

ANNUAL SYNAR REPORT

42 U.S.C. 300x-26
OMB № 0930-0222

FFY 2009

State: NE



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)).

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

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control number for this project is 0930-0222 with an expiration date of 10-31-2010.

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 2008 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2009 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 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 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 Programs at (240) 276-2413 and ask for your respective State Project Officer, or contact your State Project Officer directly by telephone or e-mail using the directory provided in the FY 2009 Uniform Application, Appendix A. If you have questions about fiscal or grants management issues, you may call the Grants Management Officer, Office of Program Services, Division of Grants Management, at (240) 276-1422.

Where and when to submit the Synar report

The Annual Synar Report (ASR) must be received by SAMHSA no later than December 31, 2008. The ASR must be submitted in the **approved OMB report format**. Use of the approved format will avoid delays in the review and approval process. The chief executive officer (or an authorized designee) of the applicant organization must sign page 1 of the ASR certifying that the State has complied with all reporting requirements.

The State must upload one copy of the report using the online Web BGAS (Block Grant Application System). States that use the Synar Survey Estimation System (SSES) must also upload one copy of SSES Tables 1-5 (in Excel) to Web BGAS. 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 format) to Web BGAS. Instructions on how to access the Web BGAS system are included in the attached cover letter.

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:

Ms. Barbara Orlando
Grants Management Officer
Office of Program Services
Division of Grants Management
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 2009: 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 2009 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 2009 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

Signature of CEO or Designee:

Title: Director Division of Behavioral Health

Date Signed:

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

SECTION I: FFY 2008 (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 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.)*

<http://www.dhhs.ne.gov/sua/synar.htm>

- 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(ies) designated by the Governor for oversight of the Synar requirements:

Department of Health and Human Services

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 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 State agency(ies) responsible for tobacco prevention activities.

Nebraska Department of Health and Human Services, Division of Public Health, Health Promotion Unit, Tobacco Free Nebraska

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

Yes No

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

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

5. Please answer the following questions regarding the State’s activities to enforce the youth access to tobacco law(s) in FFY 2008 (see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130(e)).

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

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

b. The following items concern penalties imposed for violations of youth access to tobacco laws by LOCAL AND/OR STATE LAW ENFORCEMENT AGENCIES. Please fill in the number requested. If State law does not provide for tobacco retailer license/permit suspension or revocation, please mark “NA.”

PENALTY	OWNERS	CLERKS	TOTAL
Number of <u>citations issued</u>	4	72	76
Number of <u>fin es assessed</u>	UNK	UNK	UNK
Number of <u>permits/licenses suspended</u>	NA		NA
Number of <u>permits/licenses revoked</u>	NA		NA
Other (Please describe.) <i>Missing information on who was cited</i>			28

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. Nebraska Retail Merchants Assoc. conducts merchant education. Retail merchants with multiple sights conduct "in House" training sessions
- 2 - Sharing with Lorillard and Phillip Morris tobacco Companies results of SYNAR survey for determination of retail continued participation in point of sales counter display incentives.
- 3 - Tobacco Free Nebraska supports, through funding and technical assistance, 9 Community Tobacco Coalitions who plan and implement evidence-based strategies to reduce tobacco use including enforcement and compliance with tobacco access laws.

4 - Community tobacco coalitions publicize local survey results. SYNAR compliance checks are publicized at <http://www.dhhs.ne.gov/sua/synar.htm>.

5 - Community mobilization is used to increase support for retailer compliance with youth access laws, including activities of the 9 tobacco coalitions and SFP-Sig, and Block Grant funded coalitions to encourage local enforcement efforts, conduction "spot checks" in local communities and conducting local compliance checks in Lancaster County and Lincoln City, Platte, Colfax, Hall, Douglas County and City of Omaha, Cass, Sarpy and Scotts Bluff counties during FFY.

