

# **ANNUAL SYNAR REPORT**

**42 U.S.C. 300x-26**

OMB № 0930-0222

**FFY 2023**

**State: Kentucky**

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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 2022 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth and young adult tobacco access rates (FFY 2023 Intended Use Plan). These data are required by 42 U.S.C. 300x-26 and will be used by the Secretary to evaluate state compliance with the statute. Part of the mission of the Center for Substance Abuse Prevention (CSAP) is to assist states<sup>1</sup> 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

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<sup>1</sup>The term “state” is used to refer to all the states and territories required to comply with Synar as part of the Substance Abuse Prevention and Treatment Block Grant Program requirements (42 U.S.C. 300x-64 and 45 C.F.R. 96.121).

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, 2022 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 2023 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 2023 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 2023: 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.

<b>PUBLIC HEALTH SERVICES ACT AND SYNAR AMENDMENT</b>	
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.	
<b>SYNAR SURVEY SAMPLING METHODOLOGY</b>	
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 2023 is up-to-date and approved by the Center for Substance Abuse Prevention.	
<b>SYNAR SURVEY INSPECTION PROTOCOL</b>	
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 2023 is up-to-date and approved by the Center for Substance Abuse Prevention.	
<b>State: Kentucky</b>	
<b>Name of Chief Executive Officer or Designee: Eric Friedlander</b>	
<b>Signature of CEO or Designee:</b> 	
<b>Title:</b> Secretary, KY Cabinet for Health and Family Services	<b>Date Signed:</b> 12/16/2022
<b>If signed by a designee, a copy of the designation must be attached.</b>	

**SECTION I: FFY 2022 (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 2023 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.)* The FFY 2023 Synar report was sent to the State Behavioral Health Planning Council for review. The Planning Council gives feedback on all SAPT Block Grant programs and activities.

**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 of 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. The Tobacco Prevention and Cessation Program has been very active in assisting with the maintenance and updating of Kentucky's merchant education program – the Tobacco Retailer Underage Sales Training (TRUST). This year the Kentucky Synar Program and the Tobacco Prevention and Cessation Program partnered on two new initiatives. The first of these initiatives was organizing a vaping taskforce of key stakeholders to brainstorm solutions and draft an action plan to deal with Kentucky's underage vaping problem. According to the most recent (2021) Kentucky Incentives for Prevention Youth Survey, vaping among Kentucky students (grades 6,8,10 and 12) decreased but is still significantly higher than the national average. Delta 8 THC which, according to a recent Kentucky court ruling, has been declared legal, is also a cause of concern as there are no laws regulating its sale.(Retailers in some areas of the state are sending notices through the mail advertising free samples).The Kentucky Synar Program has also partnered with the Tobacco Prevention and Cessation Branch to develop a state wide youth conference on tobacco and vaping. The proposed content will include:

- Opportunities for youth and adult advisors to network and engage in team building with other like-minded youth/adults
- Workshops that will allow youth and adult advisors to build advocacy skills and deepen their understanding of Kentucky legislative issues
- Workshops that will increase youth and adult advisors' confidence in their ability to locate and implement best-practice prevention and cessation resources/programming
- Workshops designed to allow youth and adult advisors the opportunity to create and/or enhance a plan of action to implement in their communities.

The Supervisor of the Tobacco Prevention and Cessation Branch is a member of the Kentucky Synar Council and attends quarterly meetings regularly.

- 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

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- 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.)* In addition to conducting the annual Synar Inspections, The Department of Alcoholic Beverage Control (ABC) provides technical support for the online Tobacco Retail Underage Sales Training, by posting it on the educational page of their department website. ABC also provides technical support on interpreting Kentucky tobacco laws and is a member of our Youth Vaping Taskforce.

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 2022 (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>	NA	42	42
Number of <u>finest assessed</u>	NA		
Number of <u>permits/licenses suspended</u>	NA		NA
Number of <u>permits/licenses revoked</u>	NA		NA
Other (Please describe.)	UNK	UNK	UNK

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 check might alert other retailers. For each Synar check, 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 95%), 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

