

# **ANNUAL SYNAR REPORT**

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

OMB № 0930-0222

**FFY 2022**

**State: KY**

## Table of Contents

Introduction.....	i
FFY 2022: Funding Agreements/Certifications.....	1
Section I: FFY 2021 (Compliance Progress).....	2
Section II: FFY 2022 (Intended Use).....	11
Appendix A: Forms 1–5.....	13
Appendixes B & C: Forms.....	20
Appendix B: Synar Survey Sampling Methodology .....	19
Appendix C: Synar Survey Inspection Protocol Summary.....	21
Appendix D: List Sampling Frame Coverage Study .....	25

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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 tobacco access laws (FFY 2021 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2022 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 tobacco access laws when aggregated statistical data from state Synar reports can demonstrate to the Secretary the national progress in reducing youth tobacco access problems. This information will also provide Congress with a better understanding of state progress in implementing Synar, including state difficulties and successes in enforcing retailer compliance with youth tobacco access laws.

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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).

## Getting assistance in completing the Synar report

If you have questions about programmatic issues, you may call CSAP's Division of State Programs at (240) 276-2550 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 the Grants Management Officer, 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, 2021 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 2022 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 2022 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 2022: 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 2022 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 2022 is up-to-date and approved by the Center for Substance Abuse Prevention.
<b>State: KY</b>
<b>Name of Chief Executive Officer or Designee: Eric Friedlander</b>
<b>Signature of CEO or Designee:</b>
<b>Title:</b> Secretary, Cabinet for Health and Family Services <b>Date Signed:</b> _____
<b>If signed by a designee, a copy of the designation must be attached.</b>

**SECTION I: FFY 2021 (Compliance Progress)**

**YOUTH ACCESS LAWS, ACTIVITIES, AND ENFORCEMENT**

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

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

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

Yes  No

*If Yes, current minimum age:*  19  20  21

**b. Have there been any changes in state law that impact the state's protocol for conducting Synar inspections?**

Yes  No

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

- Changed to require that law enforcement conduct inspections of tobacco outlets
- Changed to make it illegal for youth to possess, purchase or receive tobacco
- Changed to require ID to purchase tobacco
- 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 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 2022 ASR was posted to this Web address.)*

*Web address:* <https://dbhdid.ky.gov/dbh/sa-synar.aspx>

*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 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 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, 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) and regularly contributes CDC funding to help cover the cost of marketing the TRUST program to Kentucky Retailers. This year, they paid for the monthly TRUST ads in the Kentucky Grocer's Association Magazine. 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 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 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 Department for 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 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) also 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 law



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 access to tobacco law(s) in FFY 2021 (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 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 access to tobacco laws by LOCAL AND/OR STATE LAW ENFORCEMENT AGENCIES (this does not include enforcement of local laws or federal youth 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	55	55
Number of <u>finest assessed</u>	NA	55	55
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 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 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 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 7,600 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. 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. Recent state tobacco compliance check data shows that most violations occur within the 18-20 age range. The Tobacco 21 Toolkits include:

- A digital age calendar that automatically keeps track of the required date of birth for the purchase age of tobacco and alcohol. The Kentucky Synar Program Coordinator brokered an agreement to have the digital calendars sent to every Kentucky retailer on the Synar list frame.



- Tobacco 21 signage required by Kentucky Law KRS 438.310. The signage comes in two sizes: a 6 x 8.5 window cling and a 3 x 4 point-of-sale sticker.

- A copy of the Kentucky Tobacco Products Sales Compliance Statement that all staff of retail establishments that sell tobacco must sign. This form is required by Kentucky law KRS 438.325.



WE ID badges for store employees

- Tobacco 21 Frequently Asked Questions
- Tobacco Retailer Underage Sales Training brochures
- • Information on the free Tobacco Retailer Underage Sales Training (TRUST) online training program which trains retailers on Kentucky and federal laws. The training has received national recognition and some Kentucky retailers have made it a required training for their clerks. More than 220 toolkits have been distributed to date. Another 400 kits are on order and need to be packaged.

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

The Kentucky Synar Program incentivizes tobacco retailer compliance through its TRUST Community Compliance Check Program. Each year, DBHDID allocates \$8,000 to fund 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. Local coalitions are provided funding to conduct non-punitive tobacco inspections. Each store inspected receives a TRUST brochure and a brief presentation on the importance of vendor education and limiting underage youth access to tobacco products. The compliance check program did not occur in FY 21 due to COVID-19. The Kentucky Synar Coordinator plans to resume the program in 2022.

