

ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB № 0930-0222

West Virginia

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

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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 States¹ by supporting Synar activities and providing technical assistance helpful in determining the type of enforcement measures and control strategies that are most effective. This information is helpful to 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.

¹The term State is used to refer to all the States and territories required to comply with Synar as part of the Substance Abuse Prevention and Treatment Block Grant Program requirements (42 U.S.C. 300x-64 and 45 C.F.R. 96.121).

Getting assistance in completing the Synar report

If you have questions about programmatic issues, you may call CSAP's Division of State 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.

PUBLIC HEALTH SERVICES ACT AND SYNAR AMMENDMENT	
42 U.S.C. 300x-26 requires each State to submit an annual report of its progress in meeting the requirements of the Synar Amendment and its implementing regulation (45 C.F.R. 96.130) to the Secretary of the Department of Health and Human Services. By signing below, the chief executive officer (or an authorized designee) of the applicant organization certifies that the State has complied with these reporting requirements and the certifications as set forth below.	
SYNAR SURVEY SAMPLING METHODOLOGY	
The State certifies that the Synar survey sampling methodology on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2006 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 2006 is up-to-date and approved by the Center for Substance Abuse Prevention.	
State: <u>West Virginia</u>	
Name of Chief Executive Officer or Designee: <u>Martha Yeager Walker</u>	
Signature of CEO or Designee:	
Title: <u>Secretary, Department of Health & Human Resources</u>	Date Signed: <u>February 6, 2006</u>
If signed by a designee, a copy of the designation must be attached	

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: www.prevnet & www.dhhr.org)

Notice published in a newspaper or newsletter

Public hearing

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

- Distributed for review as part of the SAPT Block Grant application process
- Distributed through the public library system
- Published in an annual register
- Other change(s) (please describe): _____

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

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

The Department of Health and Human Resources, Bureau for Behavioral Health and Health Facilities, Division on Alcoholism and Drug Abuse

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

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

The Division on Alcoholism and Drug Abuse

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):

The Alcohol Beverage Control Administration (ABCA)

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

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

The Department of Health and Human Resources, Bureau for Public Health, Division on Tobacco Prevention

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

FFY: 2006 State: WV
Date: 12/23/05

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>			*88	31	57
Number of <u>finest assessed</u>		<input type="checkbox"/>	50	9	41
Number of <u>permits/licenses suspended</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
Number of <u>permits/licenses revoked</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
<i>Other</i> (please describe):	* Of the 88 citations please note the following: 19 of the owner citations ended with either not being cited after all or the court dismissed the charge, 3 owner citations require additional information prior to citation being written. Citations to clerks please note: 2 citations to clerks were dismissed, 14 cases are in pending status.				

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

- Merchant education and/or training
- Incentives for merchants who are in compliance (e.g., Reward and Reminder)
- Community education regarding youth access laws
- Media use to publicize compliance inspection results
- Community mobilization to increase support for retailer compliance with youth access laws
- Other activities (please list): _____

Briefly describe all checked activities:

- 1) The See Red campaign, originally developed under the Section 214 Synar Penalty, was continued in the spring of 2005 via SAPT BG funds. Dollars were allocated for printing, mailings of materials educating

vendors/merchants on Youth Tobacco Access laws, their responsibility to comply with WV Youth Tobacco Access State Law, their responsibility to advise and educate their employees on complying with WV Youth Tobacco Access State Laws. The cover letter for this training / educational packet was written and signed by the Secretary of the Department of Health and Human Resources. This level of State government was utilized in order to stress the significance of West Virginia's Youth Tobacco Access laws and the Federal Synar legislation. The Synar Field Coordinator also trains West Virginia State Police, field inspectors of the West Virginia Alcohol Beverage Control Administration (ABCA) on the Youth Access Law along with proper and acceptable protocol for inspections, citations etc.

- 2) The 2006 Synar Inspections of vendors which resulted in "no sales" will be sent a "letter of commendation" from either Martha Walker, Secretary of the Department of Health and Human Resources or Joe Manchin III, Governor, State or West Virginia. This letter will congratulate these vendors on their compliance with State Law and caring for West Virginia's youth. This was a project completed for the 2005 Synar Inspections with letters of commendation signed and sent by the Commissioner of the Bureau for Behavioral Health.

