

November 22, 2011

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Susan Marsiglia Gray, MPH
National Synar Program Coordinator
Division of State Programs
Center for Substance Abuse Prevention
Substance Abuse and Mental Health Services Administration
1 Choke Cherry Road, Room 4-1041
Rockville, MD 20857

Dear Susan,

Enclosed please find the Nebraska Calendar Year 2011 Substance Abuse Prevention and Treatment Block Grant Annual Synar Report. Included with this document are the checklist and designation letters. With this report, the Nebraska Substance Abuse Prevention and Treatment Block Grant application for 2011 is complete.

Of note, is an anticipated change for CY12, indicated on page 11 of the report for our sampling methodology. We will formally request to permission to change our methodology in detailed correspondence following this submission.

If you require additional information, please do not hesitate to call, write or e-mail the Division of Behavioral Health.

Sincerely,



Hope all is well with you.

Scot L. Adams, Ph. D., Director
Division of Behavioral Health

Cc: Renee Faber, Prevention System Coordinator
Robert Bussard, Program Specialist

Checklist for Completing the FFY 2012 Annual Synar Report

STATE NAME: NEBRASKA

FISCAL YEAR: 2012

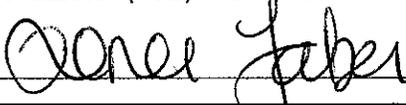
Checklist Completed By (Print): Renee Faber

Position: Prevention System Coordinator

Telephone Number: (402)471-7772

E-mailAddress:renee.faber@nebraska.gov

Signed: _____



Date: _____

11-22-11

Check the following items as they have been completed, prior to submission of the Annual Synar Report to SAMHSA/CSAP. Please include a copy of this checklist along with your FFY 2012 Annual Synar Report hard copy submission to SAMHSA's Division of Grants Management.

Completion and inclusion of the Checklist for Completing the Annual Synar Report
1 copy of the completed Annual Synar Report; either SSES Tables 1-5 OR Forms 1, 4 and 5 (and Forms 2 and 3, if applicable); Synar inspection form and Synar inspection protocol uploaded to WebBGAS

Inclusion of 1 hardcopy of the completed Annual Synar Report.....

Signature on Funding Agreements/Certifications and additional photocopy of the signed Funding Agreements/Certifications

Completion of all Annual Synar Report Questions (see below).....

Section I: (Compliance Progress)

Question 1
State Tobacco Legislation.....

Question 2
Publicizing the Annual Synar Report

Question 3
Identify Lead Agencies

Question 4
Tobacco Prevention and Control Agency
Coordination and Collaboration with Lead Synar Agency

Question 5
 Enforcement of Youth Access
 Penalties for Violations of Youth Access Laws
 Supporting Activities

Question 6
 Sampling Methodology (Appendix B).....

Question 7
 SSES Used Yes No
If Yes, SSES Summary Table 1.....
 SSES Summary Table 2.....
 SSES Summary Table 3.....
 SSES Summary Table 4.....
 SSES Table 5 (input data).....

If No, Random Sample Survey Results.....
 Form 1
 Form 2 (Optional)
 Form 3
 Sample Sizes
 Form 4.....

Question 8
 List Frame
 Appendix D.....

Question 9
 Inspection Protocol (Appendix C)
 Form 5.....

Section II (Intended Use)

Question 1
 Anticipated Changes

Question 2
 State Plan

Question 3
 Challenges.....

ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB No 0930-0222

FFY 2012

State: Nebraska

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INTRODUCTION

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

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

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

How the Synar report helps the Center for Substance Abuse Prevention

In accordance with the tobacco regulations, States are required to provide detailed information on progress made in enforcing youth tobacco access laws (FFY 2011 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2012 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 onsite technical assistance consultation.

How the Synar report can help States

The information gathered for the Synar report can help States describe and analyze substate needs for program enhancements. These data can also be used to report to the State legislature and other State and local organizations on progress made to date in enforcing youth tobacco access laws when aggregated statistical data from State Synar reports can demonstrate to the Secretary the national progress in reducing youth tobacco access problems. This information will also provide Congress with a better understanding of State progress in implementing Synar, including State difficulties and successes in enforcing retailer compliance with youth tobacco access laws.

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 email using the directory provided in the FY 2012 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, 2012. The ASR must be submitted in the **approved OMB report format**. Use of the approved format will avoid delays in the review and approval process. The chief executive officer (or an authorized designee) of the applicant organization must sign page 1 of the ASR certifying that the State has complied with all reporting requirements.

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

- FFY 2012 Synar Survey Results: States that use the Synar Survey Estimation System (SSES) must upload one copy of SSES Tables 1–5 (in Excel) to WebBGAS. States that do not use SSES must upload one copy of ASR Forms 1, 4, and 5, and Forms 2 and 3, if applicable, (in Excel) to WebBGAS.
- Synar Inspection Form: States must upload one blank copy of the inspection form used to record the result of each Synar inspection.
- Synar Inspection Protocol: States must upload a copy of the protocol used to train inspection teams on conducting and reporting the results of the Synar inspections.

