

ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB No 0930-0222

FFY 2011

State: West Virginia



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Substance Abuse and Mental Health Services Administration
Center for Substance Abuse Prevention
www.samhsa.gov

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INTRODUCTION

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

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

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

How the Synar report helps the Center for Substance Abuse Prevention

In accordance with the tobacco regulations, States are required to provide detailed information on progress made in enforcing youth tobacco access laws (FFY 2010 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2011 Intended Use Plan). These data are required by 42 U.S.C. 300x-26 and will be used by the Secretary to evaluate State compliance with the statute. Part of the mission of the Center for Substance Abuse Prevention (CSAP) is to assist States¹ by supporting Synar activities and providing technical assistance helpful in determining the type of enforcement measures and control strategies that are most effective. This information is helpful to CSAP in improving technical assistance resources and expertise on enforcement efforts and tobacco control program support activities, including State Synar Program support services, through an enhanced technical assistance program involving conferences and workshops, development of training materials and guidance documents, and onsite technical assistance consultation.

How the Synar report can help States

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

¹The term "State" is used to refer to all the States and territories required to comply with Synar as part of the Substance Abuse Prevention and Treatment Block Grant Program requirements (42 U.S.C. 300x-64 and 45 C.F.R. 96.121).

Getting assistance in completing the Synar report

If you have questions about programmatic issues, you may call CSAP's Division of State Programs at (240) 276-2413 and ask for your respective State Project Officer, or contact your State Project Officer directly by telephone or email using the directory provided in the FY 2011 Uniform Application, Appendix A. If you have questions about fiscal or grants management issues, you may call the Grants Management Officer, Office of Program Services, Division of Grants Management, at (240) 276-1422.

Where and when to submit the Synar report

The Annual Synar Report (ASR) must be received by SAMHSA no later than December 31, 2010. The ASR must be submitted in the **approved OMB report format**. Use of the approved format will avoid delays in the review and approval process. The chief executive officer (or an authorized designee) of the applicant organization must sign page 1 of the ASR certifying that the State has complied with all reporting requirements.

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

- FFY 2011 Synar Survey Results: States that use the Synar Survey Estimation System (SSES) must upload one copy of SSES Tables 1–5 (in Excel) to WebBGAS. States that do not use SSES must upload one copy of ASR Forms 1, 4, and 5, and Forms 2 and 3, if applicable, (in Excel) to WebBGAS.
- Synar Inspection Form: States must upload one blank copy of the inspection form used to record the result of each Synar inspection.
- Synar Inspection Protocol: States must upload a copy of the protocol used to train inspection teams on conducting and reporting the results of the Synar inspections.

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

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

Ms. Barbara Orlando
Grants Management Officer
Office of Program Services
Division of Grants Management
Substance Abuse and Mental Health Services Administration

Regular Mail:

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

Overnight Mail:

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

FFY 2011: FUNDING AGREEMENTS/CERTIFICATIONS

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

PUBLIC HEALTH SERVICES ACT AND SYNAR AMMENDMENT

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

SYNAR SURVEY SAMPLING METHODOLOGY

The State certifies that the Synar survey sampling methodology on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2011 is up-to-date and approved by the Center for Substance Abuse Prevention.

SYNAR SURVEY INSPECTION PROTOCOL

The State certifies that the Synar Survey Inspection Protocol on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2011 is up-to-date and approved by the Center for Substance Abuse Prevention.

State: WV

Name of Chief Executive Officer or Designee: Patsy A. Hardy, FACHE, MSN, MBA

Signature of CEO or Designee:

Secretary
Title: WV Department of Health and Human Services

Date Signed: _____

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

SECTION I: FFY 2010 (Compliance Progress)

