ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB № 0930-0222

FFY 2015

State: Nebraska

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Public Burden Statement: An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this project is 0930-0222. Public reporting burden for this collection of information is estimated to average 18 hours per respondent, per year, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to SAMHSA Reports Clearance Officer, 1 Choke Cherry Road, Room 2-1057, Rockville, Maryland, 20857.

INTRODUCTION

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

How the Synar report helps the Center for Substance Abuse Prevention

In accordance with the tobacco regulations, states are required to provide detailed information on progress made in enforcing youth tobacco access laws (FFY 2014 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2015 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) 276-2550 and ask for your respective State Project Officer, or contact your State Project Officer directly by telephone or email. If you have questions about fiscal or grants management issues, you may call the Grants Management Officer, Office of Financial Resources, Division of Grants Management, at (240) 276-1422.

Where and when to submit the Synar report

The ASR must be received by SAMHSA no later than December 31, 2014 and must be submitted in the format specified by these instructions. Use of the approved format will avoid delays in the review and approval process. The chief executive officer (or an authorized designee) of the applicant organization must sign page one of the ASR certifying that the state has complied with all reporting requirements.

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

- FFY 2015 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
Division of Grants Management
Office of Financial Resources
Substance Abuse and Mental Health Services Administration

Regular Mail:

1 Choke Cherry Road, Rm.7-1091
Rockville, Maryland 20857

Overnight Mail:

1 Choke Cherry Road, Rm.7-1091
Rockville, Maryland 20850

FFY 2015: 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 2015 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 2015 is up-to-date and approved by the Center for Substance Abuse Prevention.
State: Nebraska
Name of Chief Executive Officer or Designee: Scot L. Adams, Ph. D.
Signature of CEO or Designee:
Title: Director Division of Behavioral Health **Date Signed:** 12/12/2014
If signed by a designee, a copy of the designation must be attached.

SECTION I: FFY 2014 (Compliance Progress)

YOUTH ACCESS LAWS, ACTIVITIES, AND ENFORCEMENT

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

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

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

   ☐ **Yes** ☒ **No**

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

   b. **Have there been any changes in state law that impact the state's protocol for conducting *Synar inspections?***

   ☐ **Yes** ☒ **No**

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

   c. **Have there been any changes in state law that impact the following?**

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

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

   ☐ Placed on file for public review
   ☐ Posted on a state agency Web site *(Please provide exact Web address and the date when the FFY 2015 ASR was posted to this 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 SABG application process
   ☐ Distributed through the public library system
   ☐ Published in an annual register

☒ Other *(Please describe.)* Presented as a draft to the joint meeting of the Statewide Advisory Committee on Mental Health Services and the Statewide Advisory Committee on Substance Abuse Services November 13, 2014.

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:***

   Nebraska Department of Health and Human Services, Division of Behavioral Health

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

   ☐ **Yes** ☒ **No**

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

   Nebraska Department of Health and Human Services, Division of Behavioral Health via the Nebraska State Patrol

   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):***

   Nebraska State Patrol

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

   ☐ **Yes** ☒ **No**

4. **Identify the following agencies and describe their relationship with the agency responsible for the oversight of the Synar requirements.**

   a. **Identify the state agency responsible for tobacco prevention activities (the agency that receives the Centers for Disease Control and Prevention's National Tobacco Control Program funding).**
   Nebraska Department of Health and Human Services, Division of Public Health, Health Promotion Unit, Tobacco Free Nebraska

   b. **Has the responsible agency changed since last year's Annual Synar Report?**
   ☐ **Yes** ☒ **No**

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

   ☐ Are the same
   ☐ Have a formal written memorandum of agreement
   ☒ Have an informal partnership

☒ Conduct joint planning activities
☐ Combine resources
☐ Have other collaborative arrangement(s) *(Please describe.)* _____

d. **Identify the state agency responsible for enforcing the youth access and advertising restrictions in the Family Smoking Prevention and Tobacco Control Act (the agency that is under contract to the Food and Drug Administration's Center for Tobacco Products (FDA/CTP)).**
Nebraska is not under contract with the FDA/CTP at this time. The FDA/CTP has a direct contract with Information Systems & Networks (ISN) to fulfill this responsibility.

e. **Has the responsible agency changed since last year's Annual Synar Report?**
☒ **Yes** ☐ **No**

f. **Describe the coordination and collaboration that occur between the agency contracted with the FDA to enforce federal youth tobacco access laws and the agency responsible for oversight of the Synar requirements.** ***(Check all that apply.)*** **The two agencies:**

☐ Are the same
☐ Have a formal written memorandum of agreement
☒ Have an informal partnership
☐ Conduct joint planning activities
☐ Combine resources
☐ Have other collaborative arrangement(s) *(Please describe.)* _____

g. **Does the state use data from the FDA enforcement inspections for Synar survey reporting?**
☐ **Yes** ☒ **No**

5. **Please answer the following questions regarding the state's activities to enforce the state's youth access to tobacco law(s) in FFY 2014** *(see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130(e)).*

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

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

b. The following items concern penalties imposed for all violations of state youth access to tobacco laws by LOCAL AND/OR STATE LAW ENFORCEMENT AGENCIES (this does not include enforcement of federal youth tobacco access laws). Please fill in the number requested. If state law does not allow for an item, please mark "NA" (not applicable). If a response for an item is unknown, please mark "UNK." The chart must be filled in completely.

PENALTY	OWNERS	CLERKS	TOTAL
Number of citations issued	11	61	72
Number of fines assessed	UNK	UNK	UNK
Number of permits/licenses suspended	UNK		UNK
Number of permits/licenses revoked	UNK		UNK
Other *(Please describe.)*	NA	NA	NA

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

☐ Enforcement is conducted only at those outlets randomly selected for the Synar survey.

☐ Enforcement is conducted only at a subset of outlets not randomly selected for the Synar survey.