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 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 13.5%

Weighted RVR 13.5%

Standard error (s.e.) of the (weighted) RVR 1.3%

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

$$\frac{13.5\%}{\text{RVR Estimate}} + (1.645 \times \frac{1.3\%}{\text{Standard Error}}) = \frac{15.7\%}{\text{Right Limit}}$$

RVR Estimate
Plus
(1.645
times
Standard Error)
equals
Right Limit

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

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

(Check the one that applies)

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

SSES Sample Size Calculator & SSES Table 1

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

- Yes No **No stratification**

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

f. Was a cluster sample design used?

- Yes **No**

If 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.

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

	Sample Size
Effective sample size (sample size needed to meet the SAMHSA precision requirement assuming simple random sampling)	306
Target sample size (the product of the effective sample size and the design effect)	306
Original sample size (inflated sample size of the target sample to counter the sample attrition due to ineligibility and non-completion)	550
Eligible sample size (number of outlets found to be eligible in the sample)	511
Final sample size (number of eligible outlets in the sample for which an inspection was completed)	504

h. Fill out Form 4 in Appendix A (Forms).

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: n/a

b. Percent coverage from the latest frame coverage study: n/a

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: As advised by CSAP

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: August 1, 2005 To: September 30, 2005
MM/DD/YY MM/DD/YY

b. Provide the number of youth inspectors used in the current inspection year:
33

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)

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.

The Division plans to work more closely with the ABCA and the Division on Tobacco Prevention (DTP) regarding inspections and youth tobacco marketing materials. The Division hopes to negotiate or work collaboratively with ABCA in utilizing the \$200,000. the DTP is mandated to allocate to ABCA for youth tobacco access laws and inspections. A meeting has been scheduled with all three entities to discuss these topics and integration of Synar between the 3 agencies. The State Police will continue to act as an inspection team member for all Synar inspections and will be paid accordingly. They will be encouraged to utilize their knowledge of the Synar legislation and WV Youth Tobacco Access laws and begin to monitor their vendors more closely and follow through with citations as needed.

The See Red campaign needs to continue with modifications to accommodate the changes in the appearance of the WV Drivers License backgrounds for the two stages of licensing drivers 18 years and younger. The Division will need to devote additional SAPT Prevention dollars in order to make the changes to all the marketing materials. Again, the Division will request use of the mandated \$200,000. to assist in the cost of this effort.

The Division considers unannounced inspections as an adjunct to the Synar inspections on a year round effort to be the best method in ensuring a reasonable compliance with the State Law on Youth Tobacco Access Laws and Synar compliance. The dollars via the DTP would be well spent on these efforts – i.e. conducting random unannounced inspections year round. The Division on Alcoholism and Drug Abuse is not able to fund this effort due to such limited funding. However, should the ABCA decided to collaborate with the DADA, these activities are a top priority.

Additional efforts are planned for working with the Retailers Association though the Division has **not** been viewed favorably by this group and has not encouraged any participation in regularly scheduled meetings. However, the DADA will continue efforts to work together with the group.

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 challenges (*please explain*): _____

Briefly describe all items checked above:

- 1) The State of West Virginia continues to experience a downward trend in general tax revenue collections along with a year by year decreasing population. The West Virginia State Police receive their funding via the State legislative process and is a part of the “general budget” thus should budget cuts be considered, law enforcement agencies could receive budgets cut also. This would mean a reduction in force in the area of law enforcement. This would obviously adversely affect the availability of their participation in the Synar Inspections.
- 2) Numerous local, county and state law enforcement individuals also serve in the West Virginia National Guard and have been called to active duty multiple times in the current war in Iraq. This strains all levels of the law enforcement community across the State and their availability to participate in the inspections. The situation did reach levels of concern during the 2004, 2005 and 2006 SFY’s Synar program due to high numbers of these individuals called to active duty or assigned to special duty (Sniper shootings in 2004 Synar Inspections).
- 3) The West Virginia State Tax list utilized for the Synar sampling selection continues to be problematic in terms of screening the lists for accuracy. However, the

corrections made each year help the list to move towards a more accurate one as each year ends. The Health Statistics Center within the Department of Health and Human Resources continues to work with the Tax Department for solutions pertaining to the tobacco vendor list.

