

ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB No 0930-0222

FFY 2010

State: NE

Revisions
11/17/2009
12/1/2009
12/3/2009



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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FFY 2010: 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 2010 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 2010 is up-to-date and approved by the Center for Substance Abuse Prevention.

State: NE

Name of Chief Executive Officer or Designee: Scot Adams, Ph.D.

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 2009 (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).

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.)* _____

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/hew/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 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:

Department of Health and Human Services Division of Behavioral Health

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

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 laws.

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

- 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 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 <u>citations issued</u> <i>*17 citations did not indicate to whom issued.</i>	4	83	104*
Number of <u>finest assessed</u>	UNK	UNK	UNK
Number of <u>permits/licenses suspended</u>	UNK		UNK
Number of <u>permits/licenses revoked</u>	UNK		UNK
Other <i>(Please describe.)</i>	UNK	UNK	UNK

Citations are issued to the clerk unless the officer believes the provisions of the manager section of state law can be substantiated:” ... 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 ...” NRRS: 28-1425
License Suspension for Sales to Minors A licensee who sells, gives or furnishes tobacco products to a minor may have their license revoked at the discretion of the court hearing the complaint. NEB. REV. STAT. § 28-1425 (1977).

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:

Policy Approaches:

The Tobacco Free Nebraska Program is grounded in policy approaches to address

all tobacco control issues. In fact, policy approaches are particularly essential because Nebraska tobacco prevention and treatment efforts are funded at only four (4) million dollars annually (three million because of state tobacco master settlement agreement funds through the Health Care Cash Fund and 1 million from the CDC's Office on Smoking and Health). The funding available in Nebraska for tobacco prevention and control falls below the recommended funding of \$21.5 million in the Best Practices for Comprehensive Tobacco Control Program, October 2007 by the CDC. Therefore, policy approaches are identified as the best investment for building long-term and sustainable social norm change. The Tobacco Free Nebraska Program emphasizes policy approaches with local sub grantees and utilizes staff to provide technical assistance to the agency, partners, and sub grantees on state and local tobacco control policy development.

There are a variety of state policies regarding youth access including a state vending machine restriction law. This law was passed in 1994 and prohibits the placement of vending machines in areas accessible to the general public. However vending machines are allowed in the same room where alcohol is dispensed and within sight of the barkeeper (NEB. REV. STAT. 28-1429.02)

Nebraska also has restrictions on sampling to minors. The law states that any individual or licensee who shall give or furnish tobacco products to a minor is guilty of a Class III misdemeanor. (NEB. REV. STAT. 28-1419). Additionally, NE imposes a restriction on coupons or rebate offers for smokeless tobacco products. Manufacturers, wholesalers, retailers, or representatives of these businesses may not distribute coupons for promotional purposes. NE also prohibits the sales of single cigarettes NEB. REV. STAT. 69-1901 to 69-1904.

Although there is not a state product placement law, several communities in NE have adopted local ordinances that require tobacco products are behind the counter or locked up. These communities include Plattsmouth, Springfield, Papillion, Omaha, Bellevue and LaVista and major corporations have signed agreements with the Nebraska attorney generals office to restrict product placement in their outlets (7-Eleven, BP Petroleum, Conoco-Phillips, CVS Pharmacy, Exxon Mobile, Kroger, Shell, Walgreens, Walmart, Shell Oil).

A good example of a powerful policy is The Nebraska Clean Indoor Air Act of 2008 which requires indoor workplaces in Nebraska to be smoke-free by June 1, 2009.(NEB. REV. STAT. 71-5717). The purpose of the Act is to protect the public health and welfare by prohibiting smoking in public places and places of employment. The Act eliminates smoking in enclosed indoor workspaces including restaurants, bars, keno establishments, other workplaces (retail/office space, manufacturing, health care facilities, etc.) and indoor public places. Clean indoor air laws have been shown effective as a youth prevention strategy.