Each State SSA Director has been emailed a login ID and password to log onto the Synar section of the WebBGAS site.

Additionally, the State must submit one signed original of the report (including the signed Funding Agreements/Certifications), as well as one additional copy of the signed Funding Agreements/Certifications, to the Grants Management Officer at the address below:

Grants Management Officer
Office of Program Services
Division of Grants Management
Substance Abuse and Mental Health Services Administration

Regular Mail:

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

Overnight Mail:

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

FFY 2012: FUNDING AGREEMENTS/CERTIFICATIONS

The following form must be signed by the Chief Executive Officer or an authorized designee and submitted with this application. Documentation authorizing a designee must be attached to the application.

PUBLIC HEALTH SERVICES ACT AND SYNAR AMENDMENT

42 U.S.C. 300x-26 requires each State to submit an annual report of its progress in meeting the requirements of the Synar Amendment and its implementing regulation (45 C.F.R. 96.130) to the Secretary of the Department of Health and Human Services. By signing below, the chief executive officer (or an authorized designee) of the applicant organization certifies that the State has complied with these reporting requirements and the certifications as set forth below.

SYNAR SURVEY SAMPLING METHODOLOGY

The State certifies that the Synar survey sampling methodology on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2012 is up-to-date and approved by the Center for Substance Abuse Prevention.

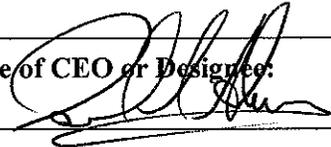
SYNAR SURVEY INSPECTION PROTOCOL

The State certifies that the Synar Survey Inspection Protocol on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2012 is up-to-date and approved by the Center for Substance Abuse Prevention.

State: Nebraska

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

Signature of CEO or Designee:



Title: Director, DHHS Division of Behavioral Health

Date Signed: 11/22/10

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

SECTION I: FFY 2011 (Compliance Progress)

YOUTH ACCESS LAWS, ACTIVITIES, AND ENFORCEMENT

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

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

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

Yes No

If Yes, current minimum age: 19 20 21

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

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

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

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

Yes No

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

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

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

Licensing of tobacco vendors Yes No

Penalties for sales to minors Yes No

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

Placed on file for public review

Posted on a State agency Web site *(Please provide exact Web address.)*

http://www.dhhs.ne.gov/Behavioral_Health/

- Notice published in a newspaper or newsletter
- Public hearing
- Announced in a news release, a press conference, or discussed in a media interview
- Distributed for review as part of the SAPT Block Grant application process
- Distributed through the public library system
- Published in an annual register
- Other (Please describe.) _____

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 responsible for tobacco prevention activities (the agency that receives the Centers for Disease Control and Prevention's National Tobacco Control Program funding).

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

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 2011 (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 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>	1	37	38
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 (Please describe.)	N/A	N/A	N/A

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

- Enforcement is conducted only at those outlets randomly selected for the Synar survey.
- Enforcement is conducted only at a subset of outlets not randomly selected for the Synar survey.
- Enforcement is conducted at a combination of outlets randomly selected for the Synar survey and outlets not randomly selected for the Synar survey.

d. Did every tobacco outlet in the State receive at least one enforcement compliance check in the last year?

- Yes
- No

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

- Merchant education and/or training
- Incentives for merchants who are in compliance (e.g., nonenforcement compliance checks in which compliant retailers are given positive reinforcement and noncompliant retailers are warned about youth access laws)

- Community education regarding youth access laws
- Media use to publicize compliance inspection results
- Community mobilization to increase support for retailer compliance with youth access laws
- Other activities *(Please list.)* _____

Briefly describe all checked activities:

Policy Approaches:

The Nebraska Department of Health and Human Services, Division of Public Health, Tobacco Free Nebraska Program (TFN) 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 3.3 million dollars annually (2.3 million from 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).

The State of 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, Nebraska 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. (NEB. REV. STAT. 69-1901 to 69-1904).

Although currently there is not a state product placement law, several communities in Nebraska 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. Likewise, several major corporations (7-Eleven, BP Petroleum, Conoco-Phillips, CVS Pharmacy, Exxon Mobile, Kroger, Shell, Walgreens, Walmart, Valero and Shell Oil) have signed Assurances of Voluntary Compliance with the Nebraska Attorney Generals' office to restrict product placement, among other provisions, in their outlets. Each agreement

includes multiple provisions, in addition to product placement, which are all aimed at reducing youth access to tobacco including: hiring and training policies for employees; internal compliance checks and other types of corporate self-monitoring; vendor assisted sales; and enforcement mechanisms.

One of the state's most useful policies to date was the passing of The Nebraska Clean Indoor Air Act of 2008 which required 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, etc.) and indoor public places. Having a clean indoor air law such as this has been proven to be a useful youth prevention strategy.