- d. **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 5d, please describe the State's procedure for minimizing risk of bias to the survey results:

Nebraska law allows for the issuance of a citation to the selling clerk and if the manager is "aware" the manager. Clerks are always cited and if the clerk is the manager the manager is cited or both 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 violates the provisions of sections 28-1420 to 28-1429, if he have knowledge of the same, shall be subject to the penalties provided in this section ..." Nebraska Reissued Revised Statutes Section 28-1425

Because the dates for inspections are from April through early September, we feel any calling trees to be limited. All lists are kept confidential and the cooperating youth and officer agree to times to conduct inspections, but the cooperating youth does not know the location of the intended visits until the date of the visit. If a youth has "knowledge" of a clerk or of a town that youth is not used and another youth is scheduled. Distance is another factor in the state. Many communities have one inspection and the drive to and from the inspection are over an hour from the patrol officers base location.

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 2008 (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, 4 and 5 along with the ASR submission

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 _____

Weighted RVR _____

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

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

$$\underline{\hspace{2cm}} \quad + \quad (1.645 \quad \times \quad \underline{\hspace{2cm}}) \quad = \quad \underline{\hspace{2cm}}$$

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.)*

- e. If stratification was used, did any strata in the sample contain only one outlet or cluster this year?** Yes No No stratification

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

- f. Was a cluster sample design used?** Yes No

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

If No, go to Question 7g.

Were any certainty primary sampling units selected this year? Yes No

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

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

	Sample Size
Effective sample size (sample size needed to meet the SAMHSA precision requirement assuming simple random sampling)	
Target sample size (the product of the effective sample size and the design effect)	

Original sample size (inflated sample size of the target sample to counter the sample attrition due to ineligibility and non-completion)	
Eligible sample size (number of outlets found to be eligible in the sample)	
Final sample size (number of eligible outlets in the sample for which an inspection was completed)	

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

8. Did the State’s Synar survey use a list frame? **Yes** **No**

If Yes, answer the following questions about its coverage.

a. The calendar year of the latest frame coverage study: 2007

b. Percent coverage from the latest frame coverage study: 85

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: 2010

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

Yes **No**

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

a. Provide the inspection period: From 03/01/2008 **To** 09/15/2008
MM/DD/YY MM/DD/YY

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

28

NOTE: If the State uses SSES, please ensure that the number reported in 9b matches that reported in SSES Table 4, or explain any difference.

c. Fill out and attach Form 5 in Appendix A (Forms 1–5). *(Not required if the State used the Synar Survey Estimation System (SSES) to analyze the Synar survey data.)*

SECTION II: FFY 2009 (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 target rate for Synar inspections to be completed in FFY 2009. 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.

During FFY 2009 the Nebraska Department of Health and Human Services will continue to educate decision makers about SYNAR including the importance of a centralized, continuously updatable, tobacco licensing system for Nebraska to improve the listing from which we draw the tobacco retailers. In State Substance Advisory Committee meeting of October 14, 2008, the committee recommended to the Division director a study of tobacco laws and determination if licensing could be modeled on that of the Liquor Control Commission. Previous action on recommendations from the 2006 SYNAR and Prevention reviews conducted by CSAP for a centralized tobacco licensing system in the state have not been acted upon by the Department because of a lack of support.

In FY 2009 the state does not see much change in law enforcement activities, however the 2008 legislature did pass a smoke free worksite legislation that will go into effect June 1, 2009. This ban may increase the occurrence of smoking related law enforcement calls.
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3. Describe any challenges the State faces in complying with the Synar regulation. (Check all that apply.)

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

- Difficulties recruiting youth inspectors
- Geographic, demographic, and logistical considerations in conducting inspections
- Cultural factors (e.g., language barriers, young people purchasing for their elders)
- Issues regarding sources of tobacco under tribal jurisdiction
- Other challenges (*Please list.*) _____

Briefly describe all checked challenges and propose a plan for each, or indicate the State's need for TA related to each relevant challenge.

Nebraska State Patrol is a statewide law enforcement agency with limited personnel to cover a state as large as ours. Currently we have a significant number of officers who are deployed with the National Guard overseas, which impacts manpower. SYNAR inspections are carried on through a voluntary overtime basis.