Enforcement:

Eight of the nine sub grantees that receive funding from the Tobacco Free Nebraska Program School/Community/Outreach funds conduct retailer compliance checks. The sub grantees of TOBACCO FREE NEBRASKA are located predominantly in the more populated counties of Nebraska. Some of the sub grantees who conduct

compliance checks on a quarterly basis (Omaha City for one), and others do them less frequently. The compliance checks are one piece of the overall comprehensive tobacco prevention approach in the sub grantee's work plans.

SYNAR compliance checks are conducted in the spring and summer each year, generally April 1 through Sept 15. The Nebraska State Patrol is the lead agency across most of the state with the City of Omaha police department participating for that city. Omaha compliance checks are conducted as part of the Omaha quarterly compliance checks from funding supplied through Tobacco Free Nebraska. As compliance checks are now more than 10 years running all compliance checks are enforcement efforts.

Merchant Education:

Two of the TFN's School/Community/Outreach sub grantees conduct on-going retailer education. These counties are Lancaster County and Lincoln County. Retailer education efforts in Lincoln county educate retailers on illegal sales of both alcohol and tobacco. Throughout the state efforts have been underway to model a training effort similar to that for Alcohol, and where possible merchant education and server education includes all age-restricted products.

Community Education and Support:

The majority of coalitions that conduct retailer compliance check utilize media advocacy strategies to inform the public about the results of the compliance checks either via issuing news releases noting the retailers who were found in compliance during the compliance check and/or those who were not. On occasion, a news conference is held and the tobacco products that were purchased during the compliance check process are displayed. Nebraska also monitors public support regarding reducing illegal sales to minors through the NE Adult Tobacco-Social Climate Survey. In the 2006/2007 survey, nearly 98% of respondents stated that it was very important or somewhat important that communities keep stores from selling tobacco products to teenagers.

Incentives to Merchants

The list of violators for compliance checks is posted to the Department of Health and Human Services Web site. The Lorillard and Phillip Morris tobacco companies are known to use this list when posted and to penalize those tobacco outlets who have sold to minors during the compliance checks. Penalties are specified in agreements with the tobacco companies and include activities such as not refunding cents off coupons, removal of counter displays and other promotional materials. These serve as incentive to all merchants that have signed agreements with the tobacco companies to continue to check ID's, and to educate employees of the legal requirements regarding tobacco sales to minors. The Department of Health and Human Services does not provide the direct incentive but instead utilizes strategies with the partnerships of local tobacco coalitions, local merchant education, training and self regulation as part of a larger comprehensive tobacco prevention system.

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 from retailers alerting each other to the presence of the survey teams:

Nebraska law allows for the issuance of a citation to the selling clerk and if the manager is “has knowledge of” the sale. . 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 violated 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 ...” NEB. REV. STAT. 28 - 1425.

Because the dates for compliance checks 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 2009 (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.

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, 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.

_____ + (1.645 × _____) = _____
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.

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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)	

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.

Provide the inspection period: From 04/01/2009 To 09/15/2009
MM/DD/YY MM/DD/YY

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

38

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.

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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 2010 (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 2010. 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 2010 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 and to improve the listings from which we draw the tobacco retailers. In the State Substance Abuse 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 actions 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 at the administrative level. Also the Department has not undertaken actions to change the Nebraska tobacco law due to the lack of political will and budget considerations.

In FY 2010 the State does not foresee a change in law enforcement activities, however the smoke-free worksite law enacted in 2008 and effective in June 2009., has increased the opportunities for stronger working relationships between law enforcement and local and state public health agencies NEB. REV. STAT. 71-5717. To date, the implementation of this comprehensive law has gone quite smoothly with very few complaints.

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.

Limited Resources for law enforcement of youth access laws.

Nebraska State Patrol is a statewide law enforcement agency with limited personnel to cover a state as large as Nebraska. Currently there are 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. Local community coalitions are working with local law enforcement for the enforcement of youth access laws. Tobacco Free Nebraska funds these efforts in (9) nine communities and the Strategic Prevention Framework -State Incentive Grant process conducted by many of the 16 Block Grant funded communities has indicated a need for tobacco enforcement.

Limited resources for activities to support enforcement and compliance with youth tobacco access laws.

