ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB № 0930-0222

FFY 2013

State: Nevada

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INTRODUCTION

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

Public reporting burden for the collection of information is estimated to average 15 hours for Section I and 3 hours for Section II, including the time for reviewing instructions, completing and reviewing the collection of information, searching existing data sources, and gathering and maintaining the data needed. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to SAMHSA Reports Clearance Officer; Paperwork Reduction Project; 1 Choke Cherry Road, 7th Floor Rockville, Maryland 20857.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control number for this project is 0930-0222 with an expiration date of 05-31-2013.

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 2012 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2013 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[1] 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.

[1]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) 276-2413 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 Program Services, Division of Grants Management, at (240) 276-1422.

Where and when to submit the Synar report

The Annual Synar Report (ASR) must be received by SAMHSA no later than December 31, 2012. The ASR must be submitted in the **approved OMB report format.** Use of the approved format will avoid delays in the review and approval process. The chief executive officer (or an authorized designee) of the applicant organization must sign page 1 of the ASR certifying that the State has complied with all reporting requirements.

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

- FFY 2013 Synar Survey Results: States that use the Synar Survey Estimation System (SSES) must upload one copy of SSES Tables 1–5 (in Excel) to WebBGAS. States that do not use SSES must upload one copy of ASR Forms 1, 4, and 5, and Forms 2 and 3, if applicable, (in Excel) to WebBGAS.
- Synar Inspection Form: States must upload one blank copy of the inspection form used to record the result of each Synar inspection.
- Synar Inspection Protocol: States must upload a copy of the protocol used to train inspection teams on conducting and reporting the results of the Synar inspections.

Each State SSA Director has been 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
Office of Program Services
Division of Grants Management
Substance Abuse and Mental Health Services Administration

Regular Mail:	**Overnight Mail:**
1 Choke Cherry Road, Rm.7-1091 Rockville, Maryland 20857	1 Choke Cherry Road, Rm.7-1091 Rockville, Maryland 20850

FFY 2012: 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 2012 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 2012 is up-to-date and approved by the Center for Substance Abuse Prevention.
State: Nevada
Name of Chief Executive Officer or Designee: Richard Whitley
Signature of CEO or Designee:
Title: Agency Director **Date Signed:**
If signed by a designee, a copy of the designation must be attached.

FFY: 2012 State: Nevada
Date: 2012

SECTION I: FFY 2012 (Compliance Progress)

YOUTH ACCESS LAWS, ACTIVITIES, AND ENFORCEMENT

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

1. **Please indicate any changes or additions to the State tobacco statute(s) relating to youth access since the last reporting year. If any changes were made to the State law(s) since the last reporting year, please attach a photocopy of the law to the hard copy of the ASR and also upload a copy of the State law to WebBGAS.** *(see 42 U.S.C. 300x-26).*

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

   ☐ **Yes** ☒ **No**

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

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

   *If **Yes,** indicate change. (Check all that apply.)*

   ☐ Changed to require that law enforcement conduct inspections of tobacco outlets
   ☐ Changed to make it illegal for youth to possess, purchase or receive tobacco
   ☐ Changed to require ID to purchase tobacco
   ☐ Other change(s) *(Please describe.)* _____

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

   ☐ **Yes** ☒ **No**

   *If **Yes,** indicate change. (Check all that apply.)*

   ☐ Total ban enacted
   ☐ Banned from location(s) accessible to youth
   ☐ Locking device or supervision required
   ☐ Other change(s) *(Please describe.)* _____

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

   Licensing of tobacco vendors ☐ **Yes** ☒ **No**
   Penalties for sales to minors ☐ **Yes** ☒ **No**

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

   ☒ Placed on file for public review
   ☐ Posted on a State agency Web site *(Please provide exact Web address.)*_____

☐ Notice published in a newspaper or newsletter

☒ Public hearing

☐ Announced in a news release, a press conference, or discussed in a media interview

☐ Distributed for review as part of the SAPT Block Grant application process

☐ Distributed through the public library system

☐ Published in an annual register

☒ Other *(Please describe.)* The Annual Synar Report was presented in an open forum on 09/12/2012. Advanced notice of this hearing was posted in various public locations around the state as per the Nevada Revised Statutes, Open Meeting Law. Notice of the meeting was placed on the Division of Mental Health and Developmental Services (MHDS) Web site. The 2013 approved Nevada Annual Synar Report will be placed on file for public review at the website: *http://mhds.state.nv.us/index.php?option=com_joomdoc&task=cat_view&gid=98&Itemid=81* listed above.

