups is posted on the CDHS/TCS website. It can be accessed at:

<http://www.dhs.ca.gov/tobacco/documents/RetailerPresentation.pdf>

CDHS/TCS also develops and provides educational materials. These materials are used to conduct merchant education, training, and inspections at the local and regional level. Approximately 283,263 pieces of educational materials were distributed to retailers, local and state law enforcement agencies, local health departments, community based organizations, and tobacco companies. Educational materials disseminated to retailers included a direct mail post card campaign reminding retailers of law enforcement efforts to monitor illegal tobacco sales to youth.

The CDHS/FDB STAKE Act Enforcement Unit also conducts merchant education by mailing youth access law compliance requirement letters to STAKE Act violators. Nearly 700 letters were mailed to tobacco retailers in fiscal year 2004-05. During FFY 2006 the STAKE Act Enforcement Unit will continue to conduct undercover on-site tobacco retailer inspections using teen-aged decoys as mandated. The STAKE Act investigators conduct approximately 2,000 inspections annually. Stores checked for compliance are selected on a random basis within a given geographic area and/or in response to reports of illegal tobacco sales left on the toll-free number by concerned citizens. At the time of inspection educational materials about California's tobacco retail laws are left with store personnel or referred to the Tobacco Education Clearinghouse of California.

Incentives for merchants who are in compliance:

All of the 61 local county and city health departments and many competitive grantees funded by CDHS/TCS utilize various interventions to reduce youth access to tobacco and encourage enforcement at the local level. Numerous programs engage in various forms of merchant incentives, including retailer public recognition for compliance via press releases, plaques, store signage and sticker campaigns, and “report card” programs highlighting youth access law compliance. In addition, CDHS/FDB mailed “appreciation” letters to 350 retailers, congratulating them for their compliance during STAKE Act undercover enforcement inspections.

Community education regarding youth access laws:

CDHS/TCS developed and placed convenience store advertising that contained messages targeting retailers and the public and which promoted the STAKE Act mandated toll-free complaint line. The complaint line received 127 calls from the public reporting possible illegal tobacco sales to youth.

The convenience store ads were placed during February through June 2005 in California’s five largest media markets (Los Angeles; San Francisco/Oakland/San Jose; Sacramento; San Diego; and Fresno). Ad placement focused on high non-compliance regions within those media markets. Ads were displayed in 1,230 total locations per month.

Media use to publicize compliance inspection results:

The results of the annual 2005 scientific youth tobacco purchase survey were publicly released by CDHS/TCS via a news release on August 22, 2005. In addition, local county health departments regularly release the results of their local youth tobacco purchase surveys, resulting in media coverage on the issue throughout the state.

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

The 61 local health department tobacco control programs and 46 competitive grantees conduct various educational and policy related interventions to reduce youth access to tobacco. These CDHS/TCS-funded projects implement interventions that address reducing youth access to tobacco. Of the 61 local health department July 2004- June 2007 comprehensive tobacco control plans, 37 include conduct merchant education activities, 30 include conducting local youth tobacco purchase surveys, 4 include conducting law enforcement training, and 25 include conducting policy campaigns aimed at local tobacco retail licensing, eliminating self-service tobacco displays, eliminating free tobacco product sampling, requiring

conditional use permits, and pharmacy restrictions on selling tobacco. To date, 204 counties/cities have enacted ordinances addressing youth access to tobacco including 42 for local tobacco retail licensing. In 2005, CDHS/TCS distributed 109 local *Licensing* videos. This 12-minute video documents the ease with which teens can purchase tobacco and urges solving the problem by creating local tobacco retail licensing laws that earmark fees for enforcement. The video features local health department, law enforcement, community-based organizations, and state officials.