- ☒ Community education regarding youth 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. The Kentucky Synar Program Coordinator also participates at least once a year in the Department for Public Health's Tobacco Prevention and Cessation webinars where youth access laws and issues are presented to DPH's statewide network of tobacco control

coordinators. In FY 21, the Kentucky Synar Program Coordinator provided information to multiple community coalitions and stakeholders on youth access laws and challenges through eight Zoom presentations. Kentucky's behavioral health 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. 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. The Kentucky Synar Program Coordinator also participates at least once a year in the Department for Public Health's Tobacco Prevention and Cessation webinars where youth access laws and issues are presented to DPH's statewide network of tobacco control coordinators. In FY 21, the Kentucky Synar Program Coordinator provided information to multiple community coalitions and stakeholders on youth access laws and challenges through eight Zoom presentations. Kentucky's behavioral health 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 Check 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 access laws

One of the goals of the TRUST Compliance Check program is to mobilize communities to demonstrate to tobacco retailers that the community is invested in and feels strongly about underage youth access to tobacco and nicotine products. The Kentucky Synar Coordinator maintains regular contact with the participants of this program and sends them information on youth access issues as it becomes available so that it can be used in their work with retailers. The Kentucky Synar Program is also providing incentives 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. The Retail Survey project is scheduled for launch in January of 2022.

## 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 2021 (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.**

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

**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: 2019**

**b. Percent coverage from the latest Sampling frame coverage study: 73.42%**

**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: 2022**

**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 7/1/21 to 9/15/21**  
MM/DD/YY MM/DD/YY

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

26

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 2022 (Intended Use):

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

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

Synar sampling methodology  Yes  No

Synar inspection protocol  Yes  No

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

### 2. Please describe the state's plans to maintain and/or reduce the target rate for Synar inspections to be completed in FFY 2022. Include a brief description of plans for law enforcement efforts to enforce youth tobacco access laws, activities that support law enforcement efforts to enforce youth tobacco access laws, and any anticipated changes in youth tobacco access legislation or regulation in the state.

Kentucky's RVR increased from 11.5% in FFY 2021 to 12.6% in FFY 2022. While still well under SAMHSA's 20% compliance threshold, this is Kentucky's third highest RVR since inspections began in 1997 and as such is a cause for concern. Discussion on the Synar list serve indicates that this increase is indicative of a national trend and can be attributed to two main factors: a significant decrease in enforcement efforts due to the COVID 19 pandemic and the use of 18-20 year old youth in Synar inspections. This year, 19 year olds had the highest violation rate of any age group (21.2%), significantly higher than 17 year olds (15.7%). As reported under question 5 section f of this report, Kentucky has already taken steps to educate retailers with its Tobacco 21 Toolkit. Additionally, we have launched three additional initiatives: the Tobacco/Nicotine Minigrants, the TRUST Compliance Check Program, and the Kentucky Tobacco Retail Survey Project.

The Tobacco Minigrants were developed to fund communities to conduct compliance checks, environmental scans, distribute merchant education materials and to broker agreements from retailers to change point of sale product placement (if necessary) signage, and ensure that all tobacco/nicotine products cannot be directly accessed by customers as specified by federal law.

The TRUST Compliance Check Program will be launched in January 2022. The TRUST Compliance Check Program is designed to reduce illegal sales of tobacco to youth in Kentucky. At the core of the program is the use of investigative aides, teams of youth between the ages of sixteen and 20 who - with parental permission and under the supervision of a law enforcement officer - enter stores and attempt to purchase tobacco, e-cigarettes and other alternative nicotine products. They provide immediate recognition and rewards, such as gift certificates, to clerks who do the "right thing" and give reminders to those who do not. The youth, along with their adult supervisors, provide all store clerks with educational material about state and federal tobacco laws while also distributing Tobacco 21 Toolkits to all retailers visited. The goals of the program are to:

- 1) reduce retail access of tobacco and alternative nicotine products to underage youth;
- 2) build positive relationships with local tobacco retailers;
- 3) promote the TRUST online training program so that tobacco retailers will have accurate, up to date information on federal and state youth access laws.