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

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

The Nevada Department of Health and Human Services, Mental Health and Developmental Services (MHDS), Substance Abuse Prevention and Treatment Agency (SAPTA)

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

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

The State of Nevada Office of the Attorney General

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):***

The Nevada Office of the Attorney General is responsible for the enforcement of state tobacco laws governing the sale of tobacco to minors. Attorney General staff assigned to these enforcement activities include a Senior Deputy Attorney General in the Tobacco Enforcement Division (part time), a Deputy Attorney General in the Tobacco Enforcement Division (part time), two investigators (each full time), one management assistant (full time), and eight youths (each part time). The Office conducts uniform compliance checks at all tobacco outlets which are accessible to youth across the State. This uniformity assures that all businesses are treated equitably and ensures program benefits are received throughout the State. This practice also assures that no outlet or group of outlets perceives they are being targeted.

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

4. **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).**

SAPTA is responsible for the implementation of the Synar prevention and control regulations in partnership with the Nevada Office of the Attorney General. Additionally, collaborative arrangements exist with other public programs related to tobacco prevention which are described under section a. of this question.

The Nevada State Health Division is responsible for prevention activities corresponding to the Centers for Disease Control's National Tobacco Control Program.

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

☐ **Yes** ☒ **No**

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

☐ Are the same

☐ Have a formal written memorandum of agreement

☐ Have an informal partnership

☐ Conduct joint planning activities

☐ Combine resources

☒ Have other collaborative arrangement(s) *(Please describe.)* In addition to having an Interlocal Agreement with the Office of the Attorney General, who manages and completes Synar inspections, SAPTA is the Single State Authority for the SAPT Block Grant. Consequently, there is significant coordination and collaboration between the Agency and the primary prevention programs it funds. Additionally, SAPTA works closely with the Center for Disease Control and Prevention (CDC) funded Tobacco Control Project. That program is housed in the Nevada State Health Division. The goals of the Tobacco Control Project are as follows: to prevent the initiation of tobacco use among young people; to promote quitting among young people and adults; to eliminate nonsmokers' exposure to environmental tobacco smoke; and to identify and eliminate the disparities related to tobacco use and its effects among different population groups. Nevada's goals match national tobacco control goals.

SAPTA is also a member of the Nevada Tobacco Prevention Coalition (NTPC) having joined the coalition in 2001. NTPC is a coalition of agencies and individuals whose purpose is to decrease the high prevalence of tobacco use in Nevada.

NTPC does this by raising awareness to Nevada's decision makers and Nevada citizens about issues related to tobacco use and industry marketing. Also, NTPC is actively involved in coordinating prevention activities with state and community agencies, hospitals, schools, and community-based organizations. The NTPC's strategy encompasses the belief that a tobacco free environment and a focus on youth will produce a healthier Nevada.

A Task Force was created as a decision-making body for the Fund for Healthy Nevada. The Fund for Healthy Nevada was established to: solicit public input; establish a process to evaluate health needs; ensure that tobacco control programs are funded; ensure that programs for children, people with disability, and senior citizens are funded; ensure that tobacco settlement money is not used to supplant existing methods of funding; and to develop policies for distribution of grants. In State Fiscal Year 2012 the established Fund for Health Nevada allocations were Independent Living for Seniors, Tobacco Control/Treatment, Children's Health, Disability Services, Disability Rx and Senior Rx. By statute, 20% of tobacco settlement monies must go to fund tobacco control projects.