- 4) The Division on Tobacco Prevention continues to advocate for the introduction of vendor tobacco licensing to the State legislature though anticipates little support of this proposal. The Bureau for Public Health, housing the Division on Tobacco Prevention along with the Alcohol Beverage Control Administration (ABCA) have responsibility for the introduction of any such legislation.
- 5) The DADA is initiating research into neighboring states who have been successful in addressing the significant problem with the current state tax on Alcohol purchases (5%). A tax increase has not been discussed nor legislation introduced regarding an increase on these products since the 1970's. Information has already been obtained NASADAD and SAMHSA regarding other States' efforts in this area. A tax increase would also greatly benefit treatment of addiction services and prevention efforts. Any change in alcohol taxes is anticipated to be a long and slow process in West Virginia due to our own unique Appalachian cultural beliefs and attitudes.

APPENDIX A: FORMS

FORM 1 (Required for all States not using the Synar Survey Estimation System (SSES) to analyze the Synar Survey data)

Complete Form 1 to report sampling frame and sample information and to calculate the unweighted retailer violation rate using results from the current year's Synar survey inspections.

Instructions for Completing Form 1: In the top right hand corner of the form, provide the State name and reporting Federal fiscal year (FFY 2006). Provide the remaining information by stratum if stratification was used. Make copies of the form if additional rows are needed to list all the strata.

Column 1: *If stratification was used:*

1(a) Sequentially number each row.

1(b) Write in the name of each stratum. All strata in the State must be listed.

If no stratification was used:

1(a) Leave blank.

1(b) Write "State" in the first row (indicates that the whole state is a single stratum).

Note for unstratified samples: for columns 2-5, wherever the instruction refers to "each stratum," report the specified information for the State as a whole.

Column 2: 2(a) Report the number of over-the-counter (OTC) outlets in the sampling frame in each stratum.

2(b) Report the number of vending machine (VM) outlets in the sampling frame in each stratum.

2(c) Report the combined total of OTC and VM outlets in the sampling frame in each stratum.

Column 3: 3(a) Report the estimated number of eligible OTC outlets in the OTC outlet population in each stratum.

3(b) Report the estimated number of eligible VM outlets in the VM outlet population in each stratum.

3(c) Report the combined total estimated number of eligible OTC and VM outlets in the total outlet population in each stratum.

The estimates for Column 3 can be obtained from the Synar survey sample as the weighted sum of eligible outlets by outlet type.

Column 4: 4(a) Report the number of eligible OTC outlets for which an inspection was completed, for each stratum.

4(b) Report the numbers of eligible VM outlets for which an inspection was completed, for each stratum.

4(c) Report the combined total of eligible OTC and VM outlets for which an inspection was completed, for each stratum.

Column 5: 5(a) Report the number of OTC outlets found in violation of the law as a result of completed inspections, for each stratum.

5(b) Report the number of VM outlets found in violation of the law as a result of completed inspections, for each stratum.

5(c) Report the combined total of OTC and VM outlets found in violation of the law as a result of completed inspections, for each stratum.

Totals: For each sub-column (a-c) in Columns 2-5, provide totals for the State as a whole in the last row of the table. These numbers will be the sum of the numbers in each row for the respective column.

FORM 2 (Optional)
Appropriate for stratified simple or systematic random sampling designs.

Complete Form 2 to calculate the weighted RVR. This table (in Excel form) is designed to calculate the weighted RVR for stratified simple or systematic random sampling designs, accounting for ineligible outlets and non-complete inspections encountered during the annual Synar survey.

Instructions for Completing Form 2:

In the top right hand corner of the form, provide the State name and reporting Federal fiscal year (FFY 2006).