Nebraska list frame is purchased from INFO-USA. The list is continuously updated by INFO-USA. Nebraska uses a list purchased in January of the year in which tobacco checks are conducted. The Division of Behavioral Health also polls each of the 431 municipal clerks and 93 county clerks who, upon the authorization of the jurisdictions governing board, may conduct tobacco licensing. The January 2008 polling resulted in 431 municipal clerk responses (100.0%) and 93 county clerk responses (100 %). This response rate indicates there are gaps in coverage of tobacco outlet licensing throughout the state requiring the continued purchase of the INFO-USA list. In the verification study conducted in the spring and early summer of 2007 it was noted that there is an inconsistent level of coverage through out the state - not community size based. The Department is exploring how to combine the INFO-USA and Tobacco Licensee lists to form a more complete picture of potential tobacco outlets statewide. The department is also exploring the potential of creating an informational web page of all licensee information. Because the Department has no licensing authority the page would, by necessity, be informational only and not a required page for data entry by municipal or county clerks, but could be used to update information.

Youth inspectors continue to be a difficulty for the law enforcement agencies. Local coalitions are one thing but driving around the state with a police officer for a youth may be difficult. Distance in the state are very long requiring an inspection team to travel 3-4 hours to conduct one or two inspections. In more urban areas inspections and youth recruitment suffer from school activities.

The SYNAR committee constituted by the Division of Behavioral Health will meet at least twice in the next year. This committee includes representatives of Tobacco Free Nebraska, Nebraska State Patrol, Division of Public Health, Attorney Generals tobacco office, and new to the group the Department of Revenue tax stamp inspectors. The Tax stamp inspectors agreed to join the group after learning of the Divisions efforts to collect tobacco licensing information from the state's many municipal and county clerks. With the help of the field staff of the Department of Revenue, all municipal clerks and all counties reported licensure information in January 2008.

Continued improvements are anticipated as the reorganization of the Department of Health and Human Services evolves. The coordination of Substance Abuse Prevention and Treatment Block Grant requirement in the Division of Behavioral Health with Tobacco Free Nebraska funded through the CDC and with the SPF-SIG and Drug Free Communities activities in another part of Public Health will continue. An informal work group exists to coordinate activities at this time. The Division will work with Division Directors and unit administrators to determine if a more formal working relationship is needed or desired.

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.)

SSES Table 1 (Synar Survey Estimates and Sample Sizes)

CSAP-SYNAR REPORT

State	Nebraska
Federal Fiscal Year (FFY)	2009
Date	10/10/2008 15:20
Data	SSES_Nebraska Compliance Checks Result_2008.xls
Analysis Option	Stratified SRS with FPC

Estimates

Unweighted Retailer Violation Rate	12.2%
Weighted Retailer Violation Rate	12.2%
Standard Error	1.0%
Is SAMHSA Precision Requirement met?	YES
Right-sided 95% Confidence Interval	[0.0%, 13.9%]
Two-sided 95% Confidence Interval	[10.2%, 14.2%]
Design Effect	1.0
Accuracy Rate (unweighted)	94.5%
Accuracy Rate (weighted)	94.5%
Completion Rate (unweighted)	93.7%

Sample Size for Current Year

Effective Sample Size	297
Target (Minimum) Sample Size	297
Original Sample Size	960
Eligible Sample Size	907
Final Sample Size	850
Overall Sampling Rate	13.1%

