

ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB № 0930-0222

FFY 2024

State: KY

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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 Substance Abuse Prevention and Treatment Block Grant (SABG) (45 C.F.R. 96.130 (e)).

How the Synar report helps the Center for Substance Abuse Prevention

In accordance with the tobacco regulations, states are required to provide detailed information on progress made in enforcing youth and young adult tobacco access laws (FFY 2023 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth and young adult tobacco access rates (FFY 2024 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 and young adult tobacco access laws when aggregated statistical data from state Synar reports can demonstrate to the Secretary the national progress in reducing youth and young adult 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

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).

with youth and young adult tobacco access laws.

Getting assistance in completing the Synar report

If you have questions about programmatic issues, you may call CSAP's Division of Primary Prevention at (240) 276-2550 and ask for your respective State Project Officer, or contact your State Project Officer directly by telephone or email. If you have questions about fiscal or grants management issues, you may call your Grants Management Specialist in the Office of Financial Resources, Division of Grants Management, at (240) 276-1422.

Where and when to submit the Synar report

The ASR must be received by SAMHSA no later than December 31, 2023 and must be submitted in the format specified by these instructions. Use of the approved format will avoid delays in the review and approval process. The chief executive officer (or an authorized designee) of the applicant organization must sign page one of the ASR certifying that the state has complied with all reporting requirements.

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

- FFY 2024 Synar Survey Results: States that use the Synar Survey Estimation System (SSES) must upload one copy of *SSES Tables 1–8* (in Excel) to WebBGAS. **Please note that, in the FFY 2024 ASR, SSES will generate Tables 6, 7, and 8, which are based on the optional microdata on product type, retail outlet type, and whether identification was requested. If your state does not submit these optional data, Tables 6, 7, and 8 will be blank. Tables 6, 7, and 8 are generated for the convenience of the state, and states are not required to submit completed versions of Tables 6, 7, or 8.** 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), as well as a database with the raw inspection data 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. This document should be different than the Appendix C attached to the Annual Synar Report.
- A scanned copy of the signed Funding Agreements/Certifications

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

FFY 2024: 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 2024 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 2024 is up-to-date and approved by the Center for Substance Abuse Prevention.	
State: Kentucky	
Name of Chief Executive Officer or Designee: Eric Friedlander	
Signature of CEO or Designee: <i>Eric C. Friedlander</i>	
Title: Secretary, Cabinet of Health and Family Services	Date Signed: 12/21/2023
If signed by a designee, a copy of the designation must be attached.	

SECTION I: FFY 2023 (Compliance Progress)

YOUTH AND YOUNG ADULT 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 21.

1. Please indicate any changes or additions to the state tobacco statute(s) relating to youth and young adult access since the last reporting year. If any changes were made to the state law(s) since the last reporting year, please 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 and young adults to possess, purchase or receive tobacco
- Changed to require ID to purchase tobacco
- Changed definition of tobacco products
- Other change(s) *(Please describe.)* _____

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

Licensing of tobacco vendors Yes No

Penalties for sales to minors Yes No

Vending machines Yes No

Added product categories to youth and young adult access law Yes No

2. Describe how the Annual Synar Report (see 45 C.F.R. 96.130(e)) was made public within the state prior to submission of the ASR. (Check all that apply.)

- Placed on file for public review
- Posted on a state agency Web site *(Please provide exact Web address and the date when the FFY 2024 ASR was posted to this Web address.)*

Web address: _____

Date published: _____

- Notice published in a newspaper or newsletter

- Public hearing
- Announced in a news release, a press conference, or discussed in a media interview
- Distributed for review as part of the SABG application process
- Distributed through the public library system
- Published in an annual register
- Other (Please describe.) A copy of the 2024 Synar Report was sent to the State Interagency Advisory Council for review and comment.

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:**

The Department for Behavioral Health, Developmental and Intellectual Disabilities

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

- Yes No

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

The Department of Alcoholic Beverage Control

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

- Yes No

- c. The state agency(ies) responsible for enforcing youth and young adult tobacco access law(s):**

The Department of Alcoholic Beverage Control

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

- Yes No

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

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

The Tobacco Prevention and Cessation Program, Kentucky Department for Public Health.

- b. Has the responsible agency changed since last year's Annual Synar Report?**

- Yes No

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

- Are the same
- Have a formal written memorandum of agreement
- Have an informal partnership
- Conduct joint planning activities
- Combine resources

Have other collaborative arrangement(s) *(Please describe.)* The Synar Coordinator and the Policy Analyst of the Kentucky Department for Public Health Tobacco Prevention and Cessation Program meet regularly to coordinate tobacco prevention efforts, discuss quality improvements and resolve challenges regarding the Tobacco Retail Underage Sales Training Program. At the end of each fiscal year, we review training outcomes and discuss ways to further engage retailers to participate in the training. The Policy Analyst is also an active member of the Kentucky Synar Council and attends the Council's quarterly meetings. We have also sustained the work of the Kentucky Youth Vaping Task Force, created by our two agencies in FFY 2023. The task force is composed of 30 members consisting of representatives from Regional Prevention Centers, Local Health Departments, Advocacy Organizations, Schools, Hospitals, and State Government. According to the most recent (2021) Kentucky Incentives for Prevention Youth Survey, vaping among Kentucky students (grades 6,8,10 and 12 decreased on the whole but is still significantly higher than the national average.) Just barely over three percent of 6th graders reported vaping in the past thirty days, up slightly from 2.9% in 2018. Eighth grade vaping decreased from 14.2% to 9.5%. Tenth graders saw the biggest decrease - from 23.2% to 17%. All grade levels surveyed reported significant increases in perception of harm from vaping. However, nearly 21 percent of 10th graders who used vape products in the last 30 days reported buying them in a store. The Kentucky Youth Vaping Task Force is divided into two subcommittees - Advocacy and Policy and Education. There is also a Treatment and Cessation subcommittee focused on recommendations for student screening and referral processes. Outcomes of the policy subcommittee thus far include: identifying a legislative sponsor for a statewide tobacco licensing law, (we hope to get a bill introduced in the 2024 legislative session), support for a minimum purchase age law and other regulations regarding retail sale of Hemp-based THC. A minimum purchase age law was passed in the 2023 sessions. The ensuing regulations do contain some laws, however, as of the drafting of this report, the regulations have not yet been finalized. Foundation for A Healthy Kentucky, a partner agency that serves on the Advocacy and Policy Subcommittee of the task force recently conducted a poll to gauge support for a statewide tobacco licensing law. The results of the poll are in, but cannot be released until later in the year before the upcoming legislative session. The outcomes from the Education Subcommittee include: creation of a resource list of Adolescent and Young Adult Vaping (Nicotine + THC) Prevention and Cessation Resources for Parents and Caregivers. The purpose of the resource is to provide a comprehensive listing for Regional Prevention Centers, Local Health Departments, coalitions, and other prevention/health professionals who can then select which resources are most appropriate to share with their community members/clients. Subcommittee members have shared these resources in organizational newsletters and on social media outlets. Subcommittee members are providing support and guidance for a Parents Against Vaping e-Cigarettes social

media campaign pilot that will feature stories from three south central Kentucky locals about the impact of youth vaping on their communities and will link parents/caregivers/community members who view the campaign to Parents Against Vaping e-Cigarette (PAVe) resources. PAVe representatives are currently recording the stories.