☒ Enforcement is conducted at a combination of outlets randomly selected for the Synar survey and outlets not randomly selected for the Synar survey.

d. Did every tobacco outlet in the state receive at least one compliance check that included enforcement of the state youth tobacco access law(s) in the last year?

☐ **Yes** ☒ **No**

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

☒ Merchant education and/or training
☒ Incentives for merchants who are in compliance (e.g., nonenforcement compliance checks in which compliant retailers are given positive reinforcement and noncompliant retailers are warned about youth access laws)
☒ Community education regarding youth access laws
☒ Media use to publicize compliance inspection results
☒ Community mobilization to increase support for retailer compliance with youth access laws
☒ Other activities *(Please list.)* Approach to policy

Briefly describe all checked activities:

Merchant education:

Training for local retailers is carried out on an on-going basis by Lancaster County and Lincoln County. These two grantees receive state funding for comprehensive

tobacco prevention and control from Nebraska Department of Health and Human Services' Tobacco Free Nebraska (TFN) program. Lincoln County provides education to retailers on the importance of preventing illegal sales for both alcohol and tobacco. Additionally, Substance Abuse Prevention and Treatment Block Grant funded coalitions share the effort to help educate retailers and raise awareness about tobacco regulations, their purpose, and the consequences of non-compliance via the FDA's "Break the Chain of Tobacco Addiction" resources.

Incentives for merchants:

This effort includes posting each year's list of violators for compliance checks to DHHS's website and sharing the results at the state advisory committee and regional meetings. DHHS does not provide direct incentives, instead utilizes strategies in partnership with local tobacco coalitions such as local merchant education, training and self-regulation as part of a larger comprehensive tobacco prevention system.

Community education regarding youth access laws:

A summary of the state's laws related to legal age for tobacco purchase/use and retailer responsibility to enforce youth access laws are continuously posted on the DHHS website.

Media:

In addition to posting annual Synar results, both DHHS and local coalitions utilize media outlets such as websites, press releases and newspaper ads to highlight retailers that are in compliance with the state laws. Coalitions conducting retailer compliance checks utilize (earned) media advocacy strategies to inform the public about these results by issuing news releases noting the retailers who were found in compliance and/or those who were not.

Community mobilization:

TFN partners with the DBH to mobilize community education, outreach, and support activities related to youth tobacco issues. "No Limits" is Nebraska's first youth-led movement dedicated to reducing the influences of the tobacco industry on our youth. Through peer-to-peer education and youth empowerment, No Limits is giving Nebraska teens the know-how, skills, and resources to effectively resist using tobacco. The latest theme, "Join the Clean Air Revolution," focuses on empowering youth to change social norms across Nebraska by spreading the smoke-free air policies outdoors. This youth movement is made possible by TFN and the funding comes in part from the Nebraska Health Care Cash Fund which distributes payments from the Tobacco Master Settlement Agreement.

Approach to policy:

A variety of state policies are in place to protect youth access and to prohibit the sale of tobacco (including smokeless and vapor) products to a minor. It is state law that any individual or licensee who shall give or furnish tobacco products to a minor is guilty of a Class III misdemeanor. Although there is not a state product placement law, several communities in Nebraska have adopted local ordinances requiring that tobacco products are behind the counter or locked up. Additionally, several corporate entities with retail tobacco outlets in Nebraska have signed

Assurances of Voluntary Compliance with the Nebraska Attorney Generals' office to restrict product placement in their outlets. Each agreement also includes multiple provisions to reduce youth access to tobacco including: hiring and training policies for employees; internal compliance checks and other types of corporate self-monitoring; vendor assisted sales; and enforcement mechanisms. Nebraska's Clean Indoor Air Act also protects the public health and welfare by prohibiting smoking in public places and places of employment.

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:

If the law is violated, the person making the sale (clerk) is cited. Both the clerk and manager are cited if the officer believes he can substantiate that "… any officer, director or manager having charge or control either separately or jointly with others, of the business of any corporation which violated the provisions of sections 28-1420 to 28-1429, if he has knowledge of the same, shall be subject to the penalties provided in this section …" In addition to the penalties provided in this section, such licensee shall be subject to the additional penalty of a revocation and forfeiture of his, their, or its license, at the discretion of the court before whom the complaint for violation of said sections may be heard. If such license be revoked and forfeited, all rights under such license shall at once cease and terminate. (NEB. REV. STAT. 28 - 1425).

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 2014 (see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).

6. Has the sampling methodology changed from the previous year?

☐ **Yes** ☒ **No**

The state is required to have an approved up-to-date description of the Synar sampling methodology on file with CSAP. Please submit a copy of your Synar Survey Sampling Methodology (Appendix B). If the sampling methodology changed from the previous reporting year, these changes must be reflected in the methodology submitted.

7. Please answer the following questions regarding the state's annual random, unannounced inspections of tobacco outlets *(see 45 C.F.R. 96.130(d)(2)).*

a. Did the state use the optional Synar Survey Estimation System (SSES) to analyze the Synar survey data?

☒ **Yes** ☐ **No**

*If **Yes,** attach SSES summary tables 1, 2, 3, and 4 to the hard copy of the ASR and upload a copy of SSES tables 1–5 (in Excel) to WebBGAS. Then go to Question 8. If **No,** continue to Question 7b.*

b. Report the weighted and unweighted Retailer Violation Rate (RVR) estimates, the standard error, accuracy rate (number of eligible outlets divided by the total number of sampled outlets), and completion rate (number of eligible outlets inspected divided by the total number of eligible outlets).

Unweighted RVR N/A

Weighted RVR N/A

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

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

N/A	+	(1.645	×	N/A)	=	N/A
RVR Estimate	**plus**	(1.645	**times**	**Standard Error)**	**equals**	**Right Limit**

Accuracy rate N/A

Completion rate N/A

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

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

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

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

N/A

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.*

N/A

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

☐ **Yes** ☐ **No**

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

*If **No,** go to Question 7g.*

Were any certainty primary sampling units selected this year?