The Kentucky Tobacco Retail Survey Project was developed in collaboration with the Kentucky Attorney General's Office to monitor compliance of the all retail chains in the "Assurance of Voluntary Compliance" program. The Kentucky Synar program will provide funding for inspection teams, made up of youth and adult sponsors from local coalitions, to perform environmental scans on stores in the program. All violations will be reported to the Assurance of Voluntary Compliance liaison officer. The Officer will send a notification to the corporate headquarters of the store involved requesting that the violation be corrected. The program is scheduled to launch in early 2022.

It should be noted that the implementation of all these activities is contingent upon fluctuations of COVID-19 rates within the state.

In terms of changes in state tobacco regulation, there has been talk of repeal of pre-emption bill being introduced in next year's legislative session. So far, no bill has been filed. In September of this year, the city of Louisville operationalized the state's first tobacco licensing law. The law was passed in September of 2020 but required extra time for the health departments to build the necessary capacity to monitor and enforce the law. The Kentucky Synar Program Coordinator is working closely with Louisville Health Department officials to provide merchant education materials and support. Once the license law is fully in effect, the Kentucky Program Synar Coordinator will request a list of all Louisville tobacco outlet licensees so it can be integrated into the Synar list frame. Louisville Metro has 12% of the tobacco outlets in the state. Having the list of licensees will greatly improve Kentucky's accuracy rate.

**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 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. As previously noted, community-based compliance checks are conducted through our TRUST Compliance program, but since the goal of the TRUST program is to educate rather than enforce, the violators are not fined. The number of TRUST inspections can vary from year to year depending on how many community coalitions participate. ABC, 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

tobacco access laws

Support for enforcement and compliance with youth tobacco laws is provided primarily through the initiatives described in the response to question 2. Community participation varies greatly from year to year; and while these programs support enforcement they do not directly enforce state tobacco laws as our tobacco enforcement agency, ABC, is not directly involved, nor do they impose any monetary penalties for non-compliant retailers.

Limitations in the state youth tobacco access laws

Under Kentucky law, store owners are only fined if they do not have a clerk sign a Kentucky Tobacco Sales Compliance Statement. The statement references KRS 438.325(3) and says: "I understand that under the law of the Commonwealth of Kentucky it is illegal to sell or distribute tobacco products to persons under the age of 18, and that it is illegal for persons under the age of 18 years to purchase tobacco products." In the event of an underage sale, the clerk is always fined. The owner is not subject to any financial loss as a result of a sale to an underage buyer. Clerks who sell tobacco products to minors are subject to a fine of not less than \$100 nor more than \$500 for a first violation and not more than \$1,000 for any subsequent violation. Unfortunately, many owners fire clerks who receive a violation.

Limited public support for enforcement of youth tobacco access laws

Limitations on completeness/accuracy of list of tobacco outlets

Lack of a state tobacco retail licensing law 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. It is important to note that Kentucky's accuracy rate has significantly improved over the last four years. Our accuracy rate this year was 88.3%, a slight increase over last year's rate of 86.9% and significantly higher than the 80.9% in FFY 2020. It is hoped that the licensing law that went into effect in the Louisville Metro area in 2021 will encourage other cities to implement their own licensing laws. Absent a state law, this seems the most viable solution.

Limited expertise in survey methodology

Laws/regulations limiting the use of minors in tobacco inspections

Difficulties recruiting youth 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 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 is also the case for alcohol. Local e-juice flavor bans, 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 leads Tobacco Nation in adult smoking and ranks second in youth smoking. According to 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. Based on the magnitude of Kentucky's smoking rates and tobacco-related health consequences, the CDC recommends a minimum of \$3.8 million be spent annually for state tobacco prevention needs out of the \$507 million tobacco revenues.

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. These efforts are having a measurable impact, as can be evidenced from the data on our 2018 Kentucky Incentives for Prevention Youth Survey. Personal disapproval of smoking cigarettes among 10th graders has climbed from 57.6 % in 2004 to 77.9% in 2018. During that same time frame, perceived availability of cigarettes among tenth graders (If you wanted some-cigarettes, how easy would it be for you to get some?) has decreased from 76% in 2004 to 48.1% in 2018. Clearly, the education and enforcement efforts are having an impact on perception of risk and ease of access.