Enforcement:

Eight of the nine sub grantees that receive funding from the Tobacco Free Nebraska Program School/Community/Outreach funds conduct additional retailer compliance checks. The sub grantees of Tobacco Free Nebraska are located predominantly in the more populated counties of Nebraska. These compliance checks are one piece of the overall comprehensive tobacco prevention approach in the sub grantee's work plans.

The Nebraska State Patrol is the lead agency for the statewide effort and local police departments are responsible for the state's largest city, Omaha. The majority of Synar compliance checks are conducted in the spring and summer each year, generally April 1 through September 15. However, in the city of Omaha, compliance checks are conducted on a quarterly basis in part with funding from the Tobacco Free Nebraska program. All compliance checks in the state are combined with 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 for both alcohol and tobacco. Throughout the state various efforts have been underway to model a merchant education 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 checks utilize (earned) 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 Nebraska 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.

“No Limits” is Nebraska’s first youth-led movement dedicated to reducing the influences of the tobacco industry on our youth. Through peer-to-peer education and youth empowerment, No Limits is giving Nebraska teens the know-how, the skills, and the resources to take a stand against Big Tobacco. This year’s theme, “Join the Clean Air Revolution,” focuses on empowering youth to change social norms across Nebraska by spreading the smoke-free air policies outdoors. This youth movement is made possible by TFN and the funding comes in part from the Master Settlement Agreement.

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 manufacturers 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 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.

- f. Are citations or warnings issued to retailers or clerks who sell tobacco to minors for inspections that are part of the Synar survey? Yes No**

If “Yes” to 5f, please describe the State’s procedure for minimizing risk of bias to the survey results from retailers alerting each other to the presence of the survey teams:

Nebraska law allows for the issuance of a citation to the selling clerk and if the manager “has knowledge of” the sale. Clerks are always cited and if the clerk is the manager, the manager is cited. Both the clerk and manager are cited if the officer believes he can substantiate that “... any officer, director or manager having charge or control either separately or jointly with others, of the business of any corporation which violated the provisions of sections 28-1420 to 28-1429, if he have knowledge of the same, shall be subject to the penalties provided in this section ...” "In addition to the penalties provided in this section, such licensee shall be subject to

the additional penalty of a revocation and forfeiture of his, their, or its license, at the discretion of the court before whom the complaint for violation of said sections may be heard. If such license be revoked and forfeited, all rights under such license shall at once cease and terminate." (NEB. REV. STAT. 28 - 1425).

Because the dates for compliance checks are from April through early September, we feel the chance of a calling tree being established is minimal. Furthermore, all lists are kept confidential. The cooperating youth and officer do agree upon the times to conduct inspections, however, the cooperating youth does not know the location of the intended visits until the date of the visit. If it is determined that a youth has prior "knowledge" of a clerk or of a town being selected for the list then the youth is not used and another youth is scheduled.

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

There is not an FDA enforcement program in Nebraska at this time.

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 2011 (see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).

6. Has the sampling methodology changed from the previous year? Yes No

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

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

a. Did the State use the optional Synar Survey Estimation System (SSES) to analyze the Synar survey data? Yes No

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

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

Unweighted RVR _____

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

Accuracy rate _____

Completion rate _____

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

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

- Form 2 (Optional) in Appendix A (Forms 1–5) (Attach completed Form 2.)
- Other (Please specify. Provide formulas and calculations or attach and explain the program code and output with description of all variable names.)

N/A

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

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

N/A

f. Was a cluster sample design used? Yes No

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

If No, go to Question 7g.

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

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

N/A

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

	Sample Size
Effective sample size (sample size needed to meet the SAMHSA precision requirement assuming simple random sampling)	
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 noncompletion)	
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: 2010

b. Percent coverage from the latest frame coverage study: 97.7%

c. Was a new study conducted in this reporting period? Yes No

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

d. The calendar year of the next coverage study planned: 2013

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

Yes No

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

a. Provide the inspection period: From 04/1/2011 to 9/15/2011
MM/DD/YY MM/DD/YY

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

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 SSES to analyze the Synar survey data.)*

SECTION II: FFY 2012 (Intended Use):

Public law 42 U.S.C. 300x-26 of the Public Health Service Act and 45 C.F.R. 96.130 (e) (4, 5) require that the States provide information on future plans to ensure compliance with the Synar requirements to reduce youth tobacco access.

1. In the upcoming year, does the State anticipate any changes in:

- Synar sampling methodology Yes No
Synar inspection protocol Yes No

If changes are made in either the Synar sampling methodology or the Synar inspection protocol, the State is required to obtain approval from CSAP prior to implementation of the change and file an updated Synar Survey Sampling Methodology (Appendix B) or an updated Synar Survey Inspection Protocol (Appendix C), as appropriate.