The Tobacco Retailer Underage Sales (TRUST) vendor education, launched in July of 2012, has trained more than 10,825 clerks across the state. Kentucky continues to market TRUST by mailing promotional postcards advertising the training to every tobacco retailer on the state's Synar list frame. Additionally, full page ads have been placed in retail trade magazines, such as the Kentucky Grocer's Association and the Midwest Malt Beverage Journal. The training was recently updated to include new CDC and YRBS data on tobacco and nicotine use and the recent cFDA laws on Synthetic nicotine and menthol. In September 2021, the Kentucky Synar Program launched its Tobacco 21 Toolkit. The tool kit was developed as part of a collaborative effort by Department of Behavioral Health, the Department for Public Health, the Department of Alcoholic Beverage Control and the Department of Agriculture, to reduce the underage sale of tobacco/nicotine products to underage youth - especially those between the ages of 18 and 20. To date, 526 toolkits have been distributed to Kentucky's Retailers. The Kentucky Synar Program Coordinator, together with the Synar Evaluation team, developed a survey to evaluate the toolkit's effectiveness. The survey asks retailers what parts of the toolkit they found most and least useful, what other materials they would find helpful and what their biggest challenges are in complying with federal and state tobacco laws. So far, 32 surveys have been submitted. The goal of the evaluation plan is to obtain 100 responses before analyzing the data.

- 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)

The Kentucky Synar Program incentivizes tobacco retailer compliance through its TRUST Community Compliance Check Program. Each year, DBHDID allocates \$8,000 in state general funds to communities to conduct their own local compliance checks. These compliance checks are non-punitive and are intended to: 1) mobilize communities to take measures to decrease youth access to tobacco and electronic nicotine devices; 2) build positive relationships with tobacco retailers and, 3) educate tobacco retailers about state and federal tobacco laws through the TRUST program. The program did not have a very high participation rate last year. Plans are underway to redirect funding into tobacco minigrants focused on vaping through prevention education programs, effective school policies, environmental scans, and promoting the TRUST training to local retailers.

- Community education regarding youth and young adult access laws

The Kentucky Synar Program Coordinator works very closely with the Nicotine Prevention Enhancement Specialist to provide up-to-date information to service providers and communities on federal and state youth access laws. Last year The Kentucky Synar Program Coordinator in partnership with the Kentucky Tobacco Prevention and Cessation Branch created a "Youth Access" policy memo to provide school staff (especially School Resource Officers), guidance on the changes in Kentucky's Purchase, Use and Possession Laws that came about when tobacco 21 became a state law. Citations and fines for youth found in possession were dropped from Kentucky's law (KRS 438.311). Law enforcement officials and School Resource Officers are authorized to confiscate the tobacco/nicotine products from underage youth, but they can no longer issue citations. The policy memo was distributed to health departments, schools and prevention providers to help answer the questions that were being asked about what to do with youth found in possession of tobacco and nicotine products on school grounds.

Kentucky's substance misuse service providers, the Regional Prevention Centers, also train and mobilize communities to educate retailers on tobacco laws. The Tobacco 21 Toolkits are used as a support tool in this education effort.

- Media use to publicize compliance inspection results

The Kentucky Synar Program does not publicize its inspection results, other than to post the report on the DBH website and to distribute a state press release. No individual retailers are singled out. However, communities that participate in the TRUST Community Compliance Check Program are encouraged to publicly acknowledge, and congratulate, in whatever way they deem appropriate, local retailers who do not sell tobacco or alternative nicotine products during the compliance checks.

- 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. 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 deliver tobacco 21 tool kits to all tobacco retailers in their area.

Other activities (Please list.) The Kentucky Tobacco Retail Survey

The Kentucky Synar Program is also collaborating with the Attorney General's Office to perform environmental scans on the 12 retail chains that participate in Kentucky's Assurance of Voluntary Compliance (AVC) to measure compliance. The AVC requests that retailers use such preventative measures as age verification software on the cash registers, signage that anyone who looks under the age of 27 will be asked for an I.D, no tobacco products of any kind that can be accessed without a clerk's assistance, etc. This year both AVC and non AVC stores were included. Roughly 200 environmental scans were conducted through the Kentucky Retail Survey. Tobacco 21 Tool kits were distributed to all stores that were visited.

Our prevention system is currently in the process of implementing a state wide social norms campaign called "No More Boxes". The program does not specifically target social access, but rather seeks to create a positive message that does not reinforce negative stereotypes often placed upon today's youth. It is hoped that the video will reduce demand for vapes as youth are made aware that not all of their peers vape. The video can be viewed at:  
<https://vimeo.com/718885856/c09b7e8d24>

## 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 2022 (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.**

**RVR Estimate**      +      (1.645      ×      )      =  
                         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.*)

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
<b>Effective sample size</b> (sample size needed to meet the SAMHSA precision requirement assuming simple random sampling)	
<b>Target sample size</b> (the product of the effective sample size and the design effect)	
<b>Original sample size</b> (inflated sample size of the target sample to counter the sample attrition due to ineligibility and noncompletion)	
<b>Eligible sample size</b> (number of outlets found to be eligible in the sample)	
<b>Final sample size</b> (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: 2025**

**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 6/20/2022 to 9/7/2022**  
MM/DD/YY MM/DD/YY

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

25

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 2023 (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 2023. 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.