The Education Subcommittee also created a list of organizational Facebook pages and were asked to follow members' pages to learn from and share the prevention messages everyone is creating. Members will also use their organizational social media pages to amplify the PAVe pilot and other resources. The Kentucky Synar Program has also partnered with the Tobacco Prevention and Cessation Branch to conduct a second state wide youth conference on tobacco and vaping. _____

No relationship

d. Does a state agency contract with the Food and Drug Administration’s Center for Tobacco Products (FDA/CTP) to enforce the youth and young adult access and advertising restrictions in the Family Smoking Prevention and Tobacco Control Act?

Yes No (if no, go to Question 5)

e. If yes, identify the state agency responsible for enforcing the youth and young adult access and advertising restrictions in the Family Smoking Prevention and Tobacco Control Act (the agency that is under contract to the Food and Drug Administration’s Center for Tobacco Products (FDA/CTP)).

The Kentucky Department of Alcoholic Beverage Control

f. Has the responsible agency changed since last year’s Annual Synar Report?

Yes No

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

Are the same

Have a formal written memorandum of agreement

Have an informal partnership

Conduct joint planning activities

Combine resources

Have other collaborative arrangement(s) *(Please describe.)* The Kentucky Synar Program contracts with the Kentucky Department for Alcoholic Beverage Control to recruit and train youth Investigative Aides, conduct the inspections and submit the inspection sheets on a timely basis.

No relationship

h. Does the state use data from the FDA enforcement inspections for Synar survey reporting?

Yes No

5. Please answer the following questions regarding the state’s activities to enforce the state’s youth and young adult access to tobacco law(s) in FFY 2023 (see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130(e)).

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

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

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

PENALTY	OWNERS	CLERKS	TOTAL
Number of <u>citations issued</u>	61	61	122
Number of <u>finest assessed</u>	61	61	122
Number of <u>permits/licenses suspended</u>			
Number of <u>permits/licenses revoked</u>			
Other (Please describe.)			

c. 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 5c, 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:

Kentucky’s Synar protocol provides support in minimizing bias by reducing the possibility that a retail clerk who has experienced a Synar inspection might alert other retailers. For each Synar inspection, an Investigative Aide and officer enters the store. A second officer waits outside. If no sale has been made, the teen says, “Thank you,” and leaves. In the event of a successful purchase, the aide takes the cigarettes, e-cigarette or smokeless tobacco to the car with the waiting officer. The officer who is in the store issues a civil citation to the clerk, which consists of a fine. Immediately after the inspection, the inspection form is completed and the investigative aide and officers drive to the next assigned outlet. The protocol

protects the investigative aide, as an irate retailer may wish to retaliate against what he/she considers a “sting.” Also, by not informing the retailers who are compliant that they have just been inspected, (generally on the order of 90%), the number of stores that know Synar checks are being performed is reduced. By reducing the number of stores that know that Synar checks are being performed, the number of stores who may be tempted to call and alert other retailers in the area is also reduced.

d. Which one of the following best describes the level of enforcement of state youth and young adult 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.

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

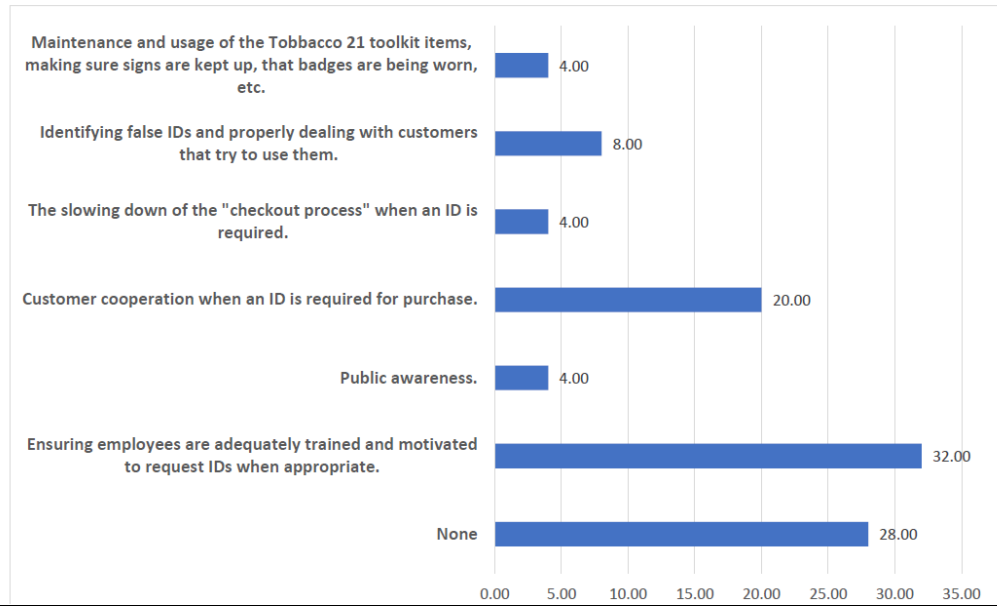
- Yes No

f. What additional activities are conducted in your state to support enforcement and compliance with state youth and young adult tobacco access law(s)? (Check all that apply and briefly describe each activity in the text boxes below each activity.)

- Merchant education and/or training

During the state fiscal year 2023, many enhancements and updates were made to the Tobacco Retail Underages Sales Training (TRUST). New data on Kentucky youth vaping and smoking were added, as well as the new inflation adjusted FDA fines. In total, 3,235 retailers took the TRUST training. One hundred twenty three Tobacco 21 Toolkits were ordered by retailers and 32 store owners/managers completed a toolkit evaluation survey. Seventy-three percent of respondents had their employees take the TRUST training which is advertised in the toolkit. When asked if they had any other resources or materials they would like to see included in the toolkit, 65% of retailers surveyed responded that all the information they needed was included and had nothing to recommend. In order to improve our understanding of factors contributing to compliance violations, we asked retailers- in an open question format- what their biggest challenge was in terms of maintaining compliance. As can be seen from the graph below, training clerks to request ID's was their most significant challenge.

What would you say is your store's biggest challenge in terms of maintaining compliance with tobacco laws?