2. Please describe the State's plans to maintain and/or reduce the target rate for Synar inspections to be completed in FFY 2012. 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 2012 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. The Division of Behavioral Health intends to contact all 93 county clerks with an extra reminder of the annual expiration date for tobacco licensee as part of our pre-notification that a list of all retailers with this license will be requested after the start of the New Year.

In the State Substance Abuse Advisory Committee meeting of October 14, 2008, it was recommended to the Division Director that a study of tobacco laws take place to help determine if licensing could be modeled to that of the Liquor Control Commission. Previous actions on recommendations from the 2006 Synar and Prevention System Reviews and again in the most recent 2010 report conducted by CSAP for a centralized tobacco licensing system in the state have not been acted upon by the Department due to lack of support at the administrative level. Similarly, the Department has not undertaken any additional efforts to change the Nebraska tobacco law resulting from the lack of political will and budget considerations.

In 2011, Senator Mike Gloor did introduce LB 436 to raise the per pack tax in Nebraska from 64 cents to \$1.99 with a small portion of the revenue generated dedicated to comprehensive statewide tobacco prevention and cessation. The bill did not advance from Revenue Committee but does carry over to the 2012 session. Based on research, it is estimated that a \$1.35 per pack price increase would reduce the youth smoking rate by 20.5%."

For FFY 2012 the State does not foresee any changes 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.

A Substance Abuse Prevention and Synar System Review was performed by CSAP in October of 2010. The final report was favorable and no corrective action items were indicated. Some suggested areas for improvement included that the State may benefit from the development of a statewide tobacco control and prevention strategic plan that includes youth access goals, objectives and strategies. Nebraska is currently organizing a strategic planning process specifically for the Prevention System and Synar program. The Division of Behavior Health has also included a goal in the FY12 Uniform Block Grant application to increase the number of Synar check completed. In order to meet this goal, increased coordination among the Regions and local tobacco coalitions will be important as well as focusing on communities where the Retail Violation Rate is higher than the statewide average.

The Division of Behavioral Health and Nebraska State Patrol continue to learn from the first state efforts at working with the Food and Drug Administration as other states implement the FDA merchant education and compliance check system as authorized under the Family Smoking and Tobacco Control Act (Tobacco Control Act). Nebraska is not in a position to respond to the solicitation regarding implementation.

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.*) data entry process is being improved upon.

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

Limited Resources For Law Enforcement Of Youth Access Laws:

While the Nebraska State Patrol is a statewide law enforcement agency, given the size of our State, amount of personnel is limited. Synar inspections are carried on through a voluntary overtime basis. Local community coalitions continue to work 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 Substance Abuse Prevention and Treatment Block Grant funded communities has indicated a need for tobacco enforcement. Through the State to Region contract, Regional Behavioral Health Authorities will be strongly encouraged to work closer with community

coalitions funded by the Substance Abuse Prevention and Treatment Block Grant (SAPTBG) to increase the number of compliance checks conducted and to strengthen collaboration with their local law enforcement.

Limited Resources For Activities To Support Enforcement And Compliance With Youth Tobacco Access Laws:

The administration of the SAPTBG in the Division of Behavioral Health, the Tobacco Free Nebraska program funded in part through the CDC, and the Strategic Prevention Framework and Drug Free Communities activities within Division of Public Health are the key partners working together to fund Nebraska's Synar activities. An informal work group exists to coordinate activities at this time that operates under a draft memorandum of agreement outlining the activities of this workgroup.

In 2011, the Nebraska Legislature reduced by 17% the appropriation from the Nebraska Health Care Cash Fund for comprehensive tobacco prevention and cessation. This cut has resulted in a reduction of the tobacco prevention efforts in the state including a reduction in non-Synar tobacco compliance checks which have decrease and maintain the non-compliance rates. DHHS will continue to monitor the impact of this cut on a variety of tobacco control measures including the local and state rate of illegal sales. Additional resources for local tobacco and substance abuse coalitions may become available as opportunities to streamline processes are explored by the Department as part of strategic planning.

Limitation On Completeness/Accuracy Of List Of Tobacco Outlets:

The 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 are the licensing authority. The January 2010 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 August and September 2010 it was determined that INFO USA listing is over 95% accurate.

The Synar committee lead by the Division of Behavioral Health meets on an as needed basis, however, exchanges frequent written communication. This committee includes representatives of Tobacco Free Nebraska, Nebraska State Patrol, Division of Public Health, Attorney Generals tobacco office, and new to the group is the Department of Revenue tax stamp inspectors. The Tax stamp inspectors agreed to join the group after learning of the Divisions of Behavioral Health's' 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, municipal and county clerks' information has been checked. Additional licensees have been found and clerks notified of the requirements for licensing within their jurisdictions.

Difficulties Recruiting Youth Inspectors:

The recruitment of youth inspectors continues to be a challenge for law enforcement agencies. While there has plenty of willingness for participation in community coalitions, the availability of youth to travel with police officers has not increased.