Kentucky saw a 26% decrease in RVR this year, from 12.6 to 9.3%. The Synar program is delighted about this reduction given that the violation trend since COVID has trended upward. This has been borne out of discussion with members of the Interstate Synar Group, a group of Synar Programs from 13 states who meet virtually, quarterly to discuss challenges and innovations in their Synar Programs. In a recent (November 18) meeting nearly all of the members reported slight upticks in their RVR over last year. While the drop in our RVR is good news, we are still concerned by the high violation rate among 20 year olds. This year, inspections conducted by 20 year olds accounted for 23% of the violations. This data suggests that many retailers are still negligent in checking IDs of older looking youth. Surprisingly the second highest violation rate was 17 year olds (14%), followed by 18 year olds (9.5%), and 19 year olds accounting for just 8%. The high buy rate by 17 year olds is an outlier as the data, since tobacco 21 went into effect, has shown 18-20 year olds are more successful in their purchase attempts. In our messaging to retailers we have emphasized the need to adhere to the FDA policy of requesting ID from any purchaser who looks under 27 years old, but we still have a lot of work to do to increase awareness about this critical age group. Our KIP data reveals that social access, "having someone else purchase" is the second most common way to obtain vapes – the primary source being "borrowing from someone else." Considering the high percentage of buys by 18-20 year olds, it seems likely that they may be contributing to the social access problem. A recent article from the Louisville Leo magazine contained findings from several interviews with high school students. It reported that "Most students interviewed, said they have older classmates or siblings buy it for them, and often pay a premium as a result." "It's the same if you're, like, a drug dealer," said a DuPont Manual High School student. "A Juul costs \$50, so your fee is \$80."

The Kentucky Synar Program is also happy to report that as of July 1, 2022 the Department of Alcoholic Beverage Control, in addition to issuing \$100 fines to clerks, now issues \$1000

finer to the store owner. This change came about as a new interpretation of existing laws rather than a change in the tobacco regulation statutes. This is a milestone for our Synar program as it means that owners now have “skin in the game” and will incur monetary penalties if they are not vigilant in making sure their clerks are properly trained and follow the law. The Kentucky Synar Program Coordinator will be working with the FDA contract manager to monitor violations to determine what impact the fines to store owners have on overall compliance rates.

The Kentucky Synar Program is supportive of state partners that aim to enact a state-wide tobacco licensing law. Public health lobbyists have indicated that, while tobacco lobbyists vigorously oppose a repeal of Kentucky’s preemption law, they are receptive to a state wide tobacco licensing law. With the increasing number of newspaper articles and news stories about the vaping crisis in Kentucky schools (both THC and nicotine) and its negative impact on academic performance, we hope that legislators will be receptive to a statewide licensing law as a way to limit retail availability of electronic nicotine devices to underage youth. More detail on the licensing law is provided below in question # 3 “Limitations on completeness/accuracy of tobacco outlets.”

Sixteen prevention coalitions across the state applied for The Tobacco/Nicotine Minigrants this year. Seven of these applications were funded by the review committee. The scope of grant activities was expanded to include a broader array of tobacco-related environmental strategies in addition to the traditional focus on retail availability. (E.g. work to support comprehensive smoke-free laws in areas where efforts are ongoing and raise awareness for the need for such laws in areas that have no smoke-free policies, social norms campaigns, effective school nicotine policies that contain prevention and are cessation-based rather than punitive, campaigns to raise awareness of the need for tobacco and hemp-based THC licensing laws. Applicants have until December 16, 2022 to complete their grant activities and submit a final report.