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

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

STATE: Nebraska
FFY: 2009

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											
08-A-O	08-A-O	1,377	1,298	N/A	N/A	191	180	157	8	5.1%	
08-B-	08-B-	1,092	1,043	N/A	N/A	155	148	139	15	10.8%	
08-C-	08-C-	964	915	N/A	N/A	138	131	122	27	22.1%	
08-D-	08-D-	773	743	N/A	N/A	101	97	95	24	25.3%	
08-E-	08-E-	495	480	N/A	N/A	65	63	60	6	10.0%	
08-H-	08-H-	1,500	1,410	N/A	N/A	202	190	183	16	8.7%	
A-NO-	A-NO-	698	634	N/A	N/A	108	98	94	8	8.5%	
Total		6,899	6,523			960	907	850	104	12.2%	1.0%
Over the Counter Outlets											
08-A-O	08-A-O	1,377	1,298	N/A	N/A	173	168	157	8	5.1%	
08-B-	08-B-	1,092	1,013	N/A	N/A	150	144	135	15	11.1%	
08-C-	08-C-	964	915	N/A	N/A	125	124	122	27	22.1%	
08-D-	08-D-	772	735	N/A	N/A	99	96	94	24	25.5%	
08-E-	08-E-	495	480	N/A	N/A	65	63	60	6	10.0%	
08-H-	08-H-	1,498	1,395	N/A	N/A	190	185	181	15	8.3%	
A-NO-	A-NO-	697	627	N/A	N/A	99	96	93	7	7.5%	
Total		6,895	6,463			901	876	842	102	12.1%	1.0%
Vending Machines											
08-A-O	08-A-O	0	0	N/A	N/A	0	0	0	0	0.0%	
08-B-	08-B-	0	0	N/A	N/A	0	0	0	0	0.0%	
08-C-	08-C-	0	0	N/A	N/A	0	0	0	0	0.0%	
08-D-	08-D-	1	8	N/A	N/A	1	1	1	0	0.0%	
08-E-	08-E-	0	0	N/A	N/A	0	0	0	0	0.0%	
08-H-	08-H-	2	15	N/A	N/A	2	2	2	1	50.0%	
A-	A-	1	7	N/A	N/A	1	1	1	1	100.0%	

NO-	NO-										
Total		4	30			4	4	4	2	48.2%	23.3%

Note: There are some records with unknown outlet type. Therefore the overall counts may not equal the sum of OTC and VM counts.

- 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 ($w=N'/\text{Total Column 8}$)
- pw - stratum contribution to the weighted retailer violation rate
- s.e. - standard error of the stratum RVR

SSES Table 3 (Synar Survey Sample Tally Summary)

STATE: Nebraska
FFY: 2009

Disposition Code	Description	Count	Subtotal
EC	Eligible and inspection complete outlet	850	
Total (Eligible Completes)			850
N1	In operation but closed at time of visit	46	
N2	Unsafe to access	7	
N3	Presence of police	0	
N4	Youth inspector knows salesperson	1	
N5	Moved to new location but not inspected	0	
N6	Drive thru only/youth inspector has no drivers license	1	
N7	Tobacco out of stock	2	
N8	Run out of time	0	
N9	Other noncompletion	0	
Total (Eligible Noncompletes)			57
I1	Out of Business	14	
I2	Does not sell tobacco products	17	
I3	Inaccessible by youth	3	
I4	Private club or private residence	1	
I5	Temporary closure	1	
I6	Unlocatable	7	
I7	Wholesale only/Carton sale only	0	
I8	Vending machine broken	0	
I9	Duplicate	3	
I10	Other ineligibility (see below)	7	
Total (Ineligibles)			53
Grand Total			960

Give reasons and counts for other ineligibility:

Reason	Count
Out of Jurisdiction	5
Very busy	1
Under construction	1

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

STATE: Nebraska
FFY: 2009

Frequency Distribution

Gender	Age	Number of Inspectors	Attempted Buys	Successful Buys
Male	14	0	0	0
	15	13	304	31
	16	5	27	2
	17	4	95	8
	18	0	0	0
	Subtotal		22	426
Female	14	0	0	0
	15	9	201	37
	16	6	150	21
	17	5	73	5
	18	0	0	0
	Subtotal		20	424
Other		0	0	0
Grand Total		42	850	104

Buy Rate in Percent by Age and Gender

Age	Male	Female	Total
14	0.0%	0.0%	0.0%
15	10.2%	18.4%	13.5%
16	7.4%	14.0%	13.0%
17	8.4%	6.8%	7.7%
18	0.0%	0.0%	0.0%
Other			0.0%
Total	9.6%	14.9%	12.2%

APPENDICES 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 appendices, therefore, should generally describe the design and protocol and 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: 2009

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
Info USA	1	A commercial business list from INFO USA. Attempts are made to eliminate business that do not sell tobacco products (see table A below for the list of SIC codes used.	Continuous update by INFO USA through local directories. SEC business data, local government business data and trade organizations. However, in urban areas updating may be several months behind.
Municipal and county Clerks	6	Tobacco Licenses	Collected in January 2008 with 100 percent of the clerks of the state reporting. Annual tobacco licenses expire December 31 of each year - used as a secondary source and not a part of the official protocol. .