☐ **Yes** ☐ **No**

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

N/A

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)	N/A
Target sample size (the product of the effective sample size and the design effect)	N/A
Original sample size (inflated sample size of the target sample to counter the sample attrition due to ineligibility and noncompletion)	N/A
Eligible sample size (number of outlets found to be eligible in the sample)	N/A
Final sample size (number of eligible outlets in the sample for which an inspection was completed)	N/A

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

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

☒ **Yes** ☐ **No**

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

a. **The calendar year of the latest frame coverage study:** 2013

b. **Percent coverage from the latest frame coverage study:** 96.2%

c. **Was a new study conducted in this reporting period?**

☐ **Yes** ☒ **No**

*If **Yes,** please complete Appendix D (List Sampling Frame Coverage Study) and submit it with the Annual Synar Report.*

d. **The calendar year of the next coverage study planned:** 2018

9. **Has the Synar survey inspection protocol changed from the previous year?**

☐ **Yes** ☒ **No**

The state is required to have an approved up-to-date description of the Synar inspection protocol on file with CSAP. Please submit a copy of your Synar Survey Inspection Protocol (Appendix C). If the inspection protocol changed from the previous year, these changes must be reflected in the protocol submitted.

a. **Provide the inspection period: From** 4/15/2014 **to** 9/30/2014
MM/DD/YY MM/DD/YY

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

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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.

N/A

b. **Fill out and attach Form 5 in Appendix A (Forms 1–5).** *(Not required if the state used SSES to analyze the Synar survey data.)*

SECTION II: FFY 2015 (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 2015. 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.**

With the April 9, 2014 passage of LB863, several important changes have now impacted the sale and display of cigarettes, cigars, "vapor products" (e-cigarettes and similar products), "alternative nicotine products" or tobacco in any form that all retailers, tobacco retail license holders, and law enforcement need to be aware of. While the State does not foresee any additional changes in law enforcement activities, DBH community grantees and Division of Public Health Tobacco Prevention grantees will assist in educating the local community of the new changes and about the importance of retailer enforcement of youth tobacco access and sale law.

During FFY 2015 the State will continue to explore options for development of a centralized, continuously updatable, tobacco licensing system for Nebraska and to improve the listings from which we draw the tobacco retailers. As part of the annual renewal process for tobacco licensees, information regarding tobacco access laws and the goals of Synar Regulation will be included in the mailings sent to all 93 county and 532 municipal clerks.

The five year strategic plan for the Prevention System includes a measure for the Synar program. In support of this initiative, local coalitions remain instrumental in implementing non-Synar activities in communities where the RVR is higher than the statewide average. The DBH also plans to standardize the practice of positive rewards for vendors that do not sell tobacco to youths during investigations and publishing the names of vendors in compliance in local newspapers, websites and other sources of media.

The Food and Drug Administration contract for enforcement of the federal tobacco control laws is now in place with Information Systems & Networks (ISN). The Synar workgroup is working to ensure ongoing communication with ISN and collaborate when possible. The DBH will review for trends in violation by monitoring the FDA webpage for compliance and enforcement for information made available on their inspection database, warning letters, and civil money penalty complaints specific to Nebraska. The State believes an additional

workforce implementing FDA inspections throughout the entire state will assist in decreasing the state's Synar RVR.

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

- ☐ Limited resources for law enforcement of youth access laws
- ☐ Limited resources for activities to support enforcement and compliance with youth tobacco access laws
- ☐ Limitations in the state youth tobacco access laws
- ☐ Limited public support for enforcement of youth tobacco access laws
- ☐ Limitations on completeness/accuracy of list of tobacco outlets
- ☐ Limited expertise in survey methodology
- ☐ Laws/regulations limiting the use of minors in tobacco inspections
- ☒ Difficulties recruiting youth inspectors
- ☒ Issues regarding the age balance of youth inspectors
- ☒ Issues regarding the gender balance of youth inspectors
- ☒ Geographic, demographic, and logistical considerations in conducting inspections
- ☐ Cultural factors (e.g., language barriers, young people purchasing for their elders)
- ☒ Issues regarding sources of tobacco under tribal jurisdiction
- ☐ Other challenges *(Please list.)*_____

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.

Difficulties Recruiting Youth Inspectors:

This is attributed to the fact that travel distance and time can be arduous, especially when inspection teams must travel 3-4 hours to conduct one or two inspections. The time available to participate in inspections is often competing with school activities and other priorities thus making it difficult to recruit cooperating individuals.

Issues Regarding the Age Balance of Youth Inspectors:

The State continues to strive for an even 50/50 split between each age group.

Issues Regarding the Gender Balance of Youth Inspectors:

The State continues to strive for an even 50/50 split between genders in each age group.

Geographic, Demographic, and Logistical Considerations in Conducting Inspections:

Distances between communities, especially in western Nebraska, make conducting inspections by the Nebraska State Patrol particularly difficult. The 400 plus visits for the Synar program are conducted over a four-month period. It is common for many communities to have just one inspection and the travel time from the patrol officers' base to be several hours each way. The DBH is interested in technical assistance to improve our reach to remote sections of frontier and rural areas in the state.

Issues Regarding Sources of Tobacco Under Tribal Jurisdiction:

The DBH is interested in technical assistance to help improve this effort. As part of the annual process for developing each calendar year's list of tobacco retailers, every county, municipality and village in Nebraska is solicited for a list of current license

holders. This includes individual written correspondence to each Native American reservation and community. Response rate has historically been little to none as the state has no authority or jurisdiction in these areas.

APPENDIX A: FORMS 1–5

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

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

Instructions for Completing Form 1: In the top right-hand corner of the form, provide the state name and reporting federal fiscal year (FFY 2015). Provide the remaining information by stratum if stratification was used. Make copies of the form if additional rows are needed to list all the strata.