- 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 and young adult access laws)

- Community education regarding youth and young adult access laws

The Kentucky Synar Program Coordinator works very closely with the Nicotine Prevention Enhancement Specialist within the Department of Behavioral Health, Developmental and Intellectual Disabilities, Division of Substance Use Disorder, to provide up-to-date information to service providers and communities on federal and state youth access laws. We are currently in the process of developing a community education infographic about e-cigarettes. The goal of the infographic is to raise awareness among prevention specialists and community members that, as of the filing of this report, only 23 brands of e-cigarettes have received FDA authorization to be sold (see graphic from the Center for Tobacco Products website below). None of those products are among the flavored synthetic nicotine products popular among youth. Our communities need to be aware that the vast majority of e-cigarettes that are on store shelves are being sold illegally. The Kentucky Synar Program also works very closely with the state network of Regional Prevention Centers to ensure that staff remain current on state and federal tobacco laws, FDA rulings and new tobacco/nicotine products that appear on the market.

FDA Authorized Devices

NJOY LLC	R.J. Reynolds Vapor Company	Logic Technology Development LLC
 ACE POD Rich Tobacco 5%	 Vibe Power Unit	 Power Rechargeable Kit
 ACE POD Classic Tobacco 5%	 Vibe Tank Original 3.0%	 Power Tobacco e-Liquid Package
 ACE POD Classic Tobacco 2.4%	 Vibe Power Unit	 Pro Capsule Tank System
 ACE Device	 Giro Power Unit	 Pro Capsule Tank System
 DAILY EXTRA Rich Tobacco 6%	 Giro Cartridge Original 1.5%	 Pro Tobacco e-Liquid Package
 DAILY Rich Tobacco 4.5%	 Giro Power Unit	 Vapeleaf Tobacco Vapor System
		 Vapeleaf Cartridge/Capsule Package
		 Regular Cartridge/Capsule Package

Phillip Morris: [Marlboro Sienna HeatSticks](#), [Marlboro Bronze HeatSticks](#), [Marlboro Amber HeatSticks](#)

"To date, the FDA has authorized 23 tobacco-flavored e-cigarette products and devices. These are the only e-cigarette products that currently may be lawfully sold in the U.S. "

Media use to publicize compliance inspection results

Community mobilization to increase support for retailer compliance with youth and young adult access laws

One of the goals of the Division of Substance Use Disorder's Tobacco/Nicotine strategic plan is to mobilize communities to increase awareness around local youth access issues. This is done by sharing Kentucky Incentives for Prevention data. The Survey asks students how easy it is to obtain cigarettes. But does not distinguish between retail and social access. The vaping questions ask the youth how they obtained their electronic nicotine devices - online, in a store, through a friend, adult, etc. This data is shared at state tobacco prevention conferences and at monthly Regional Prevention Center Directors' meetings, as appropriate. The Kentucky Synar Coordinator regularly works with the State Epidemiological Workgroup to compile reports and conduct analysis on Kentucky youth access data which are distributed to our service providers, who in turn share it with their communities. The Kentucky Synar Program is also providing funding to local coalitions and youth groups to conduct environmental scans and deliver Tobacco 21 Toolkits to all tobacco retailers in their area. Each funded community must implement an awareness activity such as a photo voice project, town hall, or social media posts to publicize the results of their scans.

Other activities *(Please list.)* Networking for Kentucky Youth Conference, Partnerships with #iCANendthetrend and the University of Kentucky Department of Health Promotion

The 2024 Kentucky Youth Tobacco Control Conference in Frankfort will unite high-school-age youth advocacy coalitions/groups from across the state. This youth-led event will be an engaging day of learning, skill-building, and networking. The goal of the conference is to provide attendees with the knowledge necessary to empower them to protect their peers, schools, and communities from the harmful effects of tobacco/nicotine and vaping. Topics of the conference will include:

1. Tobacco Industry Targeting of Youth in the Retail Environment (Product, Place, Price, Promotion)

2. Youth Advocacy and Empowerment in Tobacco Control - Mobilizing Peers to Fight for Tobacco Control Goals

3. The Intersection of Tobacco Use and Mental Health Challenges

The conference seeks to provide its youth advocates with the skills to:

Effectively Communicate with Legislators (Email, Letters, and In-Person Meetings) (Creating Compelling Advocacy Messages);

Create Shared Advocacy Goals and a Unified Advocacy Front by Ensuring all Voices are Heard - (Consensus Building Leadership)

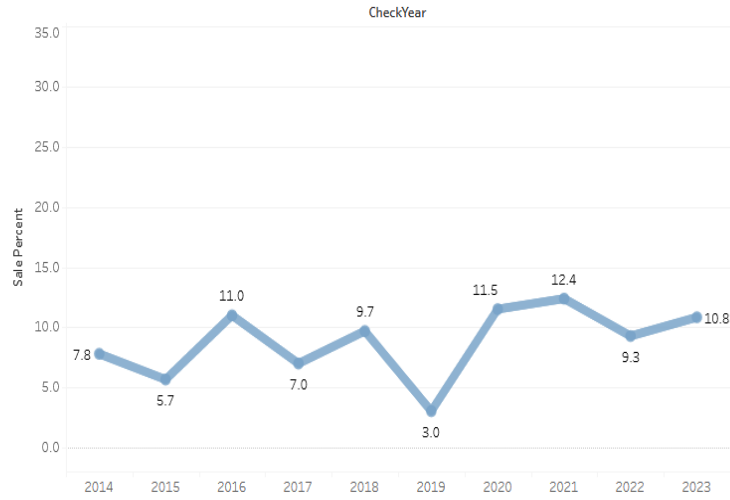
Defend your Viewpoint / Debate and Rebuttal Skills - (Public Speaking)

In FFY 2023, the Kentucky Synar has program strengthened its partnership with #iCANendthetrend and the University of Kentucky Department of Health Promotion. #iCANendthetrend is an evidence-informed peer led tobacco prevention and empowerment program developed by University of Kentucky researchers and college students to help build awareness on the dangers of tobacco and e-cigarette use. The program also provides training to give highschool youth the skills to be effective tobacco policy advocates. Tobacco licensing has been their advocacy priority. The Kentucky Synar Program is partnering with the University of Kentucky Department of Health Promotion to provide support for their EMPOWER Project, a CDC funded grant to mobilize intergenerational community partners to reduce menthol and flavored tobacco use among diverse communities, promote tobacco policy change, and improve health equity in Kentucky communities. In its letter of support for the EMPOWER grant, the Kentucky Synar Program has agreed to work with community coalitions to engage more youth of diverse cultural backgrounds to participate as Investigative Aides both in Synar and FDA compliance inspections, especially those involving menthol products.