YOUTH ACCESS LAWS, ACTIVITIES, AND ENFORCEMENT

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

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

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

Yes No

If Yes, current minimum age: 19 20 21

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

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

Changed to require that law enforcement conduct inspections of tobacco outlets

Changed to make it illegal for youth to possess, purchase or receive tobacco

Changed to require ID to purchase tobacco

Other change(s) *(Please describe.)* _____

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

Yes No

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

Total ban enacted

Banned from location(s) accessible to youth

Locking device or supervision required

Other change(s) *(Please describe.)* _____

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

Licensing of tobacco vendors Yes No

Penalties for sales to minors Yes No

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

Placed on file for public review

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

<http://www.wvdhhr.org/bhhf/>

- Notice published in a newspaper or newsletter
 - Public hearing
 - Announced in a news release, a press conference, or discussed in a media interview
 - Distributed for review as part of the SAPT Block Grant application process
 - Distributed through the public library system
 - Published in an annual register
 - Other change(s) *(Please describe.)* *This FFY 2011 ASR results will be presented to the state legislature in January 2011.*
-

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 Health and Human Services, Bureau for Behavioral Health and Health Facilities

Has this changed since last year's Annual Synar Report? Yes No

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

West Virginia Bureau for Behavioral Health and Health Facilities

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 West Virginia Alcohol Beverage Control Administration (ABCA). The West Virginia State Police implement Synar inspections and issue citations for violations.

Has this changed since last year's Annual Synar Report? Yes No

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

The Department of Health and Human Services, Bureau for Public Health, Division on Tobacco Prevention (DTP).

Has the responsible agency changed since last year's Annual Synar Report?

Yes No

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

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

- Combine resources
- Have other collaborative arrangement(s) *(Please describe.)* _____

5. Please answer the following questions regarding the State’s activities to enforce the youth access to tobacco law(s) in FFY 2010 *(see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130(e)).*

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

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

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

PENALTY	OWNERS	CLERKS	TOTAL
Number of <u>citations issued</u>	11 reported	55	66
Number of <u>finances assessed</u>	\$1,820.50	\$9,102.50	\$10,923
Number of <u>permits/licenses suspended</u>	N/A		N/A
Number of <u>permits/licenses revoked</u>	N/A		N/A
Other <i>(Please describe.)</i> <i>Synar Compliance Specialist was laid off October 1; no further disposition of citations were reported</i>			

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

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

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

- Yes
- No

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

- Merchant education and/or training

- Incentives for merchants who are in compliance (e.g., nonenforcement compliance checks in which compliant retailers are given positive reinforcement and noncompliant retailers are warned about youth access laws)
- Community education regarding youth access laws
- Media use to publicize compliance inspection results
- Community mobilization to increase support for retailer compliance with youth access laws
- Other activities (*Please list.*) _____

Briefly describe all checked activities:

MERCHANT EDUCATION

The West Virginia Behavioral Health and Health Facilities, through its grantee, the West Virginia Prevention Resource Center, utilized the 'See Red?' Retailer Education Campaign for merchant education purposes. While Purdue Pharma Settlement grant funds had initially been appropriated to revise the 'See Red?' materials (due to amended State Code 16-9A-2 as well as feedback from retailers), the funds were not forthcoming to either revise the material or send current materials to retailers throughout the state. The Synar Compliance Specialist personally delivered the 'See Red?' retailer education materials to most stores selected for Synar inspections prior to inspection. No mention was made regarding upcoming inspections. Only educational information was presented at that time. Additionally, a number of state coalitions used the 'See Red?' materials for their use in retailer education efforts in their respective areas.

The 'See Red?' material includes material explaining how to easily identify individuals who are under the age of 18 via their WV Driver's License or Learner's Permit. The WV Driver's license/Learner's Permit (for youth under the age of 18) has a red background on the license/permit that automatically identifies the individual as being under the age of 18. Next to the youth's photograph, there is a yellow bar that states 'Turns 18 On _____' (the date the youth turns 18). Also disseminated were register stickers for the keypad area (as a visual reminder to the clerk to check ID) and for the back of registers (for the customer's view), and a sticker that states that ID is required for sale of both tobacco products and alcohol.

Due to suggestions made by retailers throughout the state, the 'See Red?' material will be modified/revised this year to better fit the point of sale placement areas. The 'See Red?' material will be sent out Spring 2011 to all eligible retailers in the state. Plans are also being developed to add a DVD/CD (as suggested by corporate retailers) for use with their respective training materials.