This most likely is attributed to the fact that travel distance and time can be arduous, especially when inspection teams must travel 3-4 hours to conduct one or two inspections. 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).

Beginning in 2009, an ongoing requirement was added to the Nebraska State Patrol and Omaha contract for Synar checks to meet the goal of achieving approximately 34 % of inspectors being aged 15, 34 % being age 16 and 34 % the age of 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)." The state continues to strive for an even 50/50 split between genders in any age group. While neither of these goals have been met, the importance of achieving balance regarding the gender distribution of youth inspectors for future Synar inspections is recognized and remains an area of improvement for Division staff to address with sub-contractors. To meet this statewide goal, additional training and education of requirement for the Nebraska State Patrol and Omaha police department may be required to improve accuracy in reflecting the potential sales to minors.

We have identified some additional opportunities to create an awareness of the importance of Synar and our need for greater youth involvement by building on existing collaborative partnerships within our six Regional Behavioral Health Authorities. Another strategy would be to present to several of our community coalitions who have youth advisory boards. It is likely that youth members could serve as a potential resource for recruitment and assist with the search for new youth inspectors. Lastly, a review of current recruitment practices is planned in order to maximize resources, partnerships, efforts, planning and overall system coordination. It is our hope that training resources can only grow from this and strengthen system partners amongst the substance abuse prevention field.

Geographic, Demographic, And Logistical Considerations In Conducting Inspections:

Distances between communities, especially in western Nebraska, make conducting inspections by only the Nebraska State Patrol particularly difficult. The 400 plus visits for the Synar program are conducted over a four-month period. It is common for many communities to have just one inspection in which the drive to and from the inspection are over an hour from the patrol officers base location. Officers are on overtime status to conduct these inspections. Both the Division of Behavioral Health and the Nebraska State Patrol are exploring additional local law enforcement activities through local community coalitions that may help to relieve Synar inspections. The Nebraska State 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 Nebraska State Patrol is searching for ways to get communities more involved in Responsible Server Training.

Facilitation of Inspections and Number of Inspections Conducted

The Division of Behavioral Health has changed 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). A 15% oversample is used as the target sample size. Sizable savings were made in law enforcement manpower - a major investment in this effort. The compliance checks were completed during the period April 1, 2011, to September 15, 2011.

Federal Food and Drug Administration efforts under the Family Smoking and Tobacco Control Act (Tobacco Control Act):

The Nebraska Synar workgroup reviewed the initial solicitation for FDA state agreements under the Family Smoking and Tobacco Control Act between February and March of 2010 and determined it was unable to participate at this time. Several stringent requirements go beyond available manpower resources to collect and store evidence or data and the additional manpower proposed to be funded by the agreement is politically sensitive. Additionally, in ongoing discussions, the Synar committee has agreed to continue to monitor the FDA efforts during the first year of implementation and determine a more appropriate date for Nebraska to join the efforts.

APPENDIX A: FORMS 1-5

SSES Table 1 (Synar Survey Estimates and Sample Sizes)

CSAP-SYNAR REPORT

State	NE
Federal Fiscal Year (FFY)	2011
Date	10/13/2011 10:26
Data	SSES All regions strata.xlsx
Analysis Option	Stratified SRS with FPC

Estimates

Unweighted Retailer Violation Rate	10.7%
Weighted Retailer Violation Rate	10.6%
Standard Error	0.3%
Is SAMHSA Precision Requirement met?	YES
Right-sided 95% Confidence Interval	[0.0%, 11.1%]
Two-sided 95% Confidence Interval	[9.9%, 11.2%]
Design Effect	0.8
Accuracy Rate (unweighted)	87.9%
Accuracy Rate (weighted)	87.9%
Completion Rate (unweighted)	93.7%

Sample Size for Current Year

Effective Sample Size	339
Target (Minimum) Sample Size	336
Original Sample Size	430
Eligible Sample Size	378
Final Sample Size	354
Overall Sampling Rate	94.4%