5. **Please answer the following questions regarding the State's activities to enforce the youth access to tobacco law(s) in FFY 2012** *(see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130(e)).*

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

   ☐ Enforcement is conducted exclusively by local law enforcement agencies.
   ☒ Enforcement is conducted exclusively by State agency(ies).
   ☐ Enforcement is conducted by both local *and* State agencies.

   b. **The following items concern penalties imposed for violations of youth access to tobacco laws by <u>LOCAL AND/OR STATE LAW ENFORCEMENT AGENCIES</u>. 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.**

   The Attorney General's Office combines Synar inspections with enforcement. The Office has been conducting compliance inspections at least twice per year at every retail outlet in the Synar database. Synar sample and enforcement inspections resulted in a total of 52 citations between 10/1/11 and 7/09/12. All citations were misdemeanor criminal charges issued to the person who made the sale of tobacco to the underage youth.

   Currently, the Attorney General's Office receives disposition results pursuant to procedures of various courts, and not all courts provide disposition results to the Office. Therefore, it has been necessary for the Office to research various court records to obtain available disposition results. The Tobacco Enforcement Unit has worked closely with the courts to coordinate the receipt of dispositions, and have achieved some success. The Tobacco Administrative Assistant telephones each court on a regular basis to track and monitor the status of tobacco citations. Based on these telephone calls, court appearances, case status, and court dispositions are tracked and monitored. The information obtained from the courts is managed using MS Excel.

   There is a lag time, which varies by court, for citations to make it to an initial appearance. The following table details the disposition results for the citations described on the next page.

PENALTY	OWNERS	CLERKS	TOTAL
Number of citations issued	NA	52	52
Number of fines issued	NA	24	24
Number of permits/licenses suspended	NA		NA
Number of permits/licenses revoked	NA		NA
We Card and/or Fines	NA	24	24
No information available or in process	NA	13	13
Dismissed (does not include cases where dismissal was based on payment of fine.	NA	7	7
Community Service	NA	2	2
Case Pending	NA	2	2
Pled guilty	NA	1	1

c. Which one of the following best describes the level of enforcement of 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 enforcement compliance check in the last year?

☒ Yes

☐ No

e. 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., 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/Industry Partnering.

Nevada law requires that, after a retail outlet is investigated, a written report of each compliance check be mailed to that particular retailer. The cover letter that accompanies every report encourages on-going training and includes the toll free telephone number for the WE CARD program. Various merchant education flyers are sent along with the report.

The Attorney General's Office continues to provide compliance checks results by facsimile rather than by USPS mail to any retailer that requests the information. This program continues to be popular; hence it has been extended to all stores. Receiving the results of compliance checks by facsimile rather than mail speeds up notification, and it is anticipated that early notification assists the retailer in preventing future violations.

State Attorneys General, including the Nevada Attorney General, have executed several agreements entitled "Assurance of Voluntary Compliance" (AVC) with major retail chains. Launched in 2000, the multi-state enforcement effort by a group of Attorneys General focuses on retailers with poor records of selling tobacco products to minors. The enforcement program's goal is to secure the companies' agreement to take specific corrective actions. The agreements incorporate "best practices" to reduce tobacco sales to minors, which were developed by the Attorneys General in consultation with researchers and state and federal tobacco control officials. Nevada is a party to AVC's which cover all Wal-Mart, CVS, and Kroger / Smiths stores, and all gas stations and convenience stores operating under the 7-Eleven, ARCO, BP Amoco, ExxonMobil, ConocoPhillips, Chevron, Valero and Shell/Motiva brand names. In 2011, the Nevada Attorney General executed an AVC with the Circle-K chain of retailers.

The Nevada Attorney General reports violations to the corporate offices of all those corporations that signed AVC's so that the corporation may take action if the franchisee failed to report the violation(s). The AVC's are a positive and effective step towards precluding the sale of tobacco to minors.

Merchant Incentives.

The Attorney General's Office sends out congratulatory letters to all outlets that do not sell to minors during compliance checks. In addition, when a retail clerk does not sell to underage youth, the investigator congratulates the clerk for having a successful inspection.