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

Patrol Troop Areas are used as the measure for classification purposes. The state is divided into six Patrol Troop Areas. Officers are assigned to Troops. The statewide list frame is divided into the troop areas, unduplicated and the final selections provided to the Patrol central administration who distributes to participating officers in each troop. Omaha City police conduct surveys using the same protocol as that of the State Patrol for outlets in the City of Omaha within Troop area "A". The sampling unit is the state of Nebraska, with each Patrol troop area sample being proportionate to the number of outlets in the troop area. SSES sampling procedure is used to calculate sample size for each Patrol Troop area.

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.)

Stratified Random Sample with out replacement.

7. Provide the following information about stratification.

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

Six administrative strata (2 urban and 4 rural) are defined by the State Patrol Troop Areas. The strata are District 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, - 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 Patrol Troop Areas provides a convenient method off 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 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.

Effective sample size:

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

Where P is the expected retailer violation rate; and

N is the total number of outlets in the sampling frame; and

$s.e.$ is the desired standard error of the estimate (= 0.0182).

Target sample size:

$$n_t = dn_e, \text{ where } d \text{ is the design effect.}$$

>>>>> $d = 1.1$ in this case simple random sampling with an additional safety margin of 10 percent.

Original sample size:

$$n_o = (1+s) \frac{n_t}{r_1 r_2},$$

where r_1 is the expected accuracy rate;

r_2 is the expected completion rate; and

s is the safety margin.

TABLE A

**List of Standard Industrial Codes Included in
The Nebraska Youth Tobacco Sales SYNAR Sampling Frame**

Business Type	SIC Code
Variety Store	533101
General Merchandise-Retail	539901
Convenience Stores	541103
Grocers-Retail	541105
Restaurants	581208
Bars	581301
Service Stations-Gasoline &Oil	554101
Pharmacies	591205
Liquors-Retail	592102
Cigar, Cigarette, & Tobacco Dealers-Retail	599301
Hotels & Motels	701101
Bowling Centers	793301
Racing Tracks	794801
Golf Courses-Public	799201
Amusement Places	799601
Recreation Centers	799701
Fraternal Organizations	864101
Veterans & Military Organizations	864102
Clubs	864108
Local Trucking, Without Storage (4 digits)	421203
Petroleum Products, Nec (4 digits)	517206
<u>Petroleum and Petroleum Products Wholesalers, Except Bulk Stations and Terminals (4 digits)</u>	531102
<u>Gasoline Service Stations (4 digits)</u>	554103
<u>Drinking Places (alcoholic Beverages) (4 digits)</u>	581303
<u>Farm Product Warehousing and Storage (4 digits)</u>	422101
<u>Tobacco and Tobacco Products (4 digits)</u>	519402
<u>Auto and Home Supply Stores (4 digits)</u>	553123
<u>Eating Places (4 digits)</u>	581206
<u>Eating Places (4 digits)</u>	581222
<u>Eating Places (4 digits)</u>	581223
<u>Sporting Goods Stores and Bicycle Shops (4 digits)</u>	594133
<u>Real Estate Agents and Managers (4 digits)</u>	653107
<u>General Automotive Repair Shops (4 digits)</u>	753801
<u>Video Tape Rental (4 digits)</u>	784102
<u>Theatrical Producers (Except Motion Picture) and Miscellaneous Theatrical Services (4 digits)</u>	792227
<u>Membership Sports and Recreation Clubs (4 digits)</u>	799706
<u>Amusement and Recreation Services, Not Elsewhere Classified (4 digits)</u>	799912
<u>Petroleum and Petroleum Products Wholesalers,</u>	517208