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

STATE: NE

FFY: 2011

Samp. Stratum	Var. Stratum	Outlet Frame Size	Estimated Outlet Population Size	Number of PSU Clusters Created	Number of PSU Clusters in Sample	Outlet Sample Size	Number of Eligible Outlets in Sample	Number of Sample Outlets Inspected	Number of Sample Outlets in Violation	Retailer Violation Rate(%)	Standard Error(%)
All Outlets											
A-Non-O	A-Non-O	35	32	N/A	N/A	35	32	32	4	12.5%	
A-Oma	A-Oma	89	79	N/A	N/A	89	79	66	3	4.5%	
B	B	70	59	N/A	N/A	70	59	58	4	6.9%	
C	C	64	57	N/A	N/A	64	57	55	6	10.9%	
D	D	45	41	N/A	N/A	45	41	40	8	20.0%	
E	E	29	27	N/A	N/A	29	27	25	2	8.0%	
Hq	Hq	98	83	N/A	N/A	98	83	78	11	14.1%	
Total		430	378			430	378	354	38	10.6%	0.3%
Over the Counter Outlets											
A-Non-O	A-Non-O	34	31	N/A	N/A	31	31	31	4	12.9%	
A-Oma	A-Oma	89	79	N/A	N/A	89	79	66	3	4.5%	
B	B	70	59	N/A	N/A	61	59	58	4	6.9%	
C	C	63	56	N/A	N/A	57	54	54	5	9.3%	
D	D	45	41	N/A	N/A	41	40	40	8	20.0%	
E	E	29	27	N/A	N/A	29	27	25	2	8.0%	
Hq	Hq	98	81	N/A	N/A	87	79	76	11	14.5%	
Total		428	374			395	369	350	37	10.4%	0.3%
Vending Machines											
A-Non-O	A-Non-O	1	1	N/A	N/A	1	1	1	0	0.0%	
A-Oma	A-Oma	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	1	1	N/A	N/A	1	1	1	1	100.0%	
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%	
Hq	Hq	0	0	N/A	N/A	0	0	0	0	0.0%	
Total		2	2			2	2	2	1	50.9%	4.4%

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

SSES Table 3 (Synar Survey Sample Tally Summary)

STATE: NE
 FFY:
 2011

Disposition Code	Description	Count	Subtotal
EC	Eligible and inspection complete outlet	354	
Total (Eligible Completes)			354
N1	In operation but closed at time of visit	18	
N2	Unsafe to access	2	
N3	Presence of police	0	
N4	Youth inspector knows salesperson	2	
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	0	
N8	Run out of time	0	
N9	Other noncompletion (see below)	1	
Total (Eligible Noncompletes)			24
I1	Out of Business	14	
I2	Does not sell tobacco products	32	
I3	Inaccessible by youth	2	
I4	Private club or private residence	0	
I5	Temporary closure	0	
I6	Can't be located	0	
I7	Wholesale only/Carton sale only	2	
I8	Vending machine broken	0	
I9	Duplicate	2	
I10	Other ineligibility	0	
Total (Ineligibles)			52
Grand Total			430

Give reasons and counts for other noncompletion:

Reason	Count
CI asked for Cigs in a Pipe Tobacco Shop time ran out before new survey scheduled	1

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

STATE:
NE
FFY:
2011

Frequency Distribution

Gender	Age	Number of Inspectors	Attempted Buys	Successful Buys
Male	14	0	0	0
	15	11	74	3
	16	7	56	9
	17	5	51	5
	18	0	0	0
	Subtotal		23	181
Female	14	0	0	0
	15	3	53	4
	16	6	48	6
	17	7	72	11
	18	0	0	0
	Subtotal		16	173
Other		0	0	0
Grand Total		39	354	38

Buy Rate in Percent by Age and Gender

Age	Male	Female	Total
14	0.0%	0.0%	0.0%
15	4.1%	7.5%	5.5%
16	16.1%	12.5%	14.4%
17	9.8%	15.3%	13.0%
18	0.0%	0.0%	0.0%
Other			0.0%
Total	9.4%	12.1%	10.7%

APPENDIXES B & C: FORMS

Instructions

Appendix B (Sampling Design) and Appendix C (Inspection Protocol) are to reflect the State's CSAP-approved sampling design and inspection protocol. These appendixes, therefore, should generally describe the design and protocol and, with the exception of Question #10 of Appendix B, are not to be modified with year-specific information. Please note that any changes to either appendix must receive CSAP's advance, written approval. To facilitate the State's completion of this section, simply cut and paste the previously approved sampling design (Appendix B) and inspection protocol (Appendix C).

APPENDIX B: SYNAR SURVEY SAMPLING METHODOLOGY

State: Nebraska
 FFY: 2012

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	3	Tobacco Licenses	Collected (January 2011) annually, licenses expire Dec 31 of each year. In 2011, 96.7 percent of municipal clerks responded and 100 percent of county clerks responded

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

N/A

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

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

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

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

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

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

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

Unstratified statewide sample:

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

Stratified sample:

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

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

N/A

7. Provide the following information about stratification.

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

N/A

b. Is clustering used within the stratified sample?

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

8. Provide the following information about clustering.

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

N/A

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

N/A

9. Provide the formulas 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 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 (15 %)

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

- a. If the State uses the sample size formulas embedded in the Synar Survey Estimation System (SSES) Sample Size Calculator, please provide the following information:**

Inputs for Effective Sample Size:

RVR: 13. 51

Frame Size: 9569

Input for Target Sample Size:

Design Effect: . 99

Inputs for Original Sample Size:

Safety Margin: 15

Accuracy (Eligibility) Rate: 90. 84

Completion Rate: 88. 47

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

N/A

APPENDIX C: SYNAR SURVEY INSPECTION PROTOCOL

State: Nebraska

FFY: 2012

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): _____

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

- Always Usually Sometimes Rarely Never

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

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

All inspectors are certified law enforcement officers who are trained on the compliance check procedures. Each year the guidelines and any new information are provided to already trained officers notifying them of any changes. New inspectors are assigned to inspectors with experience in order to "learn by doing". Cooperating Individuals are trained by an officer regarding proper procedures and protocols.