In addition, the Attorney General's Office provides the 7-Eleven Corporation with a monthly report of stores which had clerks cited for illegal tobacco sales. The reports are used by the companies to withhold retail benefits from individual stores for a future designated month. Because the withheld benefits can be up to $2,000 per month, it is presumed this is an incentive to motivate retailers to provide proper training for their clerks.

Tobacco Industry Partnering.

Along with several other Attorneys General of MSA states, Nevada's Attorney General signed the Protocol Regarding Remote Sales of Cigarettes with Philip Morris USA and Lorillard Tobacco.

The protocols provide for the: (a) termination of shipments of cigarettes to any of Philip Morris USA or Lorillard's direct customers that the Attorneys General have found to be engaging in illegal Internet and mail order sales; (b) reduction in the amount of product made available to direct customers found by the Attorneys General to be engaged in the illegal re-sale of Philip Morris USA or Lorillard's cigarettes to the Internet vendors; and (c) suspension from the companies incentive programs with regard to any retailer found by the Attorneys General to be engaging in such illegal sales.

Additionally, the Nevada Attorney General's Office sends reports of vendors who sell tobacco products to minors to Phillip Morris and Lorillard.

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:

Inspection protocols remain the same regardless of Synar. There is no bias because compliance checks are done daily and throughout the state as part of overall enforcement and prevention efforts aimed to reduce sales to youth.

g. Please describe the relationship between the State's Synar program and the Food and Drug Administration-funded enforcement program:

None

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 2012 (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.*

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:** **2012**

   b. **Percent coverage from the latest frame coverage study:** **99.5%**

   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:** **2013**

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** 10/01/11 **to** 07/09/12
      MM/DD/YY MM/DD/YY

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

      Eight. SSES Table 4 shows nine youth inspectors because one youth had a birthday.

   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.

   c. **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 2013 (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 2013. 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.**

   Nevada will continue to employ two full time tobacco investigators and supporting youth investigators for the purposes of conducting compliance checks. Using this model, Nevada ensures that every tobacco retailer in the state of Nevada receives at least two compliance checks each year. In addition, Nevada is working with the court system to try to ensure courts are issuing fair and consistent penalties when citations are issued.

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.)*_____

   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.

Limited Resources.

Like many other states across the country, Nevada is in the midst of a budget crisis. Enforcement efforts are always limited by the number of investigators who can be funded for compliance efforts. However, the Tobacco Unit is not down-sizing its work force. Rather, the Attorney General's Office has looked for alternative funding sources to ensure compliance efforts remain in place. For instance, in 2011, the Attorney General's Office was able to hire a third investigator and supporting youth investigators after receiving a grant from the Southern Nevada Health District. The Nevada Attorney General's Office will continue to seek out additional resources to ensure our compliance program remains strong.

The Office of the Attorney General hires the youth used for inspections through standard state employment procedures. Whenever a youth position is open, it is posted for open and competitive recruitment on the State personnel website. Recently, there have not been a large number of qualified female applicants for these positions. As an equal opportunity employer, the State of Nevada cannot refuse to hire a qualified male applicant because he is male in hopes that a qualified female applicant might later apply. The Office of the Attorney General continues to actively recruit qualified applicants for youth positions, and hopes to have more qualified female applicants in the future to assure that an equal mix of males and females are used for inspections.

In general, because Nevada has dedicated two full-time investigations staff to conduct compliance checks, qualified youth applicants are somewhat difficult to recruit as youth schedules are limited by school hours and extra-curricular activities. To overcome these obstacles, the Office of the Attorney General has tried to recruit youth with more flexible schedules, such as homeschooled youth, to compliment the hours that youth with more traditional school schedules might be available. The Office of the Attorney General must consider the long-term availability of youth when making hiring decisions, and schedule availability due to school and extra-curricular commitments is the primary issue when considering the qualifications of youth applicants.

Geographic, demographic, and logistical considerations in conducting inspections.