Continued improvements are anticipated as the reorganization of the Department of Health and Human Services evolves. The coordination of the Substance Abuse Prevention and Treatment Block Grant in the Division of Behavioral Health, the Tobacco Free Nebraska funded through the CDC, and the Strategic Prevention Framework and Drug Free Communities activities within 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. Additional resources for local tobacco and substance abuse community coalitions may become available as processes are streamlined between various Departmental entities.

Limitation on completeness/accuracy of list of tobacco outlets

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 2009 polling resulted in 419 of 431 municipal clerk responses (96.7%) 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 SYNAR committee lead by the Division of Behavioral Health has not met in a 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 and eventually in 2009.

An additional resource being investigated is the Nebraska Department of Labor. Reporting to the Department of Labor is required for all employers regardless of the size of the employer's work force. Labor maintains a list of all entities conducting business by North American Industrial Code (NAICS). This code is a code similar to the Standard Industrial Code used by INFO USA, so a comparison can be made of these lists to determine if they duplicate each other. The Division favors the Department of Labor list in that it is another government entity and laws require reporting to the Labor list, and the list is provided to the Division without cost. Final results of this investigation are due in the Fall 2009, and a decision to not use the INFO USA list may be made in January 2010.

It is the intent of the State to conduct a list serve verification study in Fiscal Year 2010, the last study was conducted in 2007 (Appendix C). The decision to modify the protocol used (Appendix B) to construct the random sample will not be made until a determination can be made as to the accuracy or completeness of either the INFO USA list or the Department of Labor list. The Calendar Year 2010 protocol will remain the same as that appearing in Appendix B.

Difficulties recruiting youth inspectors

Recruiting youth inspectors continue to be a difficulty for the law enforcement agencies. Participating in local coalitions is one thing but driving around the state with a police officer may be a challenge. Travel distance and time can be arduous when inspection team must travel 3-4 hours to conduct one or two inspections. In more urban areas, inspections and youth recruitment suffer from competing school and work activities. Officers are requested to have inspections conducted by youth proportionate by age to the youth in the area. Age distribution is another factor in the recruitment of inspectors. The revised requirements of 40 percent maximum by the three age groups is difficult to accomplish due to lack of youth in more rural areas (either physically or interest).

A requirement added to the State Patrol and Omaha contract for SYNAR checks in 2009 included the goal of about 34 % of inspectors being of age 15, 34 % being age 16 and 34 % age 17. In the contract the goal is stated as "Not more than 40 percent of the checks may be made in any single age group (i.e. no more than 40 percent of checks may be made by 15 year olds; no more than 40 percent of the checks may be made by 16 years olds, etc)" This goal was not achieved, with 18 % being 15 year olds, 47 % of youth inspectors were 16, and 34 % of youth participating in inspections being 17 years old. As this was a late inclusion in the contracts it is not surprising that the goal was not achieved, however law enforcement is now aware of the requirement and has indicated that additional effort will be made in the 2010 inspections to achieve the 34 % goal in each of the age groups and to achieve a 50/50 gender split.

Geographic, demographic, and logistical considerations in conducting inspections

Distances between communities, especially in western Nebraska, make conducting inspections by only the State Patrol difficult. The 900 plus visits conducted solely for the SYNAR program are facilitated over a four month period. Officers are on overtime status to conduct these inspections. Additional local law enforcement activities are being explored through local community coalitions that may help to relieve SYNAR inspections only by the State Patrol. The Patrol is also engaged in responsible beverage server training and has included tobacco purchase within that training because many of the clerks trained are engaged in convenience store employment where sales of both age restricted commodities is common. The Patrol is searching for ways to ramp down this effort and to get communities more involved in responsible server training.

Facilitation of Inspections And Number Of Inspections Conducted

The Division of Behavioral Health will be investigating changing the number of inspections to be completed toward the target sample size for the population of potential retailers as found using the SSES software (less than 400). Sizable savings would be recognized in law enforcement manpower - a major investment in this effort. It may be possible to complete the inspections in less time and affect SYNAR reporting with the October 1, SAMHSA deadline for the majority of the block grant application.