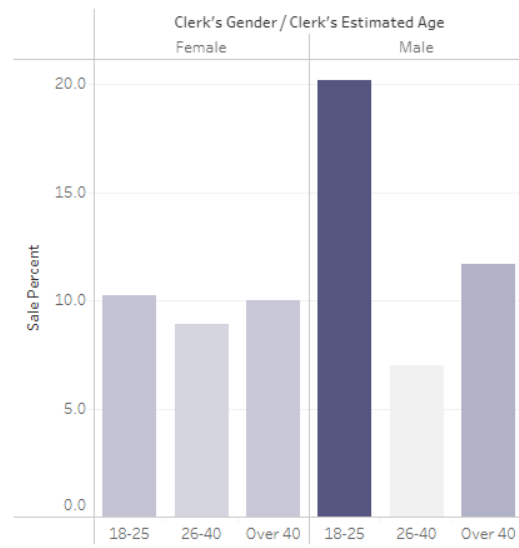
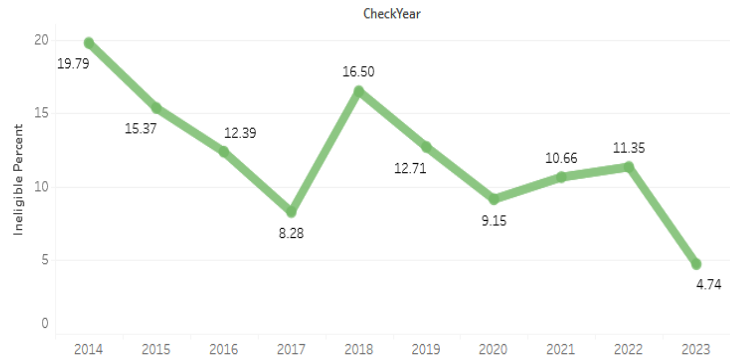
Additionally, the Kentucky Synar Program Coordinator and the Synar statistician developed a Kentucky Synar Dashboard which can provide trend data in multiple graph forms on Synar inspection data for the last 10 years. (See screenshots below.) The dashboard can chart RVR by region, product type, gender and age of IA, gender and age of clerk, and by select chain stores as well as accuracy rate trends. The regional trend data will be shared with the Kentucky Regional Prevention Center staff, the service providers who provide training and technical assistance to prevention coalitions in their service areas. The most compelling data to emerge concerns whether or not clerks ask for IDs. Since 2014 roughly 86% of clerks have asked our Youth Investigative Aides for an ID. Of that number, only 1.7% incurred a violation. On the otherhand, nearly 12% of clerks did not ask for an ID and the overwhelming majority, approximately 11%, did sell. Our Synar protocol does not allow youth to carry IDs. Therefore any youth unable to provide an ID when asked should be refused. Data also reveals that male clerks in the 18-25 year old range have nearly double the violations of any other age category. The data is clear. Clerks who ask for IDs generally don't sell to underage youth and incur a fine. Those who don't, do. The Kentucky Synar program is in the process of working with the Kentucky Retail Federation to organize focus groups with store owners to

gather more data on why clerks don't ask for IDs, and what suggestions they have for framing appropriate messaging to clerks about the need to ask for IDs.

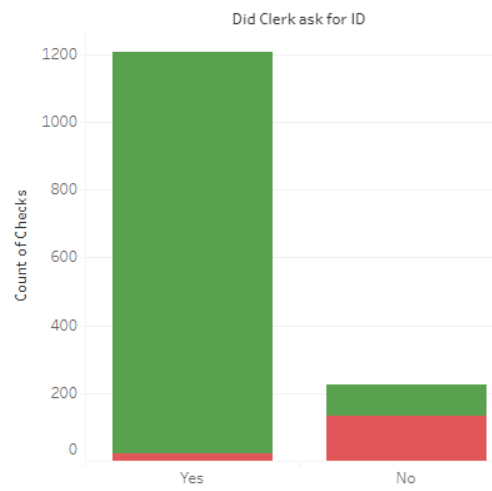
Synar Sales Percentage



Ineligible Percentage



ID Check %



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 2023 (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.

a. If yes, describe how and when this change was communicated to SAMHSA

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, upload a copy of SSES tables 1–8 (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.

$$\text{RVR Estimate} + (1.645 \times \text{Standard Error}) = \text{Right Limit}$$

plus times

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.)*

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

- Yes No No stratification

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

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

- Yes No

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

If No, go to Question 7g.

Were any certainty primary sampling units selected this year?

- Yes No

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

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

	Sample Size
Effective sample size (sample size needed to meet the SAMHSA precision requirement assuming simple random sampling)	
Target sample size (the product of the effective sample size and the design effect)	
Original sample size (inflated sample size of the target sample to counter the sample attrition due to ineligibility and 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 Sampling frame coverage study: 2022

b. Percent coverage from the latest Sampling frame coverage study: 96.38

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: _____

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. If Yes, describe how and when this change was communicated to SAMHSA

b. Provide the inspection period: From 6/15/23 to 9/15/23
MM/DD/YY MM/DD/YY

c. Provide the number of youth and young adult inspectors used in the current inspection year:

27

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.

d. 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 2024 (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 and young adult 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 2024. Include a brief description of plans for law enforcement efforts to enforce youth and young adult tobacco access laws, activities that support law enforcement efforts to enforce youth and young adult tobacco access laws, and any anticipated changes in youth and young adult tobacco access legislation or regulation in the state.

We will continue to market our Tobacco Retail Underage Sales Training and our Tobacco 21 Toolkits. This year we plan to redesign our Toolkit Promotional Material - Post Cards and Social Media ads, as well as working more closely with the Kentucky Retail Federation to post regular articles about our merchant education material. The Kentucky Synar Program will also be looking at ways to reinforce a key message that has surfaced from our retailer survey and our synar results. The message, simply put, is this: Avoid fines by training clerks to ask for and check the dates on IDs of any customer who looks under the age of 27. Refuse a sale if the customer has no ID. The unofficial slogan of the campaign is "Ask, Verify, Approve or Refuse" which are the key steps in any sale of any tobacco or nicotine product to customers who look under age. The Kentucky Synar Program Coordinator is continuing the work begun last year with the Tobacco Retail Licensing Task Force. In fact, the Kentucky Synar Program Coordinator recently responded to a data request on the part of the Lexington Herald Leader, the state's second largest newspaper. The Herald Leader is conducting research on a series of articles about youth vaping and advocacy efforts aimed at Tobacco Licensure.

The Tobacco/Nicotine Minigrant program, implemented through a partnership between the Kentucky Synar Program and the Kentucky Nicotine Prevention Enhancement Specialist, has become an ongoing piece of our state prevention network's efforts to empower local communities to monitor and favorably impact the point of sale environment, as well as raising awareness about youth tobacco/nicotine retail availability.