#### Collaboration with the AG:

CDHS/TCS researched and summarized youth access to tobacco literature for the AG with a focus on actions retailers can implement to reduce illegal tobacco sales to minors. CDHS/TCS summarized the literature review into a best practices checklist. The AG incorporated this list into assurances of voluntary compliance and settlement agreements which it entered into with Safeway, Inc. (December 2004) and 7-Eleven Corporation, Inc. (August 2005). Additionally, the AG's office provides CDHS/TCS with expert review of merchant education resources, e.g. *Citizen Citation, Stop Tobacco Sales to Youth: California Retailers and Youth Tobacco Laws* training presentation and *Tobacco Control Laws that Affect Retail Business* brochure. CDHS/TCS also worked with the AG to improve the accuracy of education and information disseminated by the Council for Responsible Retailing related to California STAKE Act requirements for posting age-of-sale warning signs.

#### Collaboration with BOE:

CDHS/TCS annually notifies BOE of the statewide rate of illegal tobacco sales to minors and CDHS/FDB provides BOE with STAKE Act violation data in order to facilitate tobacco retailer license suspension and revocation requirements of the Cigarette and Tobacco Products Licensing Act of 2003 (B&P Code commencing with Section 22970). CDHS/TCS also solicits expert review of merchant education materials from BOE and coordinates mass mailings of order forms for merchant education materials through routine BOE mailings to retailers.

#### Collaboration with ABC

CDHS/TCS solicits expert review of merchant education materials from ABC and coordinates distribution of STAKE Act age-of-sale warning signs through ABC field offices. CDHS/TCS and CDHS/FDB also periodically participate in ABC trainings for law enforcement agencies.

Evaluation and Surveillance Activities:

CDHS/TCS contracted with the University of Southern California to conduct an evaluation of *We Card* materials. In 2004 CDHS/TCS conducted a survey of 376 police and sheriff offices to examine the extent of PC 308 enforcement. This report is posted on the CDHS/TCS website at <http://www.dhs.ca.gov/tobacco/documents/EnfReport04Final.pdf>. CDHS/TCS also conducts ongoing surveillance through the California Tobacco Survey and the California Adult Tobacco Survey to monitor support for enforcement of tobacco sales to minors laws and regulatory efforts to decrease youth access to tobacco.

## 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 2005. (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 California Synar sampling methodology was approved by CSAP in December 2004. Appendix B and C are attached.

*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 and go to Question 8.*

*If No, continue to Question 7b.*

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

**Unweighted RVR** N/A

**Weighted RVR** N/A

**Standard error (s.e.) of the (weighted) RVR** N/A

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

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

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

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

*(Check the one that applies) N/A*

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

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

- Yes    No    No stratification

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

**f. Was a cluster sample design used? N/A**

- Yes    No

*If No, go to Question 7g.*

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

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

- Yes    No

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



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

62

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

## SECTION II: FFY 2006 (Intended Use):

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

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

- Synar sampling methodology     Yes     No  
Synar inspection protocol         Yes     No

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

### 2. Please describe the State's plans to maintain and/or reduce the retailer violation rate for Synar inspections to be completed in FFY 2006. 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 maintain and/or reduce the target rate for Synar inspections to be completed in FFY 2006:

Reducing illegal tobacco sales to minors is a major effort of California's Tobacco Control Program. Multi-year funding is provided to 61 local health departments, all of which are required to address reducing tobacco access to minors in their comprehensive tobacco control plans. Additionally, funds are made available to non-profit community-based organizations to address illegal tobacco sales to minors through a competitive grant process. In FFY 2006, CDHS/TCS will continue to focus on development of local tobacco retail licensing policies which earmark license fees for youth access enforcement. This will be done through the provision of technical assistance teleconferences, training, the development of materials, and promotion of the STORE Campaign (Strategic Tobacco Retail Effort) website. This website, which was launched in 2001, provides a one-stop shopping electronic toolbox of advertisements, case studies, checklists, enforcement guidelines, merchant education materials, PowerPoint presentations, sample forms, sample letters, sample opinion editorials, survey instruments, and protocols, etc., aimed at assisting CDHS/TCS contractors to address the retail sale and marketing of tobacco. The Technical Assistance Law Center (TALC), a CDHS/TCS-funded agency, developed a model licensing ordinance, which provides a template for the funded projects to use locally in developing their policies. In July 2005, CDHS/TCS funded the California Youth Advocacy Network, a statewide multi-year project, to conduct an advocacy campaign promoting local tobacco retail licensing. CDHS/TCS will continue to develop and provide state-of-the art educational materials and will continue to utilize advertising and incorporate public relation strategies aimed at reducing tobacco sales to minors.