- Column 1: Write in the name of each stratum into which the sample was divided. These should match the strata reported in Column 1(b) of Form 1.
- Column 2: Report the number of outlets in the sampling frame in each stratum. These numbers should match the numbers reported for the respective strata in Column 2(c) of Form 1.
- Column 3: Report the original sample size (the number of outlets originally selected, including substitutes or replacements) for each stratum.
- Column 4: Report the number of sample outlets in each stratum that were found to be eligible during the inspections. Note that this number must be less than or equal to the number reported in Column 3 for the respective strata.
- Column 5: Report the number of eligible outlets in each stratum for which an inspection was completed. Note that this number must be less than or equal to the number reported in Column 4. These numbers should match the numbers reported in Column 4(c) of Form 1 for the respective strata.
- Column 6: Report the number of eligible outlets inspected in each stratum that were found in violation. These numbers should match the numbers reported in Column 5(c) of Form 1 for the stratum.
- Column 7: Form 2 (in Excel form) will automatically calculate the stratum RVR for each stratum in this column. This is calculated by dividing the number of inspected eligible outlets found in violation (Column 6) by the number of inspected eligible outlets (Column 5). The State unweighted RVR will be shown in the Total row of Column 7.
- Column 8: Form 2 (in Excel form) will automatically calculate the estimated number of eligible outlets in the population for each stratum. This calculation is made by multiplying the number of outlets in the sampling frame (Column 2) times the number of eligible outlets (Column 4) divided by the original sample size (Column 3). Note that these numbers will be less than or equal to the numbers in Column 2.
- Column 9: Form 2 (in Excel form) will automatically calculate the relative stratum weight by dividing the estimated number of eligible outlets in the population for each stratum in Column 8 by the Total of the values in Column 8.
- Column 10: Form 2 (in Excel form) will automatically calculate each stratum's contribution to the State weighted RVR by multiplying the stratum RVR (Column 7) by the relative stratum weight (Column 9). The weighted RVR will be shown in the Total row of Column 10.
- Column 11: Form 2 (in Excel form) automatically calculates the standard error of each stratum's RVR (Column 7). The standard error for the State weighted RVR will be shown in the Total row of Column 11.
- TOTAL: For Columns 2-6, Form 2 (in Excel form) provides totals for the State as a whole in the last row of the table. For Columns 7-11, it calculates the respective statistic for the State as a whole.

FORM 2 (Optional) Appropriate for stratified simple or systematic random sampling designs.

Calculation of Weighted Retailer Violation Rate										
										State: _____
										FFY: <u>2006</u>
(1) Stratum Name	(2) N Number of Outlets in Sampling Frame	(3) n Original Sample Size	(4) n1 Number of Sample Outlets Found Eligible	(5) n2 Number of Outlets Inspected	(6) x Number of Outlets Found in Violation	(7) p=x/n2 Stratum Retailer Violation Rate	(8) N'=N(n1/n) Estimated Number of Eligible Outlets in Population	(9) w=N'/Total Column 8 Relative Stratum Weight	(10) pw Stratum Contribution to State Weighted RVR	(11) s.e. Standard Error of Stratum RVR
TOTAL										

- N - number of outlets in sampling frame
- n - original sample size (number of outlets in the original sample)
- n1 - number of sample outlets that were found to be eligible
- n2 - number of eligible outlets that were inspected
- x - number of inspected outlets that were found in violation
- p - stratum retailer violation rate (p=x/n2)
- N' - estimated number of eligible outlets in population (N'=N*n1/n)
- w - relative stratum weight (w=N'/Total Column 8)
- pw - stratum contribution to the weighted retailer violation rate
- s.e. - standard error of the stratum RVR

FORM 3 (Required when a cluster design is used for all States not using the Synar Survey Estimation System (SSES) to analyze the Synar survey data)

Complete Form 3 to report information about primary sampling units when a cluster design was used for the Synar survey.

Instructions for Completing Form 3:

In the top right hand corner of the form, provide the State name and reporting Federal fiscal year (FFY2006).

Provide information by stratum if stratification was used. Make copies of the form if additional rows are needed to list all the strata.

Column 1: Sequentially number each row.

Column 2: *If stratification was used:* Write in the name of stratum. All strata in the State must be listed.

If no stratification was used: write "State" in the first row to indicate that the whole state constitutes a single stratum.

Column 3: Report the number of primary sampling units (PSUs) (i.e., first-stage clusters) created for each stratum.

Column 4: Report the number of PSUs selected in the original sample for each stratum.

Column 5: Report the number of PSUs in the final sample for each stratum.