As previously mentioned, a number of SPF/SIG grantees (and other coalitions) were trained by the Synar Compliance Specialist and the Underage Drinking Prevention Specialist to provide TA (merchant education) to retailers in their

respective areas. Both adults and youth provided merchant education. As in the previous year, talking points were given to the grantees/coalitions which were then put into their own words and presented. Youth provided the TA, accompanied by an adult, to store owners/managers/employees (usually shift managers). The Synar Compliance Specialist provided media information, which was provided by the coalitions to retailers in their respective areas, on how the 'See Red?' retailer education material assists retailers in complying with the law.

COMMUNITY EDUCATION

The Synar Compliance Specialist provided education utilizing the 'See Red?' material as well as information on West Virginia State Code 16-9A-2 through various means: memos and 'See Red?' material to magistrates and prosecuting attorneys, media release for use by Community Development Specialists in their respective counties, and training SPF/SIG grantees and other coalitions to educate their communities.

MEDIA USE FOR PUBLICATION OF INSPECTION RESULTS

The Annual Synar Report results are published on the Website for the Bureau for Behavioral Health and Health Facilities (<http://www.wvdhhr.org/bhhf/>) after its completion. There is a direct link to submit a comment to the Bureau. The Synar access link is located with the same link as the 2010 West Virginia SAPT Application.

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

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

Under the annual Memorandum of Understanding with the West Virginia State Police (WVSP), the issue of 'bias' has been a part of the annual Memorandum of Understanding. The document indicates the State Police inspection team member will not in any way forward any information regarding inspection schedules to any individual, retailer, or business associate during the entire inspection period (inclusive of targeted inspections, should they occur). The Superintendent signs the agreement and each Trooper, Youth Inspector, and Adult Coordinator is provided a copy of the protocol.

To further insure that notifications do NOT occur, the Synar Compliance Specialist provides individualized training to each of the inspection teams inclusive of the youth, the Community Development Specialists, and the Troopers. During the individualized training sessions, the issue of bias is discussed at length with those in attendance. Further, during an inspection, should the store not sell to the Youth

Inspector, then no mention is made that an inspection has been implemented. Therefore, since the stores does not know that they have been inspected, there is no alert to other stores. When a store sells, the issue of store notification may arise, which is more typical with chain retailers. There is no indication that store-to-store notification has occurred this year. When corporations or owners inquire about tobacco compliance inspections, they are advised that such an inspection might occur at any place or time throughout the year. In media releases or other educational efforts, information states that tobacco compliance inspections can occur throughout the year by various entities (agencies/organizations/coalitions). Unmarked vehicles and plain-clothed Troopers are employed to further preserve the integrity of Synar inspections.

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

The Bureau for Behavioral Health and Health Facilities and the Division of Tobacco Prevention in the Bureau for Public Health are in the initial stages of discussing the possibility of submitting a grant to FDA for funding for implementation of tobacco compliance inspections. It is hoped that the considerable number of FDA inspections being discussed would enhance Synar inspections by further decreasing the state's Retailer Violation Rate, thus keeping tobacco products out of the hands of minor youth and safeguarding the SAPT Block Grant.

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 2010 (see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).

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

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

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

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

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

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

total number of sampled outlets), and completion rate (number of eligible outlets inspected divided by the total number of eligible outlets).

Unweighted RVR 14.6%

Weighted RVR 14.6%

Standard error (s.e.) of the (weighted) RVR 1.6%

Fill in the blanks to calculate the right limit of the right-sided 95% confidence interval.

$$\frac{14.6\%}{\text{RVR Estimate}} + \frac{(1.645 \times 1.6\%)}{(1.645 \text{ times Standard Error})} = \frac{17.3\%}{\text{Right Limit}}$$

Accuracy rate 90.2% (376 inspections/417 attempts)

Completion rate 97.7% (376 inspections/376+9 noncompleted)

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

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

Form 2 (Optional) in Appendix A (Forms 1–5) (Attach completed Form 2.)

Other (Please specify. Provide formulas and calculations or attach and explain the program code and output with description of all variable names.)

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

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

f. Was a cluster sample design used? Yes No

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

If No, go to Question 7g.