Plans for law enforcement efforts to enforce youth tobacco access laws:

During FFY 2006 the CDHS/FDB STAKE Act Enforcement Unit will continue to conduct undercover on-site inspections at tobacco retailers using teen-aged decoys as mandated. The STAKE Act investigators conduct approximately 2,000 inspections annually throughout the state. Stores checked for compliance are selected on a random basis within a given geographic area and/or in response to reports of illegal tobacco sales left on the toll-free number by concerned citizens. In addition to the statewide efforts, investigators enforce two tobacco access related ordinances under contract with the Los Angeles City Attorney's office by conducting inspections of retailers within the city of Los Angeles and reporting the results of those inspections to City officials.

Planned activities that support law enforcement efforts to enforce youth access laws:

Local tobacco control programs will continue to engage in various forms of law enforcement assistance activities, such as youth recruitment, training, violation tracking, surveillance, merchant education, and policy development. Statewide technical assistance and training will continue to be provided to law enforcement personnel to promote enforcement of PC 308(a). CDHS/TCS will continue to promote, via advertising and public relations, the toll-free complaint line created for public reporting of tobacco sales to minors. In addition, technical assistance and training will continue to be provided to local programs on a regular basis, and new interventions will continue to be developed.

Any anticipated changes in youth tobacco access legislation or regulation in the State:

No legislative or regulatory changes are anticipated for FFY 2006.

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

- Limited resources for law enforcement of youth access laws
- Limited resources for activities to support enforcement and compliance with youth tobacco access laws
- Limitations in the State youth tobacco access laws
- Limited public support for enforcement of youth tobacco access laws
- Limitations on completeness/accuracy of list of tobacco outlets
- Limited expertise in survey methodology
- Laws/regulations limiting the use of minors in tobacco inspections
- Difficulties recruiting youth inspectors
- Geographic, demographic, and logistical considerations in conducting inspections

- Cultural factors (e.g., language barriers, young people purchasing for their elders)
- Issues regarding sources of tobacco under tribal jurisdiction
- Other challenges (*please list*): No resources to conduct sampling frame study.
- No challenges (*please explain*): \_\_\_\_\_

*Briefly describe all items checked above:*

Limited resources for law enforcement of youth access laws:

The CDHS/FDB STAKE Act Enforcement Unit operates with limited staff (9 investigators statewide) within a \$1.6 million annual budget which is additionally augmented by funds collected through penalty assessment. The budget situation limits inspection capacity to 5 percent of the approximately 42,000 retailers in the state.

Limitations in the State youth tobacco access laws:

PC 308(a), a criminal law prohibiting the sale of tobacco products to minors, is enforced by local law enforcement agencies. Because the law is enforced through the criminal courts, local district attorneys are often reluctant to prosecute these cases due to their limited time and court costs. Authority for the enforcement of STAKE Act, which is a civilly prosecuted law, is limited to CDHS. In 2004, CDHS sponsored legislation (Assembly Bill 2443, Daucher) to amend STAKE Act to extend enforcement authority to local law and other state law enforcement agencies (e.g. BOE, ABC). The legislation was unsuccessful.

Difficulties recruiting youth inspectors:

The recruitment of youth inspectors is an ongoing challenge for a variety of reasons: conflicting youth priorities, parents who do not want their children to participate, conflicting school schedules, and small rural communities where youth are known to everyone in the community and the anonymity of the youth is compromised. In addition, the sheer size of California presents a challenge in getting full coverage through the state in recruiting youth inspectors.