Column 1: *If stratification was used*:

1(a) Sequentially number each row.
1(b) Write in the name of each stratum. All strata in the state must be listed.

If no stratification was used:

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

Note for unstratified samples: For Columns 2–5, wherever the instruction refers to "each stratum," report the specified information for the state as a whole.

Column 2: 2(a) Report the number of over-the-counter (OTC) outlets in the sampling frame in each stratum.
2(b) Report the number of vending machine (VM) outlets in the sampling frame in each stratum.
2(c) Report the combined total of OTC and VM outlets in the sampling frame in each stratum.

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

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

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

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

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

FORM 1 (Required for all states not using the Synar Survey Estimation System [SSES] to analyze the Synar Survey data.)

Summary of Synar Inspection Results by Stratum

State: _____

FFY: 2015

(1)		(2)			(3)			(4)			(5)		
STRATUM		NUMBER OF OUTLETS IN SAMPLING FRAME			ESTIMATED NUMBER OF ELIGIBLE OUTLETS IN POPULATION			NUMBER OF OUTLETS INSPECTED			NO. OF OUTLETS FOUND IN VIOLATION DURING INSPECTIONS		
(a) Row #	(b) Stratum Name	(a) Over-the-Counter (OTC)	(b) Vending Machines (VM)	(c) Total Outlets (2a+2b)	(a) Over-the-Counter (OTC)	(b) Vending Machines (VM)	(c) Total Outlets (3a+3b)	(a) Over-the-Counter (OTC)	(b) Vending Machines (VM)	(c) Total Outlets (4a+4b)	(a) Over-the-Counter (OTC)	(b) Vending Machines (VM)	(c) Total Outlets (5a+5b)

RECORD COLUMN TOTALS ON LAST LINE (LAST PAGE ONLY IF MULTIPLE PAGES ARE NEEDED).

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

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

Instructions for Completing Form 2: In the top right-hand corner of the form, provide the state name and reporting federal fiscal year (FFY 2015).

Column 1: Write in the name of each stratum into which the sample was divided. These should match the strata reported in Column 1(b) of Form 1.

Column 2: Report the number of outlets in the sampling frame in each stratum. These numbers should match the numbers reported for the respective strata in Column 2(c) of Form 1.

Column 3: Report the original sample size (the number of outlets originally selected, *including* substitutes or replacements) for each stratum.

Column 4: Report the number of sample outlets in each stratum that were found to be eligible during the inspections. Note that this number must be less than or equal to the number reported in Column 3 for the respective strata.

Column 5: Report the number of eligible outlets in each stratum for which an inspection was completed. Note that this number must be less than or equal to the number reported in Column 4. These numbers should match the numbers reported in Column 4(c) of Form 1 for the respective strata.

Column 6: Report the number of eligible outlets inspected in each stratum that were found in violation. These numbers should match the numbers reported in Column 5(c) of Form 1 for the stratum.

Column 7: Form 2 (in Excel form) will automatically calculate the stratum RVR for each stratum in this column. This is calculated by dividing the number of inspected eligible outlets found in violation (Column 6) by the number of inspected eligible outlets (Column 5). The state unweighted RVR will be shown in the Total row of Column 7.

Column 8: Form 2 (in Excel form) will automatically calculate the estimated number of eligible outlets in the population for each stratum. This calculation is made by multiplying the number of outlets in the sampling frame (Column 2) times the number of eligible outlets (Column 4) divided by the original sample size (Column 3). Note that these numbers will be less than or equal to the numbers in Column 2.

Column 9: Form 2 (in Excel form) will automatically calculate the relative stratum weight by dividing the estimated number of eligible outlets in the population for each stratum in Column 8 by the Total of the values in Column 8.

Column 10: Form 2 (in Excel form) will automatically calculate each stratum's contribution to the state weighted RVR by multiplying the stratum RVR (Column 7) by the relative stratum weight (Column 9). The weighted RVR for the state will be shown in the Total row of Column 10.

Column 11: Form 2 (in Excel form) automatically calculates the standard error of each stratum's RVR (Column 7). The standard error for the state weighted RVR will be shown in the Total row of Column 11.

TOTAL: For Columns 2–6, Form 2 (in Excel form) provides totals for the state as a whole in the last row of the table. For Columns 7–11, it calculates the respective statistic for the state as a whole.

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

Calculation of Weighted Retailer Violation Rate

State: _____

FFY: 2015

(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 RVR
s.e. - standard error of the stratum RVR

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

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

Instructions for Completing Form 3: In the top right-hand corner of the form, provide the state name and reporting federal fiscal year (FFY 2015).

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: _____

FFY: 2015

(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 (FFY 2015).

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

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

Inspection Tallies by Reason of Ineligibility or Noncompletion			
		State:	
		FFY: 2015	
(1) INELIGIBLE		**(2) ELIGIBLE**	
Reason for Ineligibility	**(a) Counts**	**Reason for Noncompletion**	**(a) Counts**
Out of business		In operation but closed at time of visit	
Does not sell tobacco products		Unsafe to access	
Inaccessible by youth		Presence of police	
Private club or private residence		Youth inspector knows salesperson	
Temporary closure		Moved to new location	
Unlocatable		Drive-thru only/youth inspector has no driver's license	
Wholesale only/Carton sale only		Tobacco out of stock	
Vending machine broken		Ran out of time	
Duplicate		Other noncompletion reason(s) *(Describe.)*	
Other ineligibility reason(s) *(Describe.)*			
Total		**Total**	

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

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

Instructions for Completing Form 5: In the top right-hand corner of the form, provide the state name and reporting federal fiscal year (FFY 2015).

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

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

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

Synar Survey Inspector Characteristics

State: _____

FFY: 2015

	(1) Attempted Buys	(2) Successful Buys
Male		
15 years		
16 years		
17 years		
18 years		
Male Subtotal		
Female		
15 years		
16 years		
17 years		
18 years		
Female Subtotal		
Other		
Total		

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: Nebraska
FFY: 2015

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
Municipal and County Clerks	3	Tobacco Licenses	Collected (January - March) annually, licenses expire December 31 of each year.