<u>Except Bulk Stations and Terminals (4 digits)</u>	
<u>General Government, Not Elsewhere Classified</u> (4 digits)	919906

APPENDIX C: SYNAR SURVEY INSPECTION PROTOCOL

State: Nebraska
FFY: 2009

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): Nebraska State Patrol

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

>>>>>Patrol issue citations when ever a violation is determined to have occurred. The State Patrol never releases the location of upcoming inspections to individuals. Each Patrol Officer and Cooperating Individual conducts unannounced inspections in communities. Inspections may be group by community. If sufficient inspections are required of a community the inspection team may choose to conduct several unannounced visits to the community over several weeks or months. Up to three attempts are made to conduct an inspection of a retailer. Because of the long distances that may be required to travel every

attempt is made to complete inspections in communities quickly so as to prevent possible telephone tree notifications in communities.

4. 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 going over the youth's responsibilities and the protocol for cooperating individuals given below. When the officer is satisfied the youth can complete the assigned task the officer and youth conduct inspections.

All inspectors are certified law enforcement officers who are trained on the compliance check procedures. Each year information goes out to already trained officers with any changes to the procedures. New inspectors are assigned to inspectors with experience in order to "learn by doing". CI's are trained by an officer regarding proper procedures and protocols.

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

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

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

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

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

b. Procedural Yes No (If Yes, please describe):
Supervision of the minor by a State Patrol Officer.

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):

APPENDIX D: LIST SAMPLING FRAME COVERAGE STUDY

(LIST FRAME ONLY)

State: Nebraska
FFY: 2009

1. Calendar year of the coverage study: 2007

2. Percent coverage found: 85 %
(Provide calculation of the percent coverage)

Number of outlets found by field research
Number of outlets listed on original list

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

Coverage Study Description

The State is divided into six strata. The six strata are the State Patrol Troop Areas. At least five starting outlets will be selected from each of the six State Patrol Troop Areas. As detailed below the selection of starting points will be based on postal codes in each strata and the size of the community of that strata. All municipalities in the state are classed according to size.

For each region in which there are a city of the Primary or Metropolitan Class three Zip Codes will be selected in each of these cities to survey. Additionally one zip code will be selected from each of the remaining classes of cities within that Stratum. The selection of the number of zip codes to be randomly selected by municipal classification is based on the relative number of the size of communities in each of the Strata. With the exception of Strata A and Hq, villages and cities of the 2nd class represent the largest proportion of communities when ranked in size in the state. Thus in strata B, C, D and E 2 villages and 2 cities of the second class each will be selected. Thus there will be at least 5 randomly drawn zip codes in each of the six strata - In 2007 a "place" was also included rising the number of zip codes in each stratum to at least six. (See "Nebraska SYNAR Sampling Frame Coverage Study, August 2007)

Once a postal code is selected, all outlets from the initial draw of outlets based on SIC codes in that postal codes will be randomly organized onto a list. This randomization will be accomplished by first alphabetizing the list by outlet name. Then assigning a random number from 1 to the total number of outlets in that postal code. Finally the selection of the starting point will be a random number between 1 and the total number of outlets.

From the address of the selected outlet, surveyors will canvas the community at each of the next 10 outlets. In each outlet surveyors will determine if the outlet sells tobacco, or has a tobacco licenses. Surveyors will collect the outlet name, address, main phone number and business type. Surveyors will determine if there is a vending machine in the outlets visited. Surveyors will

canvas the community beginning with the selected outlet and go into the next ten outlets by going right from the main entry of the initial outlet.

The compilation of surveyor lists will be returned to the Division of Behavioral Health and compared against the master list to determine if all businesses that should be on the list of businesses are in fact on the master list.

The results: The complete business list contained 6,828 businesses with addresses. A sample of 380 (10 in each zip code area) was the intent, but a number of zip codes areas did not have 10 business addresses. Accordingly, the effective sample size was 253. Of these, 216 businesses were located and confirmed (85%). The 95% confidence interval is 80.7 with a margin of error of 4.3.