Nevada is geographically a large state that is sparsely populated outside of its main metropolitan centers in the north (Reno) and south (Las Vegas). As such, costs per inspection due to travel are relatively high, particularly in outlying areas. Weather and overnight in-state travel pose additional management concerns in trying to get to those outlying areas. However, the logistical considerations faced in completing the Synar checks are no different than those typical to many other State run programs.

Issues regarding sources of tobacco under tribal jurisdiction.

Nevada has numerous Indian tribes that sell tobacco products on their reservations. Due to the sovereignty afforded the tribes and the related jurisdictional issues, the State's enforcement agents are precluded from engaging in tobacco compliance check operations on tribal property.

APPENDIXES A: FORMS 1 - 4

SSES Table 1 (Synar Survey Estimates and Sample Sizes)	
CSAP-SYNAR REPORT	
State	Nevada
Federal Fiscal Year (FFY)	2013
Date	2/11/2013 12:05
Data	SSES Export.XLS
Analysis Option	Stratified SRS without FPC
Estimates	
Unweighted Retailer Violation Rate	1.0%
Weighted Retailer Violation Rate	1.0%
Standard Error	0.7%
Is SAMHSA Precision Requirement met?	YES
Right-sided 95% Confidence Interval	[0.0%, 2.2%]
Two-sided 95% Confidence Interval	[0.0%, 2.5%]
Design Effect	1.1
Accuracy Rate (unweighted)	99.0%
Accuracy Rate (weighted)	99.0%
Completion Rate (unweighted)	99.5%
Sample Size for Current Year	
Effective Sample Size	120
Target (Minimum) Sample Size	120
Original Sample Size	196
Eligible Sample Size	194
Final Sample Size	193
Overall Sampling Rate	10.4%

SSES Table 2 (Synar Survey Results by Stratum and by OTC/VM) STATE: Nevada

FFY: 2013

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(%)
All Outlets											
1	1	1,876	1,857	N/A	N/A	196	194	193	2	1.0%	
Total		1,876	1,857			196	194	193	2	1.0%	0.7%
Over the Counter Outlets											
1	1	1,876	1,857	N/A	N/A	196	194	193	2	1.0%	
Total		1,876	1,857			196	194	193	2	1.0%	0.7%
Vending Machines											
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: Nevada	
		FFY: 2013	
Disposition Code	Description	Count	Subtotal
EC	Eligible and inspection complete outlet	193	
Total (Eligible Completes)			193
N1	In operation but closed at time of visit	0	
N2	Unsafe to access	0	
N3	Presence of police	1	
N4	Youth inspector knows salesperson	0	
N5	Moved to new location but not inspected	0	
N6	Drive thru only/youth inspector has no drivers licen	0	
N7	Tobacco out of stock	0	
N8	Run out of time	0	
N9	Other noncompletion	0	
Total (Eligible Noncompletes)			1
I1	Out of Business	1	
I2	Does not sell tobacco products	0	
I3	Inaccessible by youth	0	
I4	Private club or private residence	0	
I5	Temporary closure	1	
I6	Can't be located	0	
I7	Wholesale only/Carton sale only	0	
I8	Vending machine broken	0	
I9	Duplicate	0	
I10	Other ineligibility	0	
Total (Ineligibles)			2
Grand Total			196

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

STATE: Nevada

FFY: 2013

Frequency Distribution

Gender	Age	Number of Inspectors	Attempted Buys	Successful Buys
Male	14	0	0	0
	15	2	34	1
	16	4	91	0
	17	2	34	0
	18	0	0	0
	Subtotal	8	159	1
Female	14	0	0	0
	15	0	0	0
	16	1	34	1
	17	0	0	0
	18	0	0	0
	Subtotal	1	34	1
Other		0	0	0
Grand Total		9	193	2

Buy Rate in Percent by Age and Gender

Age	Male	Female	Total
14	0.0%	0.0%	0.0%
15	2.9%	0.0%	2.9%
16	0.0%	2.9%	0.8%
17	0.0%	0.0%	0.0%
18	0.0%	0.0%	0.0%
Other			0.0%
Total	0.6%	2.9%	1.0%

Note: No more than eight youth inspectors are employed at one time. Eight youth inspectors were used to complete Synar sample inspections this past year; but, one had a birthday and therefore was counted in two age groups bringing the total shown above to nine.