APPENDIX A
SURVEY RESULTS FROM State Synar Estimation System PROGRAM

Source: Nebraska SSES Program 10/7/2009

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

SSES Table 1 (Synar Survey Estimates and Sample Sizes)

CSAP-SYNAR REPORT

State	NE
Federal Fiscal Year (FFY)	2009
Date	11/16/2009 13:19
Data	New Microsoft Excel Worksheet.xls
Analysis Option	Stratified SRS with FPC

Estimates

Unweighted Retailer Violation Rate	13.6%
Weighted Retailer Violation Rate	13.5%
Standard Error	1.2%
Is SAMHSA Precision Requirement met?	YES
Right-sided 95% Confidence Interval	[0.0%, 15.4%]
Two-sided 95% Confidence Interval	[11.2%, 15.8%]
Design Effect	1.0
Accuracy Rate (unweighted)	90.9%
Accuracy Rate (weighted)	90.8%
Completion Rate (unweighted)	88.5%

Sample Size for Current Year

Effective Sample Size	310
Target (Minimum) Sample Size	295
Original Sample Size	954
Eligible Sample Size	867
Final Sample Size	767
Overall Sampling Rate	9.1%

Source: Nebraska SSES Program 11/17/2009
 Nebraska Department of Health and Human Services, Division of Behavioral Health

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

STATE: NE
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											
A-NO	A-NO	885	786	N/A	N/A	89	79	79	16	20.3%	
A-O	A-O	1,911	1,815	N/A	N/A	200	190	163	10	6.1%	
B	B	1,498	1,340	N/A	N/A	152	136	133	18	13.5%	
C	C	1,339	1,149	N/A	N/A	134	115	103	12	11.7%	
D	D	978	880	N/A	N/A	100	90	83	16	19.3%	
E	E	633	604	N/A	N/A	65	62	52	8	15.4%	
H	H	2,108	1,921	N/A	N/A	214	195	154	24	15.6%	
Total		9,352	8,495			954	867	767	104	13.5%	1.2%
Over the Counter Outlets											
A-NO	A-NO	885	746	N/A	N/A	85	75	75	14	18.7%	
A-O	A-O	1,911	1,815	N/A	N/A	200	190	163	10	6.1%	
B	B	1,498	1,340	N/A	N/A	152	136	133	18	13.5%	
C	C	1,339	1,127	N/A	N/A	132	113	101	11	10.9%	
D	D	978	880	N/A	N/A	100	90	83	16	19.3%	
E	E	633	604	N/A	N/A	65	62	52	8	15.4%	
H	H	2,108	1,921	N/A	N/A	214	195	154	24	15.6%	
Total		9,352	8,433			948	861	761	101	13.2%	1.2%
Vending Machines											
A-NO	A-NO	0	40	N/A	N/A	4	4	4	2	50.0%	
A-O	A-O	0	0	N/A	N/A	0	0	0	0	0.0%	
B	B	0	0	N/A	N/A	0	0	0	0	0.0%	
C	C	0	22	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%	
Total		0	62			6	6	6	3	50.0%	19.5%

Source: Nebraska SSES Program 11/17/2009
Nebraska Department of Health and Human Services, Division of Behavioral Health

SSES Table 3 (Synar Survey Sample Tally Summary)

STATE: NE
FFY: 2009

Disposition Code	Description	Count	Subtotal
EC	Eligible and inspection complete outlet	767	
Total (Eligible Completes)			767
N1	In operation but closed at time of visit	43	
N2	Unsafe to access	9	
N3	Presence of police	0	
N4	Youth inspector knows salesperson	5	
N5	Moved to new location but not inspected	1	
N6	Drive thru only/youth inspector has no drivers license	0	
N7	Tobacco out of stock	1	
N8	Run out of time	7	
N9	Other noncompletion (see below)	34	
Total (Eligible Noncompletes)			100
I1	Out of Business	18	
I2	Does not sell tobacco products	52	
I3	Inaccessible by youth	1	
I4	Private club or private residence	6	
I5	Temporary closure	1	
I6	Can't be located	7	
I7	Wholesale only/Carton sale only	2	
I8	Vending machine broken	0	
I9	Duplicate	0	
I10	Other ineligibility	0	
Total (Ineligibles)			87
Grand Total			954