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

Communication barriers resulting from California's diverse population makes enforcement a challenge. Many tobacco retailers speak a language other than English, making communications difficult, both in the field and when retailers contact headquarters requesting information. It is also necessary that the ethnicity of youth decoys be matched with the area being inspected in order to prevent alert retailers from noticing youth who may not fit the surroundings and thereby compromise inspection operations.

**SSES Table 1 (Synar Survey Estimates and Sample Sizes)**

**CSAP-SYNAR REPORT**

State	California
Federal Fiscal Year (FFY)	2006
Date	7/20/2005 11:34
Data	testsses2005.xls
Analysis Option	Stratified SRS without FPC

**Estimates**

Unweighted Retailer Violation Rate	10.2%
Weighted Retailer Violation Rate	10.2%
Standard Error	1.1%
Is SAMHSA Precision Requirement met?	YES
Right-sided 95% Confidence Interval	[0.0%, 12.1%]
Two-sided 95% Confidence Interval	[8.0%, 12.4%]
Design Effect	1.0
Accuracy Rate (unweighted)	82.0%
Accuracy Rate (weighted)	82.0%
Completion Rate (unweighted)	98.9%

**Sample Size for Current Year**

Effective Sample Size	683
Target (Minimum) Sample Size	683
Original Sample Size	881
Eligible Sample Size	722
Final Sample Size	714
Overall Sampling Rate	2.1%

**SSES Table 2 (Synar Survey Results by Stratum and by OTC/VM)**

STATE:  
California  
FFY: 2006

Samp. Stratum	Var. Stratum	Outlet Frame Size	Estimated Outlet Population Size	Number of PSU Clusters Created	Number of PSU Clusters in Sample	Outlet Sample Size	Number of Eligible Outlets in Sample	Number of Sample Outlets Inspected	Number of Sample Outlets in Violation	Retailer Violation Rate(%)	Standard Error(%)
<b>All Outlets</b>											
1	1	42,000	34,420	N/A	N/A	881	722	714	73	10.2%	
Total		42,000	34,420			881	722	714	73	10.2%	1.1%
<b>Over the Counter Outlets</b>											
1	1	42,000	34,420	N/A	N/A	881	722	714	73	10.2%	
Total		42,000	34,420			881	722	714	73	10.2%	1.1%
<b>Vending Machines</b>											
1	1	0	0	N/A	N/A	0	0	0	0	0.0%	
Total		0	0			0	0	0	0	0.0%	0.0%

**SSES Table 3 (Synar Survey Sample Tally Summary)**

STATE: California  
FFY: 2006

Disposition Code	Description	Count	Subtotal
EC	Eligible and inspection complete outlet	714	
Total (Eligible Completes)			714
N1	In operation but closed at time of visit	3	
N2	Unsafe to access	0	
N3	Presence of police	0	
N4	Youth inspector knows salesperson	1	
N5	Moved to new location but not inspected	0	
N6	Drive thru only/youth inspector has no drivers license	0	
N7	Tobacco out of stock	3	
N8	Run out of time	0	
N9	Other noncompletion (see below)	1	
Total (Eligible Noncompletes)			8
I1	Out of Business	17	
I2	Does not sell tobacco products	82	
I3	Inaccessible by youth	1	
I4	Private club or private residence	34	
I5	Temporary closure	0	
I6	Unlocatable	23	
I7	Wholesale only/Carton sale only	0	
I8	Vending machine broken	0	
I9	Duplicate	2	
I10	Other ineligibility	0	
Total (Ineligibles)			159
Grand Total			881

**Give reasons and counts for other noncompletion:**

Reason	Count
Protocol completed incorrectly	1

**SSES Table 4 (Synar Survey Inspection Results by Youth Inspector Characteristics)**

STATE:  
California  
FFY: 2006

**Frequency Distribution**

Gender	Age	Number of Inspectors	Attempted Buys	Successful Buys
Male	14	0	0	0
	15	18	209	18
	16	15	156	20
	17	0	0	0
	18	0	0	0
	Subtotal	33	365	38
Female	14	0	0	0
	15	12	132	13
	16	17	217	22
	17	0	0	0
	18	0	0	0
	Subtotal	29	349	35
Other		0	0	0
Grand Total		62	714	73