3. Describe any challenges the state faces in complying with the Synar regulation. (Check all that apply and describe each challenge in the text box below it.)

- Limited resources for law enforcement of youth and young adult access laws

Kentucky has limited funding for enforcement of state tobacco laws. In 2015, due to budget cuts, ongoing state-funded inspections (independent of the Synar inspections) were halted. Enforcement of state tobacco laws is currently limited to annual random Synar inspections. The number of these inspections vary from year to year depending on the previous year's retail violation rate, but average between 350-450. This means that in any given year slightly less than 10% of the retailers on our Synar list frame receive an inspection aimed at enforcing state tobacco laws. We have suspended our community-based, non-punitive compliance checks conducted through our TRUST Compliance program due to a possible conflict with state law. The Department of Alcoholic Beverage Control, through its FDA contract, conducts roughly 360 inspections a month. The FDA inspections, however, are aimed at enforcing federal rather than state tobacco laws.

- Limited resources for activities to support enforcement and compliance with youth and young adult tobacco access laws

- Limitations in the state youth and young adult tobacco access laws

- Limited public support for enforcement of youth and young adult tobacco access laws

- Limitations on completeness/accuracy of list of tobacco outlets

Lack of a state tobacco retail licensing laws has been the most significant and persistent challenge of our Synar program since its inception in 1997. Lack of an official list of tobacco retailers makes it difficult to maintain our accuracy rate and also hampers our ability to reach stores with merchant education training. Another challenge to maintaining accuracy is the rise in the number of independently owned vape shops which tend to be less stable in the retail environment than chain stores or independent convenience stores. Introduction and eventual passage of a tobacco licensing law has become a strategic priority of the Kentucky Synar Program for the 2024 Legislative Session. As mentioned previously in this report, in September of 2022, the Synar Program Coordinator and the DPH Tobacco Prevention and Cessation Program Administrator partnered to create a task force to formulate an action plan to address Kentucky's youth vaping problem. The Attorney General's Office, the Kentucky Office of Drug Control Policy, The Department of Agriculture, the Department of Education and several tobacco prevention coalition members and public health advocacy groups are members of this task force. The task force will leverage community and legislative support for a state-wide tobacco licensing law. It is important to note that Kentucky's accuracy rate has significantly improved over the last five years. Our accuracy rate this year was 85.3% a slight decrease from last year's high mark of 88.3%. Overall we have maintained compliance with SAMSHA's 80% threshold in the time frame cited.

Limited expertise in survey methodology

Laws/regulations limiting the use of minors in tobacco inspections

Difficulties recruiting youth and young adult inspectors

We are not having difficulty recruiting Investigative Aides, but as noted in Section I, Question 5F of this report, as part of our Division's efforts to address health disparity gaps we are taking steps to recruit youth from more diverse cultural backgrounds. The Kentucky Synar Coordinator is working on a plan to diversify our pool of youth Investigative Aides .

Issues regarding the balance of inspections conducted by youth inspectors age 15 and under

Issues regarding the balance of inspections conducted by one gender of youth and young adult inspectors

Geographic, demographic, and logistical considerations in conducting inspections

Cultural factors (e.g., language barriers, young people purchasing for their elders)

Kentucky's history and culture is tied to the cultivation and processing of tobacco. The role of tobacco in Kentucky's economy, coupled with the fact that tobacco was the livelihood of many Kentucky families, has created strong norms of acceptance around tobacco that pose a significant challenge to prevention efforts. Smokeless tobacco (dip) is very popular in rural parts of the state, especially in the Appalachian region. In fact, the average RVR for smokeless tobacco, since 2018 when E-cigarettes were first incorporated into the Synar protocol, exceeds both combustible and e-cigarettes. (11.1% for smokeless as compared to 8.9% for e-cigarettes and 7.5% for combustible cigarettes.)

Kentucky is a pre-emptive state. Local communities have little or no authority to regulate tobacco in their community, as they do for alcohol. (Local options allow counties or municipalities to ban the sale of alcohol) but not tobacco. Local e-juice flavor bans, and supplementary taxes on tobacco/nicotine products are not allowed. However, in 2021 The Louisville Metro Health Department enacted Kentucky's first local tobacco licensing program. Thus far, no other cities in the state have followed suit. (Most likely because of lack of local support and resources to conduct an effective licensing campaign) Louisville Metro is the largest urban area in the state and enacted the second comprehensive smoke-free policy in the state after Lexington. Fortunately, considerable progress has been made in framing

tobacco prevention within its proper context of a public health issue. Youth smoking in Kentucky has declined significantly over the years. According to the Kentucky Incentives for Prevention survey, 10th grade past 30 day use of cigarettes has declined by 55% in the last 10 years- from 21.7% in 2010 to 9.7% in 2018. Yet many tobacco-related health disparities still remain. Kentucky is one of twelve states that comprise "Tobacco Nation," as defined by the Truth Initiative's 2019 report by the same title. Adults (18 and older) in Tobacco Nation are more likely to smoke than the average U.S. adult. (22% as compared to 15% in the rest of the U.S). The youth of Tobacco Nation also smoke at a much higher rate than other U.S. youth (12% vs. 9%). Kentucky is second in the nation in adult smoking (23.6%). According to YRBS, our youth smoking rate is 8.9% compared to the national rate of 6.3% and is 7th in the nation in youth smoking. However, during that same time frame, perceived availability of cigarettes among all grade levels combined, decreased by an average of 20%. The most notable gains occurring among 12th graders. Perception of risk from combustible cigarettes among all grades combined has increased from 54.1% in 2012 to 76% in 2021. Clearly, the education and enforcement efforts are having an impact on perception of risk and ease of access to combustible cigarettes. The past 30-day vaping use question on the 2021 survey was reworded so it cannot be compared to data from the three past surveys. However our new baseline is consistent with past years in that it confirms that our youth vaping rates are significantly higher than combustible cigarette use. Only 0.6% of 6th graders reported smoking at least one cigarette in the past 30 days whereas 3.2% reported vaping at least one time. Among eighth graders 1.8% reported smoking compared to 9.5% who vaped. 3.6% of 10th graders reported smoking compared to 17% who vaped. Among 12th graders, the gap widens even more with 5.3% reporting cigarette use and 24.1 % vaping. A comparison of accessibility of cigarettes vs e-cigarettes shows that 8th, 10th and 12th graders report e-cigarettes easier to obtain than combustible cigarettes with the difference being the highest in grades 10 and 12. 58.6 % of 10th graders report e-cigarettes are easier to obtain compared to 48.6% for combustible cigarettes, while for 12th graders the numbers stand at 67.4% to 58.5%. It is interesting to note that since Kentucky added e-cigarettes to its inspection protocol results in 2018 violations for e-cigarettes have significantly exceeded those of combustible cigarettes. The 2021 Kentucky Incentives for Prevention Survey included a new question asking students how they obtained their e-cigarettes. 23.6% of all students surveyed said they bought their e-cigarette in a store. Predictably, 12th graders had the highest percentage (38.48%) of any age group. However, retail availability ranked third on the list of sources behind "borrowed" (48.5%), "someone else purchased" (35.6%), and "someone else gave them to me," (23.8%). Buying e-cigarettes through the internet was the least reported source of access (3.4%).