More importantly, the age of onset for smoking has seen dramatic decreases. The percentage of 10th graders who reported smoking their first cigarette before 12 years old has dropped from 34.2% in 2004 to 9.5% in 2018. Likewise, past 30-day smoking has seen dramatic improvements. In 2004, 27% of 10th graders reported having smoked a cigarette in the past 30 days, compared to 9.7 % in 2018. Unfortunately, the same cannot be said of e-cigarettes. Thirty-day use of e-cigarettes doubled across all grades surveyed. Sixth-grade e-cigarette consumption went from 2.3% in 2016 to 4.2 % in 2018. Eighth-grade use jumped from 7.3% to 14.2%, Tenth-grade use climbed from 11.3% to 23.2% and 12th grade use increased from 12.2% to 26.7% The Synar program partners are working collaboratively to provide resources and education materials to service providers and prevention coalitions to raise awareness about the dangerous health consequences of e-cigarettes. The Kentucky Division of Behavioral Health has made increasing the perception of risk of e-cigarettes among youth a top priority and has made it one of the goals of their 2022-2023 block grant plan.

Issues regarding sources of tobacco under tribal jurisdiction

Other challenges (*Please list.*) The COVID-19 pandemic hampered and, in some case,s halted some our community lead compliance checks and AVC scans.

## 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 2022). 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 2022).

- 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: 2022
(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 2022).

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> 2022 _____				
(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 2022).

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> 2022	
<b>(1) INELIGIBLE</b>		<b>(2) ELIGIBLE</b>	
<b>Reason for Ineligibility</b>	<b>(a) Counts</b>	<b>Reason for Noncompletion</b>	<b>(a) Counts</b>
Out of business		In operation but closed at time of visit	
Does not sell tobacco products		Unsafe to access	
Inaccessible by youth		Presence of police	
Private club or private residence		Youth inspector knows salesperson	
Temporary closure		Moved to new location	
Unlocatable		Drive-thru only/youth 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 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 2022).

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

Column 2: Enter the number of successful buys by youth 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> 2022 _____
	(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 2021.

## APPENDIX B: SYNAR SURVEY SAMPLING METHODOLOGY

State: KY  
 FFY: 2022

**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
Dun and Bradstreet business list	1	Commercial list generated for REACH of Louisville Inc., purchased each year prior to drawing the sample.	Continual update throughout the year. The list is examined to identify potentially ineligible outlets, known not selling 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.	We have been using the lottery list since 2013. We receive an updated list every year from the Kentucky Lottery Corporation. The list was checked against the updated list and found to be very clean.
Info USA	1	Commercial list generated for REACH of Louisville Inc., purchased each year prior to drawing the sample.	Continual update throughout the year. The list is examined to identify potentially ineligible outlets, known not selling 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 state of 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 update throughout the year. The list is examined to identify potentially ineligible outlets, known not selling 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.**

NA

**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.



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).

\* Note: “Note: Per our agreement with SAMHSA for Synar inspections in Federal Fiscal Years 2017 and 2018 (to be reported in the Annual Synar Report for Federal Fiscal Years 2018 and 2019), Kentucky will use a fixed accuracy rate of 60%.” The SSES Sample Size Calculator was used to determine the minimum adequate sample size.

**10. Provide the following information about sample size calculations for the Synar survey conducted in FFY 2021.**

- 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: 11.5%

Frame Size: 4348

**Input for Target Sample Size:**

Design Effect: 1.0

**Inputs for Original Sample Size:**

Safety Margin: 50.0

Accuracy (Eligibility) Rate: 86.9%

Completion Rate: 100%

- 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: KY  
FFY: 2022

*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 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 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): The Department for 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 Site and input from Regional Prevention Center Staff. The same methodology is applied to smokeless tobacco (if the inspection is being conducted for smokeless, the investigative aide is instructed to ask for smokeless). 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 the store under inspection does not stock disposable e-cigarettes the youth 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 inspectors.**

The Department of Alcoholic Beverage Control recruits youth aged 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 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, plus 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 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. However, as per the new COVID safety protocol teens were asked to drive if they had access to vehicle. this will be rescinded once the pandemic is over. 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 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 any 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 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: KY  
FFY: 2022

1. Calendar year of the coverage study: 2019

2. a. Unweighted percent coverage found: 73.42%  
b. Weighted percent coverage found: NA%  
c. Number of outlets found through canvassing: 158  
d. Number of outlets matched on the list frame: 116

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.

[Empty text box]

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. REACH 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 (e.g., 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 locations 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 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).**

NA