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

   N/A

   a. **Is any area left out in the formation of the area frame?**

      ☐ **Yes** ☐ **No**

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

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

   ☒ **Yes** ☐ **No**

*If **No,** please indicate the reason(s) they are not included in the Synar survey. Please check all that apply.*

- ☐ State law bans vending machines.
- ☐ State law bans vending machines from locations accessible to youth.
- ☐ State has a contract with the FDA and is actively enforcing the vending machine requirements of the Family Smoking Prevention and Tobacco Control Act.
- ☐ Other *(Please describe.)* _____

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

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

Unstratified statewide sample:

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

Stratified sample:

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

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

N/A

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

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

Seven strata are used in accordance with the Nebraska State Patrol Troop Areas. The strata are Troop Area A - Omaha and Non Omaha, Troop Area B - Northern Nebraska, Troop Area C - South Central Nebraska, - Troop Area D - Southwest Nebraska, - Troop Area E - Panhandle of Nebraska, and - Troop Area Hq - Southeast Nebraska. The A and HQ troop areas are the most densely settled comprising metropolitan areas of Omaha and Lincoln respectively (urban strata). The use of State Patrol Troop Areas provides a convenient method of handling Synar investigation as officers are assigned by Patrol Troop area and can work with local youth to conduct compliance checks.

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

- ☐ **Yes** *(Go to Question 8.)*
- ☒ **No** *(Go to Question 9.)*

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

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

   N/A

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

   N/A

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

   a. **Was the Synar Survey Estimation System (SSES) used to calculate the sample size?**
   ☒ **Yes** *(Respond to part b.)*
   ☐ **No** *(Respond to part c and Question 10c.)*

   b. **SSES Sample Size Calculator used?**
   ☐ **State Level** *(Respond to Question 10a.)*
   ☒ **Stratum Level** *(Respond to Question 10a and 10b.)*

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

NA

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

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

   Inputs for Effective Sample Size:
   RVR: 16.4%
   Frame Size: 2691

   Input for Target Sample Size:
   Design Effect: 1

   Inputs for Original Sample Size:
   Safety Margin: 20%
   Accuracy (Eligibility) Rate: 91. 5%
   Completion Rate: 93. 2%

b. If the state uses the sample size formulas embedded in the SSES Sample Size Calculator to calculate the stratum level sample sizes, please provide the stratum level information:

Nebraka stratifies the state sample by seven Nebraska State Patrol Troop Areas, consisting of the following: Troop Area A - Omaha, the Non Omaha area, Troop Area B - Northern Nebraska, Troop Area C - South Central Nebraska, - Troop Area D - Southwest Nebraska, - Troop Area E - Panhandle of Nebraska, and - Troop Area Hq - Southeast Nebraska.

Stratum ID	Stratum size	Stratum Sample Size [Proportional]
Omaha	435	82
A	216	40
B	525	98
C	403	75
D	308	58
E	182	34
HQ	622	117
Total	2691	504

c. If the state does not use the sample size formulas embedded in the SSES Sample Size Calculator, please provide all inputs required to calculate the effective, target, and original sample sizes as indicated in Question 9.

N/A

APPENDIX C: SYNAR SURVEY INSPECTION PROTOCOL

State: Nebraska
FFY: 2015

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

1. **How does the state Synar survey protocol address the following?**

   a. **Consummated buy attempts?**

   ☒ Required
   ☐ Permitted under specified circumstances (Describe:)
   ☐ Not permitted

   b. **Youth inspectors to carry ID?**

   ☒ Required
   ☐ Permitted under specified circumstances (Describe:)
   ☐ Not permitted

   c. **Adult inspectors to enter the outlet?**

   ☐ Required
   ☒ Permitted under specified circumstances (Describe :)

   Entrance into the outlet by adult inspectors would be permissable in situations where parking does not allow for direct view of the transaction, if there is concern for the safety of the cooperating individual, or where there have been previous cases of difficulty at a particular merchant location.

   ☐ Not permitted

   d. **Youth inspectors to be compensated?**

   ☒ Required
   ☐ Permitted under specified circumstances (Describe:)
   ☐ Not permitted

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

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

☐ Other

List the agency name(s): Nebraska State Patrol and Omaha Police Department

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

   ☒ Always ☐ Usually ☐ Sometimes ☐ Rarely ☐ Never

4. **Describe the type of tobacco products that are requested during Synar inspections.**

   a. **What type of tobacco products are requested during the inspection?**

      ☒ Cigarettes
      ☒ Small Cigars/Cigarillos
      ☒ Smokeless Tobacco
      ☐ Other

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

      This decision is made at the discretion of the officer and/or the cooperating individual.

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

   Officers recruit and select cooperating individuals that appear to represent youth in the area. The officer trains the youth one on one by reviewing the youth's responsibilities and the protocol for cooperating individuals as outlined in the guidelines below. When the officer is confident that the youth can complete the assigned task the officer and youth then begin conducting inspections.

   All inspectors are certified law enforcement officers who have received training on the required procedures for tobacco compliance checks. Each year the guidelines and any new information are provided to officers who are already trained. New inspectors are assigned to inspectors with experience in order to "learn by doing". Cooperating individuals are trained by an officer regarding proper procedures and protocols. The state will also be reviewing the FDA's youth inspection training requirements for consideration of additional resources tools made available to training officers.

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

   a. **Legal**

      ☒ **Yes** ☐ **No**

      *(If **Yes,** please describe.)*

Procedures are the same as established for alcohol compliance checks. See guidelines for "Using Underage Cooperating Individuals During Compliance Checks."

b. **Procedural**

☒ **Yes** ☐ **No**

*(If **Yes**, please describe.)*

Procedures are the same as established for alcohol compliance checks. See guidelines for "Using Underage Cooperating Individuals During Compliance Checks."