TOTALS: For Columns 3-5, provide totals for the State as a whole in the last row of the table.

Summary of Clusters Created and Sampled				
				State: <u> </u>
				FFY: <u>2006</u>
(1) Row #	(2) Stratum Name	(3) Number of PSUs Created	(4) Number of PSUs Selected	(5) Number of PSUs in the Final Sample
TOTAL				

FORM 4 (Required for all States not using the Synar Survey Estimation System (SSES) to analyze the Synar Survey data)

Complete Form 4 to provide detailed tallies of ineligible sample outlets by reasons for ineligibility and detailed tallies of eligible sample outlets with noncomplete inspections by reasons for noncompletion.

Instructions for Completing Form 4:

In the top right hand corner of the form, provide the State name and reporting Federal fiscal year (FFY2006).

Column 1(a): Enter the number of sample outlets found ineligible for inspection by reason for ineligibility. Provide the total number of ineligible outlets in the row marked “**Total**”.

Column 2(a): Enter the number of eligible sample outlets with noncomplete inspections by reason for noncompletion. Provide the total number of eligible outlets with noncomplete inspections in the row marked “**Total**”.

Inspection tallies by reason of ineligibility or noncompletion			
		State	<u>WV</u>
		FFY	<u>2006</u>
(1) INELIGIBLE		(2) ELIGIBLE	
Reason for ineligibility	(a) Counts	Reason for noncompletion	(a) Counts
Out of business	12	In operation but closed at time of visit	5
Does not sell tobacco products	8	Unsafe to access	0
Inaccessible by youth	3	Presence of police	0
Private club or private residence	3	Youth inspector knows salesperson	0
Temporary closure	1	Moved to new location	1
Unlocatable	4	Drive thru only/youth inspector has no driver's license	0
Wholesale only/Carton sale only	1	Tobacco out of stock	1
Vending machine broken	0	Run out of time	0
Duplicate	6	Other noncompletion reason(s) <i>(describe)</i>	0
Other ineligibility reason(s) <i>(describe)</i> Closed due to fire – uncertain when they will rebuild	1		
Total	39	Total	7

FORM 5 (Required for all States not using the Synar Survey Estimation System (SSES) to analyze the Synar survey data)

Complete Form 5 to show the distribution of outlet inspection results by age and gender of the youth inspectors.

Instructions for Completing Form 5:

In the top right hand corner of the form, provide the State name and reporting Federal fiscal year (FFY2006).

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

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

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

Synar Survey Inspector Characteristics		State <u>WV</u>
		FFY <u>2006</u>
	(1) Attempted Buys	(2) Successful Buys
<u>Male</u>		
14 yrs	48	1
15 yrs	65	5
16 yrs	81	14
17 yrs	0	0
18 yrs	0	0
MALE SUBTOTAL	194	20
<u>Female</u>		
14 yrs	93	4
15 yrs	70	16
16 yrs	130	25
17 yrs	17	3
18 yrs	0	0
FEMALE SUBTOTAL	310	48
OTHER	0	0
TOTAL	504	68

APPENDIX B

STATE: WV
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 4 – Statewide retail license/permit list
 2 – Local commercial business list 5 – Statewide liquor license/permit list
 3 – Statewide tobacco license/permit list 6 – Other

Name of Frame Source	Type of Source	Description	Updating Method and Cycle
WV Department of Tax and Revenue	4 – Statewide retail license/permit list	All retail businesses registered in department with licensure.	Updated monthly with renewal licensure notice every two years.

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 State-wide sample:

- Simple random sample (go to Question 9)
 Systematic random sample (go to Question 6)
 Single-stage cluster sample (go to Question 8)
 Multi-stage cluster sample (go to Question 8)

Stratified sample:

- Simple random sample (go to Question 7)
 Systematic random sample (go to Question 6)
 Single-stage cluster sample (go to Question 7)
 Multi-stage cluster sample (go to Question 7)

Other (please describe and go to Question 9): _____

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

7. Provide the following information about stratification

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

b. Is clustering used within the stratified sample?

- Yes** (go to Question 8)
 No (go to Question 9)

8. Provide the following information about clustering

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

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

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

Provided by the SSES software.