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: Nevada
FFY: 2013

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
Synar Database	6	MS Access Relational Database: Every outlet selling tobacco products and that is accessible to youth throughout the state is identified during compliance inspections.	Every outlet selling tobacco products is inspected at least twice per year for compliance. As inspectors conduct their inspections, they identify and inspect new establishments. This information is continuously updated into the frame database.

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

   a. **Is any area left out in the formation of the area frame?** ☐ **Yes** ☐ **No**

      If ***Yes,*** *what percentage of the State's population is not covered by the area frame?*
      _____%

4. **Federal regulation requires that vending machines be inspected as part of the Synar survey. Are vending machines included in the Synar survey?** ☐ **Yes** ☒ **No**

   If ***No,*** *please indicate the reason 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 statewide sample:

☒ Simple random sample *(Go to Question 9.)*

☐ Systematic random sample *(Go to Question 6.)*

☐ Single-stage cluster sample *(Go to Question 8.)*

☐ Multistage cluster sample *(Go to Question 8.)*

Stratified sample:

☐ Simple random sample *(Go to Question 7.)*

☐ Systematic random sample *(Go to Question 6.)*

☐ Single-stage cluster sample *(Go to Question 7.)*

☐ Multistage cluster sample *(Go to Question 7.)*

☐ **Other** *(Please describe and go to Question 9.)* _____

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

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

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

   b. **Is clustering used within the stratified sample?**

   ☐ **Yes** *(Go to Question 8.)*

   ☐ **No** *(Go to Question 9.)*

8. **Provide the following information about clustering.**

   a. **Provide a full description of how clusters are formed.** *(If multistage clusters are used, give definitions of clusters at each stage.)*

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

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

The SSES Sample Size Calculator was used to determine the minimum adequate sample size. To ensure the study meets SAMHSA's precision requirement, a safety margin of 20% was used.

When using SSES sample size calculator, the formula shown on this page is used for calculating a sample size using a two tail test:

Effective sample size:

$$n_e = \frac{1}{\left(\frac{(s.e.)^2}{P(1-P)} + \frac{1}{N}\right)}$$

where P is the violation rate, s.e. is the standard error of the estimate for 3% margin of error for two-sided confidence interval, and N is the total number of outlets in the sampling frame.

The target sample size (n_t) is the same as the effective sample size for simple random sampling.
The original sample size is determined by:

$$n_o = (1+s)\frac{n_t}{r_l r_c},$$

where s is a safety margin, r_l is the expected eligibility rate, and r_c is the expected completion rate.

Note: If the calculated original sample size is smaller than 10% of the list frame, Nevada will use at least 10% of the list frame. Nevada uses a two tailed test. For FFY 2012, the calculated original sample size was 145, which was less than 10% or only 7% of the list frame. Nevada used 196 for its sample size which was at least 10% of its list frame to assure reliability. Since the design effect = 1, TSS = ESS. The TSS and ESS each were 120, derived from the SSES, for this year. Nevada will continue to use this methodology in the future.

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 Synar Survey Estimation System (SSES) Sample Size Calculator, please provide the following information:

Inputs for Effective Sample Size:

Input for Target Sample Size:

Inputs for Original Sample Size:

b. 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.

Inputs for Effective Sample Size:
RVR: 3.1
Frame Size: 1,873

Input for Target Sample Size:
Design Effect: 1

Inputs for Original Sample Size:
Safety Margin: 20%
Accuracy (Eligibility) Rate: 99.5
Completion Rate: 100.0

APPENDIX C: SYNAR SURVEY INSPECTION PROTOCOL

State: Nevada
FFY: 2013

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

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

a. Consummated buy attempts?