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.)

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

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

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

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.)

The state requires that all inspections (for both **Alcohol and Tobacco**) are conducted in accordance with the "Guidelines for Using Underage Cooperating Individuals for Compliance Checks".

APPENDIX D: LIST SAMPLING FRAME COVERAGE STUDY

(LIST FRAME ONLY)

State: Nebraska

FFY: 2012

1. Calendar year of the coverage study: 2010
2. a. Unweighted percent coverage found: 97.7%
b. Weighted percent coverage found: 97.7%
c. Number of outlets found through canvassing: 173
d. Number of outlets matched on the list frame: 169
3. a. Describe how areas were defined. (e.g., census tracts, counties, etc.)

Zip codes

- b. Were any areas of the State excluded from sampling? Yes No

If Yes, please explain.

4. Please answer the following questions about the selection of canvassing areas.
 - a. Which category below best describes the sample design? (Check only one.)

Census (Go to Question 6.)

Unstratified Statewide sample:

Simple random sample (Respond to Part b.)

Systematic random sample (Respond to Part b.)

Single-stage cluster sample (Respond to Parts b and d.)

Multistage cluster sample (Respond to Parts b and d.)

Stratified sample:

Simple random sample (Respond to Parts b and c.)

Systematic random sample (Respond to Parts b and c.)

Single-stage cluster sample (Respond to Parts b, c, and d.)

Multistage cluster sample (Respond to Parts b, c, and d.)

Other (Please describe and respond to Part b.) _____

b. Describe the sampling methods.

A list of all Nebraska postal zip codes was the primary sampling unit. A simple random sample of 25 zip codes from all Nebraska zip codes was selected. The 577 zip codes for Nebraska were first listed in zip code order – 68001 to 69367. Using Microsoft Excel RAND a random number was assigned to each zip code. The resulting RAND list was sorted in numeric order, lowest to highest and the lowest 25 zip codes selected as the sample.

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

No strata were created

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

No clusters were formed

5. Were borders of the selected areas clearly identified at the time of canvassing?

Yes No

6. Were all sampled areas visited by canvassing teams?

Yes (*Go to Question 8.*) No (*Respond to the following questions.*)

a. Was the subset of areas randomly chosen?

Yes No

b. Describe how the subsample of visited areas was drawn. Include the number of areas sampled and the number of areas canvassed.

N/A

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

Yes No

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

N/A

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

Yes No

If No, respond to Question 11.

If Yes, describe any instructions given to the field observers to ensure the entire area was canvassed, then go to Question 12.

The field surveyor visited the identified first business to determine if it sold tobacco and had a tobacco license. The field surveyor recorded the business name, address, main phone number and business type. They determine if there was a vending machine on the premises.

This information was recorded on the Merchant Field List form (Appendix B). Following that check, the surveyor exited the business, turned left and proceeded to each subsequent businesses until a total of 10 businesses were checked. In some cases this meant crossing the street after reaching the edge of the town and returning on the other side of the street. If 10 businesses were still not located, cross streets and parallel streets were systematically checked and if 10 businesses were still not located, a systematic search of all roads in the zip code area was completed.

9. If a full canvassing was not conducted:

- a. **How many predetermined outlets were to be observed in each area?** 10
- b. **What were the starting points for each area?** Random
- c. **Were these starting points randomly chosen?** Yes No
- d. **Describe the selection of the starting points.**

Selection of the site for beginning the field survey was a randomly selected business from Nebraska's list of municipal and county tobacco licensees. In the absence of a listed licensee in the zip code area a randomly selected point on a map was the starting point.

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

The field surveyor visited the identified first business to determine if it sold tobacco and had a tobacco license. The field surveyor recorded the business name, address, main phone number and business type. They determine if there was a vending machine on the premises. This information was recorded on the Merchant Field List form. Following that check, the surveyor exited the business, turned left and proceeded to each subsequent businesses until a total of 10 businesses were checked. In some cases this meant crossing the street after reaching the edge of the town and returning on the other side of the street. If 10 businesses were still not located, cross streets and parallel streets were systematically checked and if 10 businesses were still not located, a systematic search of all roads in the zip code area was completed.

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

Each retail outlet located and found to be open was visited and a "Merchant Field List" was completed; recording the entity name, address, type of business, primary phone, whether there was a vending machine, and if the entity carried a tobacco license.

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

When surveying in a zip code area was complete and data on 10 businesses recorded, this list of 10 businesses was compared to the list of businesses for that zip code area provided by Info USA. The objective was to identify a match between the observed businesses and the Info USA business list.