APPENDIX C

STATE: WV
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): West Virginia Prevention Resource Center

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.

The Community Development Specialist in Substance Abuse Prevention has numerous contacts throughout a variety of settings. The CDSSAP's do a significant amount of work within the school systems and thus is able to meet and work with youth in a prevention setting. The school system thus is a natural "recruiting" place for the Synar Inspection Teams. CDSSAP's also spend a significant amounts of time working with local community groups, both with young and older members. CDSSAP's will "recruit" youth to participate on the inspection team. Training materials were developed for CDSSAP's youth , and law enforcement officers.

All youth receive training prior to inspection implementation. Training procedures for Youth are formally written and used during the training period. Troopers are trained solely by the Synar Compliance Monitor prior to the inspection process. The training utilizes a formal written protocol as well as verbal discussions individually with each trooper prior to implementation. Community Development Specialist are trained by the Synar Compliance Monitor. They receive written copies of each inspection team member's procedural 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*):

Contained within West Virginia State Code: Article 9A. Tobacco Usage Restrictions 16-9A-7. Persons under the age of eighteen years may be enlisted by such commissioner, superintendent, sheriffs or chiefs of police or employees or agents thereof to test compliance with these sections: Provided, That the minors may be used to test compliance only if the testing is conducted under the direct supervision of the commissioner, superintendent, sheriffs or chiefs of police or employees or agents thereof and written consent of the parent or guardian of such person is first obtained and such minors shall not be in violation of section three of this article and chapter when acting under the direct supervision of the commissioner, superintendent, sheriffs or chiefs of police or employees or agents thereof and with the written consent of the parent or guardian.

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

The above referenced State Law that provides for the immunity, every precaution is taken that the youth will not have to appear in court should a citation be contested by the vendor. However, it is up to the county magistrate or judge to require the youth to appear in court. Since the law enforcement officer is the actual witness to the buy, it is seldom necessary to call the youth to appear.

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*):

Contained within West Virginia State Code: Article 9A. Tobacco Usage Restrictions 16-9A-7. A law enforcement officer is required, by law, to participate in the inspection team on each inspection.

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

Seat belts must be worn. There is no use of tobacco products during inspections on the way to/from inspections by adults. In most cases, youth from adjacent counties are used to inspect counties selected for Synar inspection unless the county is large enough to protect their identity. Law enforcement officer witness entire attempt/buy of tobacco product. Law enforcement officer enter the outlet prior to the youth. The youth immediately leaves the outlet and returns to the vehicle prior to the law enforcement officer. If the youth feels unsafe in a situation or if the outlet is deemed to be unsafe by the law enforcement officer or other adult inspection team member, the inspection of that particular outlet is not completed.

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

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

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

The age of youth inspectors must be 14, 15, & 16 years of age. Youth's 15 or 16 years of age must have a State Learners license with a RED background (color coded State Drivers license). Youths 14 years of age carry no ID. All youth / parents / guardians sign consent forms.

No specific time is designated for Synar inspections. Inspection implementation is determined upon team members (Trooper, Adult Coordinator, Youth) availability

Procedures are in place within the inspection protocol itself that describes specific actions to take from the beginning of the inspection when the youth enters the business, the amount of money given to the youth for purchasing purposes, the brand of cigarettes to request, the exit of the youth immediately following the request and subsequent purchase/denial. Prior to the state trooper issuing the citation, the youth inspector is to be in the vehicle and out of the sight of the vendor.

FFY: 2006 State: WV

Date: 12/23/05

Only 14, 15, 16 and 17 year olds are utilized for the Synar inspections. This reporting year, only 1 individual was 14 years of age and her inspections were quite limited in number. The majority of the youth were 15 – 17 years of age.