☒ Required ☐ Not permitted
☐ Permitted under specified circumstances ☐ Not specified in protocol

b. Youth inspectors to carry ID?

☒ Required ☐ Not permitted
☐ Permitted under specified circumstances ☐ Not specified in protocol

c. Adult inspectors to enter the outlet?

☐ Required ☐ Not permitted
☒ Permitted under specified circumstances ☐ Not specified in protocol

d. Youth inspectors to be compensated?

☒ Required ☐ Not permitted
☐ Permitted under specified circumstances ☐ Not specified in protocol

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

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

List the agency name(s): **Nevada State Office of the Attorney General**

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

The Nevada Attorney General's Office generally employs eight youth inspectors at a time (four in Southern Nevada and four in Northern Nevada). They are recruited through various means including high school counselors and law enforcement scouting groups. Typically, only eight youth may be employed at one time. The ages of the youth range from 15 years of age to 17 years of age. Great care is taken to select youth whose appearance fits the age criteria. Once a new youth hire has been fully trained and has a grasp of the compliance check protocol, the new youth hire accompanies an experienced youth employee and an investigator in the field where purchase attempts are observed first hand by the new hire. To enhance youth inspector training, the Attorney General's Office developed a youth inspector training manual that will be given to each youth inspector hired.

The Attorney General's Office also employs two full time investigators (one in Southern Nevada and one in Northern Nevada) who supervise the youth in conducting the compliance checks. The investigators are Nevada POST certified law enforcement officers. To recruit investigators, the Attorney General's Office Investigation Division seeks internal as well as external candidates. Complete background checks are completed for all viable candidates. While all Attorney General Investigators have a general policy and procedure manual, the tobacco unit has a tobacco investigator training manual that is specifically tailored to the tobacco enforcement operations.

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

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

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

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 tobacco unit issues a youth inspector manual with procedures designed to assure youth safety during the inspection. When possible, investigators are required to accompany the youths into the stores where tobacco is sold. In addition, investigators are directed not to conduct an inspection if they observe any law enforcement activity or any activity that may be a threat to the safety of the youth (e.g. illegal drug purchases). Furthermore, the Attorney General's Office congratulatory card and lapel pin are not distributed if there is any possible threat to the safety of the underage youth.

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

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

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

Fifteen, sixteen, and seventeen year old minors are used to conduct compliance checks; minors younger than fifteen and older than 17 are not used.

APPENDIX D: LIST SAMPLING FRAME COVERAGE STUDY

(LIST FRAME ONLY)

State: Nevada
FFY: 2013

1. **Calendar year of the coverage study:** 2012

2. a. **Unweighted percent coverage found:** 99%
   b. **Weighted percent coverage found:** 99.5%
   c. **Number of outlets found through canvassing:** 1,876
   d. **Number of outlets matched on the list frame:** 1,867

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

   Nevada uses the entire state as one area. This area was defined to assure a simple random selection of the sample with respect to various frontier and urban population levels within the state.

   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.*

Field observers must perform checks at all new outlets that are not in the database and fill out a Tobacco Compliance Check form which includes all relevant business information.

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.*

Field observers must perform checks at all new outlets that are not in the database and fill out a Tobacco Compliance Check form which includes all relevant business information.

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 State of Nevada physically canvasses the state using the Census approach. "Every outlet selling tobacco products and that is accessible to minors are inspected a minimum of twice per year. As inspectors travel through towns and cities conducting inspections, they are

diligent to identify and inspect new establishments recording pertinent facility data. In addition, inspectors record outlets that were in the sampling frame that do not sell tobacco products. The Synar database is updated accordingly."

Field observers can tell by the inspection forms that are printed out whether or not an outlet sold tobacco. (See 2012 Inspection form, Prior Inspections section)

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

Matches in the Synar sampling frame consists of businesses that can also be found in Nevada's Attorney General Tobacco Unit (AGTU) Census database. Mismatches in the Synar sampling frame consists of businesses that cannot be found in the AGTU Census database, usually due to a name or address change. The database is updated when this occurs.

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

1,867/1,876 = 99.5%