Issues regarding sources of tobacco under tribal jurisdiction

Other challenges *(Please list.)* The Synar Survey Estimation System, Retail Availability of Hemp-Based THC

Our Synar statistician is finding it increasingly difficult to use the the antiquated 7.0 version of SSES. For the past four years, he has requested the availability of an updated version. The 7.0 version is based on a version of Excel so outdated that it will not work on new computers. The only way our statistician can get it to work is to borrow an old computer which can still run Excel 7.0. If that computer should crash, or, if he loses access to that computer, we would no longer be able to use the SSES. Other Synar program coordinators around the country have voiced similar concerns. In summary, a new version would be very beneficial.

During the 2023 legislative session House Bill 544, mandating a minimum purchase age for Delta 8 and other forms of hemp-based THC became law. The bill also charges the Cabinet for Health and Family Services to draft regulations regulating the processing, marketing and retail sale of these products. The Synar Coordinator, along with other members of the Kentucky Youth Vaping Task Force had three meetings with the person in charge of drafting the regulations. The purpose of these meetings was to articulate concerns and suggest ways in which the language regarding retail regulations could be strengthened to limit retail availability of hemp-based THC products to underage youth. The Kentucky Department of Alcoholic Beverage control was designated as the agency in charge of monitoring retail compliance of hemp-based THC. The regulations provide no additional funding to hire extra enforcement officers. Since the Alcoholic Beverage Control is already in charge of enforcing alcohol and tobacco and has limited staff, there is a very real possibility that enforcement of the new hemp-based THC laws could divert resources away from tobacco inspections.

APPENDIX A: FORMS 1–5

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

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

Instructions for Completing Form 1: In the top right-hand corner of the form, provide the state name and reporting federal fiscal year (FFY 2024). Provide the remaining information by stratum if stratification was used. Make copies of the form if additional rows are needed to list all the strata.

Column 1: *If stratification was used:*

1(a) Sequentially number each row.

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

If no stratification was used:

1(a) Leave blank.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FORM 2 (Optional)

Appropriate for stratified simple or systematic random sampling designs.

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

Instructions for Completing Form 2: In the top right-hand corner of the form, provide the state name and reporting federal fiscal year (FFY 2024).

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

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

Calculation of Weighted Retailer Violation Rate										
										State: _____
										FFY: 2024
(1) Stratum Name	(2) N Number of Outlets in Sampling Frame	(3) n Original Sample Size	(4) n1 Number of Sample Outlets Found Eligible	(5) n2 Number of Outlets Inspected	(6) x Number of Outlets Found in Violation	(7) p=x/n2 Stratum Retailer Violation Rate	(8) N'=N(n1/n) Estimated Number of Eligible Outlets in Population	(9) w=N'/Total Column 8 Relative Stratum Weight	(10) pw Stratum Contribution to State Weighted RVR	(11) s.e. Standard Error of Stratum RVR
Total										

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

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

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

Instructions for Completing Form 3: In the top right-hand corner of the form, provide the state name and reporting federal fiscal year (FFY 2024).

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

Column 1: Sequentially number each row.

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

If no stratification was used: Write “state” in the first row to indicate that the whole state constitutes a single stratum.

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

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

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

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

Summary of Clusters Created and Sampled				
State: _____				
FFY: 2024 _____				
(1) Row #	(2) Stratum Name	(3) Number of PSUs Created	(4) Number of PSUs Selected	(5) Number of PSUs in the Final Sample
Total				

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

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

Instructions for Completing Form 4: In the top right-hand corner of the form, provide the state name and reporting federal fiscal year (FFY 2024).

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

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

Inspection Tallies by Reason of Ineligibility or Noncompletion			
		State: _____	
		FFY: 2024	
(1) INELIGIBLE		(2) ELIGIBLE	
Reason for Ineligibility	(a) Counts	Reason for Noncompletion	(a) Counts
Out of business		In operation but closed at time of visit	
Does not sell tobacco products		Unsafe to access	
Inaccessible by youth or young adult		Presence of police	
Private club or private residence		Youth or young adult inspector knows salesperson	
Temporary closure		Moved to new location	
Unlocatable		Drive-thru only/youth or young adult inspector has no driver’s license	
Wholesale only/Carton sale only		Tobacco out of stock	
Vending machine broken		Ran out of time	
Duplicate		Other noncompletion reason(s) <i>(Describe.)</i>	
Other ineligibility reason(s) <i>(Describe.)</i>			
Total		Total	

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

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

Instructions for Completing Form 5: In the top right-hand corner of the form, provide the state name and reporting federal fiscal year (FFY 2024).

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

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

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

Synar Survey Inspector Characteristics		
		State: _____
		FFY: 2024 _____
	(1) Attempted Buys	(2) Successful Buys
Male		
15 years		
16 years		
17 years		
18 years		
19 years		
20 years		
Male Subtotal		
Female		
15 years		
16 years		
17 years		
18 years		
19 years		
20 years		
Female Subtotal		
Other		
Total		

APPENDIXES B & C: FORMS

Instructions

Appendix B (Sampling Design) and Appendix C (Inspection Protocol) are to reflect the state's CSAP-approved sampling design and inspection protocol. These appendixes, therefore, should generally describe the design and protocol and, with the exception of Question #10 of Appendix B, are not to be modified with year-specific information. Please note that any changes to either appendix must receive CSAP's advance, written approval. To facilitate the state's completion of this section, simply cut and paste the previously approved sampling design (Appendix B) and inspection protocol (Appendix C) and respond to Question #10 of Appendix B to provide the requested information about sample size calculations for the Synar survey conducted in FFY 2023.