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

a. **Legal**

☐ **Yes** ☒ **No**

*(If **Yes**, please describe.)*

b. **Procedural**

☒ **Yes** ☐ **No**

*(If **Yes**, please describe.)*

Supervision of the minor by a peace officer.

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

a. **Legal**

☐ **Yes** ☒ **No**

*(If **Yes**, please describe.)*

b. **Procedural**

☐ **Yes** ☒ **No**

*(If **Yes**, please describe.)*

APPENDIX D: LIST SAMPLING FRAME COVERAGE STUDY

(LIST FRAME ONLY)

State: Nebraska
FFY: 2015

1. **Calendar year of the coverage study:** 2013

2. a. **Unweighted percent coverage found:** 94.3%
   b. **Weighted percent coverage found:** 96.2%
   c. **Number of outlets found through canvassing:** 88
   d. **Number of outlets matched on the list frame:** 83

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

   Census tracts

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

   ☐ **Yes** ☒ **No**

   *If **Yes,** please explain.*

   N/A

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.**

Nebraska Census tracts are the primary sampling units. Areas are first stratified on urban/rural divisions. Given an appropriate estimate of an average of 8.6 businesses per tract, 17 tracts are included in the sample. These 17 are allocated based on the urban/rural population ratio in Nebraska. This leads to 11 tracts in urban counties and 6 in rural. Within each stratum, the sample selected will use probability proportionate to size. Size is measured by the number of businesses known in each tract. Each selected tract was canvassed by foot, for small geographic areas, or by car to find all retailers and then determine those retailers who sell tobacco products and if those retailers are licensed. Once field work is completed the list of tobacco retailers was compared to the list of licensed tobacco retailers. The ratio between the licensed retailers and the number of tobacco retailers found at canvas determined the match ratio.

Plan Modification

By chance the initial sample of 17 tracts netted only 73 businesses instead of the predicted approximately 140. Consequently it was agreed to select another eight census tracts, for a total of 25 tracts, proportional to the urban rural population and survey all identified businesses in these tracts the same manner as the other tracts and then recalculate the results.

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

Strata created as based on the location of zip codes within the metropolitan and rural counties of Nebraska. Zip codes for the Omaha, Lincoln, and Grand Island metropolitan areas are included in the urban stratum; all others are in the rural stratum.

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

Clusters defined as Census tracts.

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.

N/A

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

☒ **Yes** ☐ **No**

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

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

☒ **Yes** ☐ **No**

*If **No**, respond to Question 9.*
*If **Yes**, describe any instructions given to the field observers to ensure the entire area was canvassed, then go to Question 10.*

Selection of the site for beginning the field survey was a randomly selected location around the edge of the census tract. The canvassers are instructed to cover each north and south road followed by east/west and to conclude by any diagonals. The field surveyor visited the identified starting location and canvasses the census tract recording all retail establishments and if that retailer is a licensed entity.

9. If a full canvassing was not conducted:

a. How many predetermined outlets were to be observed in each area? N/A

b. What were the starting points for each area? N/A

c. Were these starting points randomly chosen?

☐ **Yes** ☐ **No**

d. Describe the selection of the starting points.

N/A

e. Please describe the canvassing instructions given to the field observers, including predetermined routes.

N/A

10. Describe the process field observers used to determine if an outlet sold tobacco.

Each retail outlet located and found to be open was visited and a "Merchant Field List" was completed; recording the entity name, address, type of business, primary phone, whether there was a vending machine, and if the entity carried a tobacco license and/or sold tobacco products with or without a tobacco license.

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

When surveying in a census tract is complete and data on observed tobacco sales retailers is compiled and that list compared against the list of licensed tobacco retailers for the municipality. The match between observed tobacco sellers and the list of licensed tobacco outlets will comprise the percent of match for the purposes of the study. A match is made when the field observer list of retailer name and address are the same as that of the list of tobacco licensees for that county or municipality.

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

$$\overline{y_w} = \sum_{h=1}^{2} W_h \bar{y}_h$$

$$\bar{y}_h = \frac{\sum_i w_i x_i}{\sum_i w_i}$$

$$w_i = \frac{1}{probability\ of\ tract\ i\ selection}$$

$$x_i = coverage\ in\ tract\ i$$

$$W_h = \frac{N_h}{N}$$

SSES Table 1 (Synar Survey Estimates and Sample Sizes)

CSAP-SYNAR REPORT

State	Nebraska
Federal Fiscal Year (FFY)	2014
Date	12/03/2014 15:04
Data	Statewide-DDrectified-2014-11-06.xlsx
Analysis Option	Stratified SRS with FPC

Estimates

Unweighted Retailer Violation Rate	16.3%
Weighted Retailer Violation Rate	16.3%
Standard Error	1.6%
Is SAMHSA Precision Requirement met?	YES
Right-sided 95% Confidence Interval	[0.0%, 18.9%]
Two-sided 95% Confidence Interval	[13.3%, 19.4%]
Design Effect	1.0
Accuracy Rate (unweighted)	92.3%
Accuracy Rate (weighted)	92.3%
Completion Rate (unweighted)	95.1%

Sample Size for Current Year

Effective Sample Size	358
Target (Minimum) Sample Size	358
Original Sample Size	504
Eligible Sample Size	465
Final Sample Size	442
Overall Sampling Rate	17.9%