APPENDIX D

STATE: WV
FFY: 2006

List Sampling Frame Coverage Study
(LIST FRAME ONLY)

1. **Calendar year of the coverage study:** 2005

2. **Percent coverage found:** 92.4 %
(Provide calculation of the percent coverage)

Total Number of Business Found Selling Tobacco in Selected Census Tracts	131
Existing Business Selling Tobacco NOT in Original List	10
Existing Business Selling IN Original List	121
Percent of Existing Business Selling Tobacco NOT in Original List	7.6%
Percent of Existing Business Selling IN Original List	92.4%

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

West Virginia
2005 Synar Coverage Study Results

There were a total of 30 randomly selected census tracts in West Virginia used for the Coverage Study. These tracts were spread throughout 20 different counties. Nine of the chosen tracts were considered urban as defined by the U.S. Department of Agriculture (<http://www.ers.urban.gov/briefing/rurality/RuralUrbCon/>) while eight were considered rural. The remaining 13 tracts were located in a combination of rural and urban areas.

According to SAMHSA recommendations, West Virginia was expected to sample anywhere from 130 to 200 outlets. There were 131 tobacco selling outlets (that minors can access) found in these census tracts during canvassing. Ten of these outlets were determined to be missing from our original 2005 screened Synar list. This gives West Virginia an overall accuracy rate of 92.4%.

The following is the list of each county and census tract within chosen for the Coverage Study. It also contains the number of outlets within which was and was not originally on the Synar screening list:

<u>County</u>	<u>Tract</u>	<u>Total Outlets Found</u>	<u>Originally In SYNAR List</u>	<u>Not Originally In SYNAR List</u>	<u>Percent</u>
Berkeley	9717	10	10	0	100.0
Cabell	3	1	1	0	100.0
	6	3	1	2	33.3
Cabell	(Total)	4	2	2	50.0
Fayette	206	4	3	1	75.0
Grant	9694	4	4	0	100.0
Hampshire	9686	3	3	0	100.0
Harrison	312	4	4	0	100.0
Jackson	9632	2	2	0	100.0
Jefferson	9723	4	4	0	100.0
	9725	5	4	1	80.0
Jefferson	(Total)	9	8	1	88.9
Kanawha	13	4	4	0	100.0
	107.02	1	1	0	100.0
	109	1	1	0	100.0
	138	3	3	0	100.0
Kanawha	(Total)	9	9	0	100.0
McDowell	9537	8	7	1	87.5
Marion	213	6	6	0	100.0
Marshall	107.02	3	3	0	100.0
Mercer	9521	0	0	0	0.0
Monongalia	111	9	8	1	88.9
	118.02	4	3	1	75.0
Monongalia	(Total)	13	11	2	84.6
Ohio	20	4	4	0	100.0
Raleigh	107	2	2	0	100.0
Taylor	9646	6	6	0	100.0
Wetzel	48	11	11	0	100.0
	304	6	6	0	100.0
	307	5	5	0	100.0
Wetzel	(Total)	22	22	0	100.0

Continued on next page

<u>County</u>	<u>Tract</u>	<u>Total Outlets Found</u>	<u>Originally In SYNAR List</u>	<u>Not Originally In SYNAR List</u>	<u>Percent</u>
Wood	8.01	1	1	0	100.0
	105.01	1	1	0	100.0
Wood	(Total)	2	2	0	100.0
Wyoming	9529.01	12	9	3	75.0
	9530	4	4	0	100.0
Wyoming	(Total)	16	13	3	81.3
<hr/>					
WV Total		131	121	10	92.4

All ten of these outlets missing from our original 2005 screened Synar list have been in existence even before the Synar screening process began. They could have not been on the WV Department of Tax and Revenue's database and/or overlooked in the screening process. However, there is a place in Monongalia County Census tract 111 which was in business before but is no longer selling tobacco as some unspecified time this year. There is another place in Monongalia County (Census tract 118.02) where we have been unable to confirm how long they have been in business at this time but we believe that was before this year's screening process began.

There are two additional new businesses found in these Census tracts. One is a tobacco store located in Marshall County Census tract 207.02 which opened in September of this year. The other outlet is a department store (Wal-Mart) located in McDowell County Census tract 9537 which opened on October 22 of this year.

There were some specific issues in completing this study, as expected. West Virginia is primarily a rural state while homes and businesses are sparsely distributed in many of these areas. Many addresses on our Synar list frame contain only a rural route, county, or state route number. This makes it difficult to locate on a map and also for inspectors to find unless they have prior knowledge. Finally, in some cases excessive time, travel, and expenses were unavoidable especially for those inspectors who canvassed the larger census tracts.