**Buy Rate in Percent by Age and Gender**

Age	Male	Female	Total
14	0.0%	0.0%	0.0%
15	8.6%	9.8%	9.1%
16	12.8%	10.1%	11.3%
17	0.0%	0.0%	0.0%
18	0.0%	0.0%	0.0%
Other			0.0%
Total	10.4%	10.0%	10.2%

**APPENDIX B**

**STATE:** California

**FFY:** 2006

**SYNAR SURVEY SAMPLING METHODOLOGY**

**1. What type of sampling frame is used?**

- List frame (Go to Question 2)
- Area frame (Go to Question 3)
- List-assisted area frame (Go to Question 2)

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

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

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

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

- a. Is any area left out in the formation of the area frame?  Yes  No  
*If Yes, what percentage of the State’s population is not covered by the area frame?*  
 \_\_\_\_\_% N/A

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

Yes  No

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

State law bans vending machines

State law bans vending machines from locations accessible to youth

State has SAMHSA approval to exempt vending machines from the survey

Other (*please describe*): \_\_\_\_\_

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

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

**Unstratified State-wide sample:**

Simple random sample (*go to Question 9*)

Systematic random sample (*go to Question 6*)

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

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

**Stratified sample:**

Simple random sample (*go to Question 7*)

Systematic random sample (*go to Question 6*)

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

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

**Other** (*please describe and go to Question 9*): \_\_\_\_\_

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

N/A

**7. Provide the following information about stratification.**

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

N/A

**b. Is clustering used within the stratified sample?** N/A

**Yes** (go to Question 8)

**No** (go to Question 9)

**8. Provide the following information about clustering.** N/A

**a. Provide a full description of how clusters are formed.** (If multi-stage 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.**

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

Effective (and also Target) sample size is determined by:

**Effective sample size:**

$$n_e = \frac{z_{1-\alpha/2}^2 p(1-p)}{d^2} = \frac{1.96^2 \times 0.20 \times (1-0.20)}{0.03^2} \approx 683$$

where,

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

$p$  = target illegal sales rate of 0.2,

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

The original sample size is then given by

$$n_o = \frac{n_e}{r_l r_c},$$

where  $r_l$  is an estimated eligibility rate and  $r_c$  is an estimated completion rate.

APPENDIX C

STATE: California

FFY: 2006

SYNAR SURVEY INSPECTION PROTOCOL

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

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

a. Consummated buy attempts?

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

b. Youth inspectors to carry ID?

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

c. Adult inspectors to enter the outlet?

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

d. Youth inspectors to be compensated?

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

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

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

List the agency name(s): San Diego State University Foundation  
Behavioral Health Institute (BHI).

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

- Always  Usually  Sometimes  Rarely  Never

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

CDHS/TCS entered into an Interagency Agreement with BHI of the San Diego State University Foundation to conduct the survey. BHI has substantial experience with conducting youth tobacco purchase surveys. Their responsibilities include: verification of stores, finalizing the survey instrument, recruitment of youth, training of youth and research assistants, conducting the survey, and entering the data.

BHI provided youth participants 1½ hours of training prior to participation in the youth tobacco purchase survey using a standardized training protocol. All youth-identifying data was kept confidential to protect the safety and identity of the youth. Youth were trained with a standardized training protocol.

BHI hired several adult research assistants to conduct the youth tobacco purchase survey in Southern California to augment their staff. The research assistants attended a 2-hour training session prior to conducting fieldwork. At the first store site, the research assistants were observed by BHI staff to ensure that the survey procedures were properly followed. Adult supervisors were trained with a standardized training protocol.

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

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

Minors' immunity from prosecution for survey and enforcement participation is granted in the language of the STAKE Act.

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

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

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

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

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

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

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

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

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

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

STAKE Act requires using 15 or 16 year old youth in inspections.

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