APPENDIX B: SYNAR SURVEY SAMPLING METHODOLOGY

State: Kentucky
 FFY: 2024

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
Google Maps	6	Google Maps is a web service that provides detailed information about geographical regions and sites worldwide. In addition to conventional road maps, Google Maps offers street views comprising photographs taken from vehicles. By typing terms such as vape shops or tobacco retailers in the search engine, Google provides names and addresses of stores that sell tobacco and nicotine within a given area.	Continual updates throughout the year. The list is examined to identify potentially ineligible outlets that are known not to sell tobacco. Telephone calls are made to determine if the vendor is still in business and if the address is correct. Data from the previous year's field report are merged to the newest database, so that information can be updated and outlets known to be out of business or duplicate corporate names are eliminated. The Department of Alcoholic Beverage Control officers update addresses and other information based on personal knowledge of the area and/or Synar inspections.
Kentucky Lottery List	1	A list of all the stores in Kentucky that sell Kentucky lottery tickets. The list is generated by the Kentucky Lottery association at the request of the Kentucky Synar Program Coordinator.	The Kentucky Synar Program has been using the lottery list since 2013. The Kentucky Synar Program Coordinator receives an updated list every year from the Kentucky Lottery Corporation. The list was checked against the updated list and found to be very accurate.

Info USA	1	Commercial list generated for REACH of Louisville Inc., purchased each year prior to drawing the sample.	Continual updates throughout the year. The list is examined to identify potentially ineligible outlets that are known not to sell tobacco. Telephone calls are made to determine if the vendor is still in business and if the address is correct. Data from previous year's field report are merged to the newest database so that information can be updated and outlets known to be out of business or duplicate corporate names are eliminated. The Department of Alcoholic Beverage Control officers update addresses and other information based on personal knowledge of the area and/or Synar inspections.
Supplemental Nutrition Assistance Program	6	This source was recommended by the Executive Director of the Kentucky Grocer's Association. The SNAP website has a feature that allows users to download an Excel sheet of all the stores that participate in SNAP within a given zip code. The Kentucky Synar Program Coordinator downloaded this list and forwarded it to the Synar statistician. The statistician reported that the list had a number of stores that were not on the preexisting Synar list frame. The SNAP Website is: http://www.snapretailerlocator.com	Continual updates throughout the year. The list is examined to identify potentially ineligible outlets that are known not to sell tobacco. Telephone calls are made to determine if the vendor is still in business and if the address is correct. Data from previous year's field report are merged to the newest database so that information can be updated and outlets known to be out of business or duplicate corporate names are eliminated. The Department of Alcoholic Beverage Control officers update addresses and other information based on personal knowledge of the area and/or Synar inspections.

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

N/A

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

Yes No

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

_____%

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

Yes No

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

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

If **Yes**, please indicate how likely it is that vending machines will be sampled.

- Vending machines are sampled separately to ensure vending machines are included in the sample
- Vending machines are sampled together with over the counter outlets, so it is possible that no vending machines were sampled, however they are included in the sampling frame and have a non-zero probability of selection
- Other reasons (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.)

7. Provide the following information about stratification.

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

b. Is clustering used within the stratified sample?

- Yes** (Go to Question 8.)

No (Go to Question 9.)

8. Provide the following information about clustering.

- a. Provide a full description of how clusters are formed.** (If multistage 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 following information about determining the Synar Sample.

- a. Was the Synar Survey Estimation System (SSES) used to calculate the sample size?**

Yes (Respond to part b.)

No (Respond to part c and Question 10c.)

- b. SSES Sample Size Calculator used?**

State Level (Respond to Question 10a.)

Stratum Level (Respond to Question 10a and 10b.)

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

The SSES Sample Size Calculator was used to determine the minimum adequate sample size. Below is the formula it uses for calculating a sample size using a 1-tailed test: Effective Sample Size:

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

where P is the expected violation rate, which is the previous year's RVR;
s.e. is the standard error of the estimate for 3% margin of error for a one-sided confidence interval and N is the total number of outlets in the sampling frame. The target sample size (nt) is the effective sample size multiplied by the design effect (estimated to be 1).

The original sample size is determined by:

$$n_o = (1 + s) \frac{n_t}{r_l r_c}$$

where s is a safety margin of 50%, rl is the expected eligibility rate, and rc is the expected completion rate (as estimated by the eligibility and completion rates from the previous year's survey).

10. Provide the following information about sample size calculations for the Synar survey conducted in FFY 2023.

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

Inputs for Effective Sample Size:

RVR: 9.3

Frame Size: 5058

Input for Target Sample Size:

Design Effect: 1.0

Inputs for Original Sample Size:

Safety Margin: 50%

Accuracy (Eligibility) Rate: 85.3

Completion Rate: 99.8

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

Single Stratum only.

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

APPENDIX C: SYNAR SURVEY INSPECTION PROTOCOL SUMMARY

State: Kentucky
FFY: 2024

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

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

a. Consummated buy attempts?

- Required
- Permitted under specified circumstances (Describe:)
- Not permitted

b. Youth and young adult inspectors to carry ID?

- Required
- Permitted under specified circumstances (Describe:)
- Not permitted

c. Adult inspectors to enter the outlet?

- Required
- Permitted under specified circumstances (Describe:)
- Not permitted

d. Youth and young adult inspectors to be compensated?

- Required
- Permitted under specified circumstances (Describe:)
- Not permitted

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

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

List the agency name(s): Kentucky Department of Alcoholic Beverage Control

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

Always Usually Sometimes Rarely Never

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

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

- Cigarettes
- Small Cigars
- Cigarillos
- Smokeless Tobacco
- Electronic Cigarettes/Electronic Nicotine Delivery Systems (ENDS)
- Other

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

Investigative Aides are instructed to ask for a pack of cigarettes. No brand is specified in the protocol. This is to allow for flexibility as changes in youth brand preferences occur. Brand preferences are determined by focus groups conducted by the Nicotine Prevention Enhancement Specialist and input from Regional Prevention Center Staff. The same methodology is applied to smokeless tobacco inspections. The brand may change periodically depending on changes in the market and youth preferences. As far as e-cigarettes are concerned, the youth investigative aide is instructed to ask for a single disposable e-cigarette. If there are no advertisements for e-cigarettes visible in the store, the youth investigative aide will simply ask for a pack of combustible cigarettes.

5a. Describe the methods used to recruit, select, and train adult supervisors.

Adult supervisors are the The Department of Alcoholic Beverage Control enforcement officers. They are recruited and trained according to the Department's tobacco enforcement protocol.

5b. Describe the methods used to recruit, select, and train youth and young adult inspectors.

The Department of Alcoholic Beverage Control recruits youth 16-20 years of age from youth groups and school organizations. Local health departments and Regional Prevention Centers assist in recruitment by distributing Investigative Aide recruitment flyers to local coalitions and youth groups. Two investigators train the Investigative Aides (IAs).

Youth who are interested in the Investigative Aide program make an application to participate. The application must include a recent photo, a copy of the youth's birth certificate, and the parent's or guardian's signature giving permission for the youth to work as an IA. When the application is accepted, the youth is sent a welcome letter, and all of the investigators are informed of the new recruit.

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

a. Legal

Yes No

(If Yes, please describe.)