Give reasons and counts for other noncompletion:

Reason	Count
Form not returned	23
Not in jurisdiction	4
No information on completion	6
Reason not given	1

Source: Nebraska SSES Program 11/17/2009
Nebraska Department of Health and Human Services, Division of Behavioral Health

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

STATE: NE
FFY: 2009

Frequency Distribution

Gender	Age	Number of Inspectors	Attempted Buys	Successful Buys
Male	14	0	0	0
	15	5	93	5
	16	8	115	19
	17	8	130	24
	18	0	0	0
	Subtotal		21	338
Female	14	0	0	0
	15	2	45	1
	16	10	234	33
	17	5	150	22
	18	0	0	0
	Subtotal		17	429
Other		0	0	0
Grand Total		38	767	104

Buy Rate in Percent by Age and Gender

Age	Male	Female	Total
14	0.0%	0.0%	0.0%
15	5.4%	2.2%	4.3%
16	16.5%	14.1%	14.9%
17	18.5%	14.7%	16.4%
18	0.0%	0.0%	0.0%
Other			0.0%
Total	14.2%	13.1%	13.6%

Source: Nebraska SSES Program 11/17/2009
Nebraska Department of Health and Human Services, Division of Behavioral Health

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: NE
 FFY: 2010

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 a 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 January 2009 annual licenses expire Dec 31 of each year. In 2009 96.7 percent of municipal clerks responded and 100 percent of county clerks responded.

INFO USA, Inc.,- is used to develop the list frame, Municipal and County clerks retain tobacco license information are used against the INFO USA, Inc., to review possible tobacco licensees rather than to call individual entities to determine if an entity sells tobacco products.

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

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

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

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

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

- State law bans vending machines
- State law bans vending machines from locations accessible to youth
- State has SAMHSA approval to exempt vending machines from the survey
- Other (*Please describe.*) _____

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

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

Unstratified State-wide sample:

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

Stratified sample:

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

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

7. Provide the following information about stratification.

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

Six strata are defined by the 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, - 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 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 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.

The SYNAR Survey Estimation System (SSES 3.2) was used for computing the sample size. The formulae that SSES employed are shown below.

Effective sample size:

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

Where P is the observed retailer violation rate of the previous year's survey.

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:

$n_t = dn_e$ where d is the design effect.
d = the observed design effect of the previous year's survey.

Original sample size:

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

where r_1 is the observed accuracy rate of the previous year's survey;
 r_2 is the observed completion rate of the previous year's survey; and
s is the safety margin (13 %)

Nebraska Original Sample Size:

The Goal established by the Nebraska SYNAR committee is the completion of 850 inspections by law enforcement during the inspection period. To achieve 850 compliance checks, 960 entity names are provided to the Nebraska State Patrol. If the calculated original sample size is less than 960, the state further inflates the original sample size to equal 960.

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
<u>Local Trucking, Without Storage (4 digits)</u>	421203
<u>Petroleum Products, Nec (4 digits)</u>	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

Business Type	SIC Code
<u>Petroleum and Petroleum Products Wholesalers, Except Bulk Stations and Terminals</u> (4 digits)	517208
<u>General Government, Not Elsewhere Classified</u> (4 digits)	919906
<p>***Underlined classes are added in 2008 to reflect experience during the 2007 Sampling Frame Coverage Study of retailers by community individuals who found tobacco licenses in these types of retail outlets as indicated by comparing physical addresses on the license list and INFO USA lists.</p>	

APPENDIX C: SYNAR SURVEY INSPECTION PROTOCOL

State: NE

FFY: 2010

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

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

a. Consummated buy attempts?

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

b. Youth inspectors to carry ID?

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

c. Adult inspectors to enter the outlet?

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

d. Youth inspectors to be compensated?

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

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

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

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

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

>>>>>>Law Enforcement issue citations when ever a violation is determined to have occurred. Law Enforcement never releases the location of upcoming inspections to individuals. Each 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 Peace 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: NE

FFY: 2010

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 by Number of outlets listed on Original list
--

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

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.