If the initial search of the Info USA business list did not reveal a match with the businesses identified by the surveyor, a search for matching addresses was completed, this was to identify businesses that remained at the same address but had changed their business name. If

the address checks failed to reveal a match, telephone numbers were compared. If the match was not completed using these three steps, it was concluded that the business identified by the fieldworker was not on the Info USA business list.

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

N/A

TOBACCO COMPLIANCE CHECK REPORTING FORM

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

Do not substitute if provided a list

THIS FORM MUST BE FILLED IN COMPLETELY AND LEGIBLY

Section 1

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

Name of Business : «Business_Name» «SID»

Address of Business: «Address»

City NE Zip: «City» NE «ZIP»

Section 2 CHECK INFORMATION: (Circle Response)

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

Section 4 - VIOLATIONS	
Citation Issued	YES NO
Case #	
Citation Issued to: (circle at least one)	Clerk Owner Manager

Section 3 - Incomplete Reason: (Circle)

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

Section 6
 Officer Badge No: _____ Area: _____
 Signature: _____

Section 5 Cooperating Individual Information

AGE 15 16 17 (proportionality)

Gender: M (Male) F (Female)

ID Checked? Yes No

CI Number _____

Type of Business: (Circle)

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

Type of Product: Cigarette, Cigar, Pipe, Cut, Chew, Other

Remarks:

**Instructions for
Tobacco Compliance Check Reporting Form
(Revised: April 2010)**

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

SECTION 1

Date and time of Check: Complete time using 12 hour clock. Include AM or PM. (For example, 12:00pm)

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

***Explain what SID code is and where to verify

SECTION 2: Check Information

Outlet: Type of Sales – Circle OTC for a clerk sale over the counter. Indicate VM for sales from vending machines. Follow special protocol for vending machines sales.

Inspection Completion Status: Indicate if the inspection was complete or incomplete. Incomplete checks must be indicated using *incomplete reason*. (Use only one reason for any single check.) If in doubt give facts in “other” line or in Remarks section of form. Skip compliance status but complete section 5 and 6. If inspection is later completed return form with appropriate information for each inspection attempted. Up to 3 attempts may be made to complete an inspection at any one location.

Compliance Status: Indicate whether a sale was or was not made to a cooperating individual. If sale was made a violation has occurred circle EC1 (Violation) and complete the violations box and section 5 and 6. If no sale was made to a cooperating individual circle EC0 (In Compliance) and complete section 5 and 6.

SECTION 3 –

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

SECTION 4 –

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

SECTION 5 –

Cooperating Individual Information: (CI's) Whether the inspection was completed or not indicate the cooperating individuals' information.

Age: Only persons 15, 16, or 17 years may conduct inspections. Inspections must be completed in proportionality to the number of CI's so that not more than 40 % of inspections are completed by any one age group. See also gender requirements. Ideally, if 100 inspections were conducted there would be about 16 or 17 inspections in each cell representing the 6 cells of the age/gender matrix.

Gender: Circle appropriate response. Inspections must be complete in proportionality to the number of CI's so that not more than 60% of inspections are conducted by members any one gender. See Age requirements for questions.

ID checked: During Inspection did the merchants' representatives check the cooperating individuals' identification?

CI Number: CI number may be a formal employee number, a phone number, or sequential number used by the adult in charge of the inspections. Use the same number to identify each unique individual. Each CI must be identified by a unique number, that number must be used for all inspections conducted by the individual.

Type of Business: Complete by circling the appropriate type of business. Write in a description of business if not one of those indicated.

Type of Product - Circle the type of product attempted to purchase - Cigarette, Cigar, Cut Tobacco, Pipe Tobacco, Chew (snuff) or other.

Remarks: To use circle "USE BACK" and enter comment or extend explanation on back of form.

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

**GUIDELINES FOR USING UNDERAGE COOPERATING INDIVIDUALS
DURING COMPLIANCE CHECKS**

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

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

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

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

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

Underage C.I.s should be specifically instructed:

- Not to use a disguise that makes them appear older than they actually are.
- Not to use or possess false, borrowed or altered identification.

- To use their own personal, valid identification, i.e., driver's license, state I.D., etc.
- Not to lie to a sales clerk if asked their date of birth, if they are old enough to purchase alcohol, or their age. (If the C.I. is asked if he or she is old enough to purchase alcohol, it is acceptable for the C.I. to respond with, "Would you like to see my I.D.?" or some other similar reply as long as it is not deceptive in regard to his or her actual age.)
- To correctly fill out the documentary proof of age booklet if requested to do so. In order to protect the safety of the C.I. they may use an address that is not their own. The address of the local law enforcement agency is suggested as an appropriate substitution.
- To be prepared to accurately describe and identify the sales clerk for enforcement action.
- If asked they may answer the question, "Are you working for law enforcement?" with "No." (Any other deceptions are not permitted.)