Kentucky Revised Statute (KRS) 438.330 (1) states that inspections shall be conducted to enforce KRS 438.305 to 438.440. Youth may be used in these inspections if they are conducted under the direct supervision of The Department of Alcoholic Beverage Control, the sheriff, or the chief of police, and written consent has been obtained from the parent(s). Otherwise, KRS 438.311 (1) states, "it shall be unlawful for a person who has not attained the age of twenty one (21) years to purchase a tobacco product."

b. Procedural

Yes No

(If Yes, please describe.)

The minor must be between 16 and 20 years old and have been trained by two investigators. During inspections two adult investigators will be with the teens at all times. The teen is not allowed to drive; for this reason, the investigator will pick up the IA. Teens must complete inspections during daylight hours. The IAs are instructed to dress casually and look their age. Boys may not have facial hair. Girls are only permitted to wear light, neutral makeup. Teens will not complete tobacco inspections in their home county, unless it is Jefferson or Fayette counties, where they will not be working in the neighborhoods close to where they live. Teens are asked not to discuss the survey with anyone except their parents.

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

a. Legal

Yes No

(If Yes, please describe.)

Teens must complete inspections during daylight hours. They must wear seat belts at all times while riding with enforcement officer. Adults must observe child labor laws at all times and will watch for teens becoming too tired or hungry.

b. Procedural

Yes No

(If Yes, please describe.)

As per the Kentucky Synar Inspection Protocol, the ABC enforcement officer always enters the store first. If the ABC enforcement officer quickly exits the premises, that is a sign that it is not safe for the Investigative Aide to enter. Investigative aides never enter a business that either they or the enforcement officer perceive as unsafe. They are never taken into bars or liquor stores. Safety of the Investigative Aide is the number one priority.

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

a. Legal

Yes No

(If Yes, please describe.)

KRS 438.330 (1) states that assurance is needed that inspections shall be conducted at retail outlets where, and when, youth under 21 frequently buy tobacco products.

b. Procedural

Yes No

(If Yes, please describe.)

The minor must be between 16 and 20 years old, and have been trained by two ABC enforcement officers. During inspections, two adult investigators are with the teens at all times. The teen is not allowed to drive; for this reason, the Investigator will pick up the IA. Teens must complete inspections during daylight hours. The IAs are instructed to dress casually, look their age. Boys may not have facial hair. Girls are only permitted to wear light, neutral makeup. Teens will not complete tobacco inspections in their home county, unless it is Jefferson or Fayette counties, where they will not be working in the neighborhoods close to where they live. Teens are asked not to discuss the survey with anyone except their parents.

The Investigative Aides are trained to ask for cigarettes, smokeless tobacco (if it is an inspection for smokeless tobacco), and e-cigarettes. No brand names are specified in the protocol to allow for differences in regional brand preferences, as well as any future brands that youth may prefer.

APPENDIX D: LIST SAMPLING FRAME COVERAGE STUDY

(LIST FRAME ONLY)

State: Kentucky
FFY: 2024

1. Calendar year of the coverage study: 2022

2. a. Unweighted percent coverage found: 96.38%
b. Weighted percent coverage found: N/A%
c. Number of outlets found through canvassing: 138
d. Number of outlets matched on the list frame: 133

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

Areas for sampling were defined as Census Tracts, as recommended by the CSAP Coverage Study Guide.

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.

[Empty text box]

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

[Empty text box]

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

[Empty text box]

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

Yes No

6. Were all sampled areas visited by canvassing teams?

Yes (Go to Question 7.) No (Respond to Parts a and b.)

a. Was the subset of areas randomly chosen?

Yes No

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

All census tracts in the sample were canvassed with the exception of one tract in eastern Kentucky. After a simple random sample of 24 census tracts had been drawn and canvassing had begun, catastrophic flooding occurred in eastern Kentucky. One of the census tracts in the sample that had not yet been canvassed was located in this area. The flood made roads impassable, and many businesses were destroyed. After discussing this issue with SAMHSA grant project officers, this census was exempted from the canvassing. This left us with 23 instead of 24 census tracts.

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.

[Empty text box]

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

Yes No

If No, respond to Question 9.

If Yes, describe any instructions given to the field observers to ensure the entire area was canvassed, then go to Question 10.

Instructions given to the field observers:
1. The Synar Program Coordinator recommends that (2) field workers (canvassers) be employed when field checking for tobacco outlets, one canvasser can drive, while another canvasser checks the map and records tobacco outlet information on the Canvassing Sheet.

2. We have provided you a canvassing map(s) depicting census tract study areas that your organization will use to canvass for tobacco retailing outlets. Additional maps with closer views may be provided and are indicated on the first map in this packet with red outlines and numbers. The canvassers are to check every road within (and also on the boundary of) the census tract, shaded in yellow on the map, and record every tobacco selling outlet in (and on the boundary of) the census tract using the Synar Field Canvassing Sheets included in your packet.

(NOTE: be sure to inspect and record outlet info for both sides of the streets that are on the boundary of the tract, which is shaded in yellow on your canvassing map).

3. This year, we are piloting the optional use of Google Maps in addition to the printed canvassing maps included in this packet. You can view a map of all the census tracts online here: <https://bit.ly/2RmCM7z>. In order to access this map in your Google Maps app on your phone or tablet, you will need to be individually given access to the map. Please call or email Teresa McGeeney to gain access and instructions (502-815-2631, teresa@reacheval.com).

4. Synar Field Canvassing Sheets on which the field staff will record the existence and necessary identifying information for each eligible outlet encountered in the field are included within this document (enclosed with your canvassing map). An electronic version is available to download at: <https://bit.ly/2N83gem>. Personnel will use the Synar Field Canvassing Sheets to record the name and address/location of each outlet and any other relevant information (e.g., telephone number if possible).

5. The field worker will carefully check the eligibility of each identified outlet by determining whether tobacco products are sold and whether the outlet is accessible to youth under the legal age (21). Do not record information for tobacco outlets that are inaccessible to minors such as night clubs and bars. For shopping centers or enclosed malls, field canvassers will check throughout the entire complex or speak with the management to identify tobacco outlets operating within the complex. If a particular location appears unsafe, do not put yourself in harm's way to canvass the location.

6. When the field canvassing is completed, the field worker will make a final check that all roads on the maps have been covered and all necessary information about the identified outlets has been gathered and prepared for transmission.”

9. If a full canvassing was not conducted:

a. How many predetermined outlets were to be observed in each area? _____

b. What were the starting points for each area? _____

c. Were these starting points randomly chosen?

Yes No

d. Describe the selection of the starting points.

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

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

Field observers were instructed to enter the store to look for tobacco products if no tobacco signage was visible on the store windows or doors.

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.)

Matches were determined using a combination of business name, address and phone number.

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

N/A