**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. Community-based compliance checks are conducted through our TRUST Compliance program. Since the goal of the TRUST program is to educate rather than enforce, the violators are not fined. Since the COVID pandemic began, community participation in the TRUST program declined sharply and has not fully rebounded. Availability of law enforcement officers is frequently cited as the main reason. 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 2023 Legislative Session. 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

- 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. 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). Local e-juice flavor bans, and supplementary taxes on tobacco/nicotine products are not allowed. Fortunately, considerable progress has been made in framing tobacco prevention within its proper context of a public health issue. 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 1.9%. and is 7<sup>th</sup> in the nation in youth smoking. According to the Campaign for Tobacco Free Kids, Kentucky ranks 35th in terms of CDC recommended expenditures for tobacco prevention, allocating less than 1% of its total tobacco revenues to tobacco prevention. According to the most recent figures available Kentucky received roughly \$497 million in master settlement funding last year. Out of that amount only \$3.3 million (only 5.9% of CDC's recommended amount) was allocated for tobacco prevention and cessation.

According to the 2021 Kentucky Incentives for Prevention Youth Survey, personal disapproval of smoking cigarettes among all grades (6,8,10,12) has climbed from 74% in 2012 to 80% in 2021. 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 12<sup>th</sup> 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 8<sup>th</sup>, 10<sup>th</sup> and 12<sup>th</sup> graders report e-cigarettes easier to obtain than combustible cigarettes with the difference being the highest in grades 10 and 12. 58.6 % of 10<sup>th</sup> graders report e-cigarettes are easier to obtain compared to 48.6% for combustible cigarettes, while for 12<sup>th</sup> 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 and smokeless tobacco. This year's results were an exception to the trend with smokeless tobacco at 11.4% combustibles at 8.2% and e-cigarettes at 7.8%. 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, 12<sup>th</sup> 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%).

The problem of cultural norms favorable to underage tobacco use continues to be addressed through a comprehensive mix of education, information dissemination, environmental strategies, and by engaging youth groups in media campaigns to change the acceptability of underage tobacco use. One such program, "No More Boxes", developed by one of our service providers, the River Valley Behavioral Health Regional Prevention Center was recognized in a recent Drug Free Communities Newsletter. The program is due to be replicated statewide in 2023. The Kentucky Synar Program has agreed to provide technical support.

Issues regarding sources of tobacco under tribal jurisdiction

Other challenges (*Please list.*) Our Synar statistician is finding it increasingly difficult to use the the 7.0 version of SSES. For the past three years, he has contacted me asking if an updated version is available. The 7.0 version is based on a version of Excel so old 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. I have contacted other Synar program coordinators around the country and they have voiced similar concerns. One Synar coordinator told me they have an old computer that can still run SSES. They keep it hidden from their IT department, so it will not be updated with a newer version of Excel which would reender it useless for SSESS. Hopefully a new version will be available soon.

## 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 2023). 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 2023).

- 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.**

<b>Calculation of Weighted Retailer Violation Rate</b>										
										State: _____
										FFY: 2023
(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
<b>Total</b>										

- 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 2023).

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.

<b>Summary of Clusters Created and Sampled</b>				
<b>State:</b> _____				
<b>FFY:</b> 2023 _____				
(1) Row #	(2) Stratum Name	(3) Number of PSUs Created	(4) Number of PSUs Selected	(5) Number of PSUs in the Final Sample
<b>Total</b>				

**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 2023).

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.”

<b>Inspection Tallies by Reason of Ineligibility or Noncompletion</b>			
		<b>State:</b> _____	
		<b>FFY:</b> 2023	
(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> )			
<b>Total</b>		<b>Total</b>	

**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 2023).

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.

<b>Synar Survey Inspector Characteristics</b>		
		<b>State:</b> _____
		<b>FFY:</b> 2023 _____
	(1) Attempted Buys	(2) Successful Buys
<b>Male</b>		
15 years		
16 years		
17 years		
18 years		
19 years		
20 years		
<b>Male Subtotal</b>		
<b>Female</b>		
15 years		
16 years		
17 years		
18 years		
19 years		
20 years		
<b>Female Subtotal</b>		
<b>Other</b>		
<b>Total</b>		

## **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 2022.

## APPENDIX B: SYNAR SURVEY SAMPLING METHODOLOGY

State: Kentucky  
 FFY: 2023

**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 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 the 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: <a href="http://www.snapretailerlocator.com">http://www.snapretailerlocator.com</a>	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 2022.**

- 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: 12.6

Frame Size: 5,058

**Input for Target Sample Size:**

Design Effect: 1.0

**Inputs for Original Sample Size:**

Safety Margin: 50%

Accuracy (Eligibility) Rate: 88.3%

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: 2023

*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.**

The 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 Tobacco 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 IA 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: 2023

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](mailto: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