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

STATE: Nebraska
FFY: 2014

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											
A-Non	A-Non	216	216	N/A	N/A	40	40	39	0	0.0%	
B	B	525	482	N/A	N/A	98	90	90	24	26.7%	
C	C	403	371	N/A	N/A	75	69	69	7	10.1%	
D	D	308	292	N/A	N/A	58	55	47	6	12.8%	
E	E	182	171	N/A	N/A	34	32	32	4	12.5%	
H	H	622	585	N/A	N/A	117	110	100	26	26.0%	
OMA	OMA	435	366	N/A	N/A	82	69	65	5	7.7%	
Total		2,691	2,483			504	465	442	72	16.3%	1.6%
Over the Counter Outlets											
A-Non	A-Non	216	216	N/A	N/A	39	39	39	0	0.0%	
B	B	524	477	N/A	N/A	89	89	89	24	27.0%	
C	C	401	360	N/A	N/A	69	67	67	6	9.0%	
D	D	308	292	N/A	N/A	48	48	47	6	12.8%	
E	E	182	171	N/A	N/A	32	32	32	4	12.5%	
H	H	622	585	N/A	N/A	100	100	100	26	26.0%	
OMA	OMA	434	366	N/A	N/A	65	65	65	5	7.7%	
Total		2,687	2,467			442	440	439	71	16.2%	1.6%
Vending Machines											
A-Non	A-Non	0	0	N/A	N/A	0	0	0	0	0.0%	
B	B	1	5	N/A	N/A	1	1	1	0	0.0%	
C	C	2	11	N/A	N/A	2	2	2	1	50.0%	
D	D	0	0	N/A	N/A	0	0	0	0	0.0%	
E	E	0	0	N/A	N/A	0	0	0	0	0.0%	
H	H	0	0	N/A	N/A	0	0	0	0	0.0%	
OMA	OMA	1	0	N/A	N/A	1	0	0	0	0.0%	
Total		4	16			4	3	3	1	33.4%	24.7%

SSES Table 3 (Synar Survey Sample Tally Summary)

STATE: Nebraska
FFY: 2014

Disposition Code	Description	Count	Subtotal
EC	Eligible and inspection complete outlet	442	
Total (Eligible Completes)			442
N1	In operation but closed at time of visit	15	
N2	Unsafe to access	5	
N3	Presence of police	0	
N4	Youth inspector knows salesperson	0	
N5	Moved to new location but not inspected	0	
N6	Drive thru only/youth inspector has no drivers license	0	
N7	Tobacco out of stock	0	
N8	Run out of time	3	
N9	Other noncompletion	0	
Total (Eligible Noncompletes)			23
I1	Out of Business	16	
I2	Does not sell tobacco products	18	
I3	Inaccessible by youth	4	
I4	Private club or private residence	1	
I5	Temporary closure	0	
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)			39
Grand Total			504

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

STATE: Nebraska
FFY: 2014

Frequency Distribution

Gender	Age	Number of Inspectors	Attempted Buys	Successful Buys
Male	14	0	0	0
	15	4	38	0
	16	7	56	3
	17	5	112	28
	18	0	0	0
	Subtotal	16	206	31
Female	14	0	0	0
	15	3	71	9
	16	5	63	10
	17	5	102	22
	18	0	0	0
	Subtotal	13	236	41
Other		0	0	0
Grand Total		29	442	72

Buy Rate in Percent by Age and Gender

Age	Male	Female	Total
14	0.0%	0.0%	0.0%
15	0.0%	12.7%	8.3%
16	5.4%	15.9%	10.9%
17	25.0%	21.6%	23.4%
18	0.0%	0.0%	0.0%
Other			0.0%
Total	15.0%	17.4%	16.3%

GUIDELINES FOR USING UNDERAGE COOPERATING INDIVIDUALS DURING COMPLIANCE CHECKS

Through the passage of LB 114 (effective 09-01-01), the Nebraska Legislature amended Nebraska State Statute 53-1,122 to statutorily authorize law enforcement officers to conduct alcohol compliance checks. The Legislature also specified that all alcohol compliance checks in Nebraska shall be conducted pursuant to guidelines adopted and promulgated by the Nebraska State Patrol with input from the Liquor Control Commission. In order to comply with Nebraska Law the following guidelines must be followed by law enforcement agencies that use underage individuals to conduct compliance checks for the purpose of detecting alcohol violations.

Prior to conducting any compliance checks a list of randomly chosen locations should be developed. It is appropriate to add to this random list locations that have failed previous compliance checks and/or locations for which complaints of alleged sales of alcohol to minors have been received. (Locations that have failed previous compliance checks should be given sufficient time between checks to allow the licensee to develop and implement strategies to address sales to minors.) If sufficient personnel are available, it is also appropriate to check all the locations in a certain geographic area or all the locations that have the same class of license rather than developing a randomly chosen list. A searchable list of premises with liquor licenses can be found at the Nebraska Liquor Control Commission's web site at http://www.nol.org/home/NLCC/. This list can be sorted by license type, city, street address and county.

Parental permission is required for cooperating individuals under the age of 18 (unless emancipated). Minors selected as C.I.s for conducting compliance checks shall, in their dress and appearance, be within the range of normal for minors in that geographical area. There should be no alteration to their normal dress and/or appearance for conducting compliance checks. Do not hesitate to instruct, advise and/or correct a C.I. in appearance matters regarding appropriateness for compliance checks. Headwear if worn, should be worn in a manner that is normal for their age.

C.I.s must be informed that they will be required to appear and testify before the Liquor Control Commission if needed. When appearing before the Liquor Control Commission, every effort should be made to ensure that the C.I.'s appearance is the same or similar to the way it was when the compliance check was conducted. Witness fees and mileage are paid to individuals subpoenaed to appear before the Commission. If the C.I. is to be paid, payment should be made on an hourly basis or daily rate and shall not be paid based on the number of compliance checks completed or the number of purchases made. Continued use of an individual as a C.I. shall not depend on the number of cases made. The use of individuals working to avoid being charged for a prior or pending alcohol violation is strongly discouraged.

C.I.s should not order or purchase more alcohol than is reasonable to establish a violation. (It is not necessary for a C.I. to consume alcohol for a violation to occur; having alcohol in his or her possession is a violation of the Liquor Control Act.)

Underage C.I.s should be specifically instructed:

- Not to use a disguise that makes them appear older than they actually are.
- Not to use or possess false, borrowed or altered identification.
- To use their own personal, valid identification, i.e., driver's license, state I.D., etc.
- Not to lie to a sales clerk if asked their date of birth, if they are old enough to purchase alcohol, or their age. (If the C.I. is asked if he or she is old enough to purchase alcohol, it is acceptable for the C.I. to respond with, "Would you like to see my I.D.?"or some other similar reply as long as it is not deceptive in regard to his or her actual age.)
- To correctly fill out the documentary proof of age booklet if requested to do so. In order to protect the safety of the C.I. they may use an address that is not their own. The address of the local law enforcement agency is suggested as an appropriate substitution.
- To be prepared to accurately describe and identify the sales clerk for enforcement action.

If asked they may answer the question, "Are you working for law enforcement?" with "No." (Any other deceptions are not permitted).

TOBACCO COMPLIANCE CHECK REPORTING FORM

(One form is required for each business on the list regardless of the status of the check.)

Do not substitute if provided a list

THIS FORM MUST BE FILLED IN COMPLETELY AND LEGIBLY

Section 1

	1st visit	2nd visit	3rd visit
Date/Time visits			
Incomplete reason From Sec. 3			

Name of Business : «Business_Name» «SID»

Address of Business: «Address»

City NE Zip: «City» NE «ZIP»

Section 2 CHECK INFORMATION: (Circle Response)

Outlet – Type of Sales	**OTC** – Over the counter (Clerk Sales)	**VM** – Vending Machine
Inspection Completion Status	**EC** – Check Complete	**IN** (Incomplete Check)
Compliance Status	**EC1 –** (Violation)	**EC0** – (In Compliance)

Section 4 - VIOLATIONS

Citation Issued	YES NO
Case #	
Citation Issued to: (circle at least one)	Clerk Owner Manager

Section 5 Cooperating Individual Information

AGE **15** **16** **17** **(proportionality)**

Gender: **M** (Male) **F** (Female)

ID Checked? **Yes** **No**

CI Number _____

Type of Business: (Circle)

B1 Convenience Store/Gas Station
B2 Grocery Store
B3 Package Liquor
B4 Liquor Establishment
B5 Restaurant
B6 Other

Type of Product:

Cigarette, Cigar, Pipe, Cut, Chew, Other

Section 3 - Incomplete Reason: (Circle)

N1 In operation but closed at visit time
N2 Unsafe to access by youth inspector
N3 Police is present in the outlet
N4 Youth inspector knows the sales person
N5 Moved to new location
N6 Drive through only Youth has no DL
N7 Tobacco out of stock
N8 Run out of time for inspections
I1 Out of business
I2 Does not sell tobacco Products
I3 Inaccessible by youth
I4 Private club
I5 Closed for a period of time (seasonal, reno)
I6 Cannot locate
I7 Wholesale only
I8 Vending machine broken
I9 Duplicate
** Other (explain): _____

Section 6

Officer Badge No: _____ Area: _____

Signature:

Remarks:

Instructions for
Tobacco Compliance Check Reporting Form
(Revised: Nov 2009)

Do not substitute if provided a list of outlets to inspect. Substitution creates statistical error

SECTION 1

Date and time of Check: Complete time using either 12 or 24 hour clock. Include AM or PM if using 12 hour clock.

If not already done, enter Business Name, Address, City or Zip. If a new business (change of ownership or otherwise) occupies the space at address update information and conduct compliance check.

SECTION 2: Check Information

Outlet: Type of Sales – Circle OTC for a clerk sale over the counter. Indicate VM for sales from vending machines. Follow special protocol for vending machines sales.
Inspection Completion Status : Indicate if the inspection was complete or incomplete. Incomplete checks must be indicated using *incomplete reason.* Use only one reason for any single check. If in doubt give facts in "other" line or in Remarks section of form. Skip compliance status but complete section 5 and 6. If inspection is later completed return all forms with appropriate information for each inspection attempted. Up to 3 attempts may be made to complete an inspection at any one location.
Compliance Status: Indicate whether a sales was or was not made to a cooperating individual. If sale was made a violation has occurred circle EC1 (Violation) and complete the violations box and section 5 and 6. If no sale was made to a cooperating individual circle EC0 (In Compliance) and complete section 5 and 6.

SECTION 3 – Incomplete codes: Circle code for inspections not completed. Continue with sections 5 and 6

SECTION 4 Violations – Circle whether citation was issued, provide case number and indicate to whom citation(s) were issued - Clerk, Manager, Owner.

SECTION 5

Cooperating Individual Information: (CI's) Whether the inspection was completed or not indicate the cooperating individuals information.
Age: Only persons 15, 16, or 17 years may conduct inspections. Inspections must be completed in proportionality to the number of CI's so that not more than 40 % of inspections are completed by any one age group. See also gender requirements Ideally, if 100 inspections were conducted there would be about 16 or 17inspections in each cell representing the 6 cells of the age/gender matrix.
***Gender*:** Circle appropriate response. Inspections must be complete in proportionality to the number of Ci's so that not more than 60% of inspections are conducted by members any one gender. See also Age requirements.
ID checked: During Inspection did the merchants representative check the cooperating individuals identification.
CI Number. CI number may be a formal employee number, a phone number, or sequential number used by the adult in charge of the inspections. Use the same number to identify each unique individual. Each CI must be identified by a unique number, that number must be used for all inspections conducted by the individual. Use of alpha characters is discouraged.

Type of Business: Complete by circling the appropriate type of business. Write in a description of business if not one of those indicated.
Type of Product - Circle the type of product attempted to purchase - Cigarette, Cigar, Cut Tobacco, Pipe Tobacco, Chew (snuff) or other.
Remarks: To use circle "USE BACK" and enter comment or extend explanation on back of form.

SECTION 6: Provide officer identifying information including badge number, a signature and Patrol Troop Area or municipality.