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

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

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

	Sample Size
Effective sample size (sample size needed to meet the SAMHSA precision requirement assuming simple random sampling)	363
Target sample size (the product of the effective sample size and the design effect)	363
Original sample size (inflated sample size of the target sample to counter the sample attrition due to ineligibility and noncompletion)	417
Eligible sample size (number of outlets found to be eligible in the sample)	385
Final sample size (number of eligible outlets in the sample for which an inspection was completed)	376

h. Fill out Form 4 in Appendix A (Forms 1–5).

8. Did the State’s Synar survey use a list frame? Yes No

If Yes, answer the following questions about its coverage.

a. The calendar year of the latest frame coverage study: 2009

b. Percent coverage from the latest frame coverage study: 88.7%

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

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

d. The calendar year of the next coverage study planned: 2011

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

Yes No

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

a. Provide the inspection period: From 7/01/10 to 9/30/10
MM/DD/YY MM/DD/YY

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

31

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.

c. Fill out and attach Form 5 in Appendix A (Forms 1–5). *(Not required if the State used SSES to analyze the Synar survey data.)*

SECTION II: FFY 2011 (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 2011. 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.

Synar inspections for FFY 2010 were implemented by the West Virginia Prevention Resource Center (WVPRC) Community Development Specialists, who served as Adult Coordinators and recruited and trained Youth Inspectors under the direction of the Synar Compliance Specialist who was also employed by the WVPRC.

Beginning in October 2010, SAPT Block Grant Prevention funds were awarded to grantees comprising community coalitions throughout the State. Prevention of tobacco sales to minors is included in the objectives of the new grantees. The grantees will also assist in Synar inspections.

The Synar Compliance Specialist position has now been moved to a staff position within Behavioral Health & Health Facilities. In addition to this position, an Assistant Synar Compliance Specialist will be employed to assist in the implementation of a comprehensive Synar program. The West Virginia State Police will continue to serve as the enforcement arm of Synar compliance inspections.

Once the Synar Program is in place, the retailer list screened, protocols written, grantees trained, and inspections under way, the plan is to provide year-round inspections. Additionally, Behavioral Health and Health Facilities is planning on applying for an FDA grant which to assist the State in lowering the RVR rate.

Due to budget constraints this year, no merchant education was mailed to retailers in the state. However, a number of coalitions, who had previously been trained to provide merchant education to retailers, again did so with 'See Red?' materials provided by the Synar

Compliance Specialist. Some coalitions also utilized the media release provided by the Synar Compliance Specialist for publication in their area newspapers. The Synar Compliance Specialist also visited numerous retailers throughout the state educating them on how their staff could stay in compliance with West Virginia State Code 16-9A-2. As requested by a number of corporations, the development of a 'See Red?' CD/DVD has also been discussed as an additional training component to retailer training that exists at the corporate level.

The 18-Month Plan reported in the 2009 ASR has been delayed in order to make the grantee changes as well as to hire a Synar Compliance Specialist and Assistant Synar Compliance Specialist for Behavioral Health and Health Facilities.

Our goals are as follows:

- 1) Revise and distribute merchant education materials throughout the State. Distribution will include a mass mailing and hand-delivered mailing with face-to-face dialogue.
- 2) Year-round targeted inspections in addition to Synar inspections. Research shows that maintaining continuity with inspections keeps retailers alert outside of Synar inspections. With high retailer turnover rates (around 70%), it is necessary to be consistent with inspection efforts, maintaining a low RVR.
- 3) The Bureau will incorporate additional partners in efforts to expand merchant education efforts. Sister agencies within the Department of Health and Human Resources have active contact and training activities with vendors of similar nature as used in targeted and Synar inspections. These include the Women, Infant and Children (WIC) program. Vendors selling WIC-qualifying foods are required to attend a DHHR training after applying to be a WIC vendor and then retrained bi-annually thereafter. This agency and others within DHHR are excellent partners to BHHF and the Synar regulation merchant education that is vital to a positive outcome. It is believed that training and retraining vendors will lead to an increased knowledge of the Youth Tobacco Law and the progressive financial consequences of non-compliance during inspections.
- 4) Propose to the Secretary of the WVDHHR a plan to post vendors in violation of State Code 16-9A-2 as a part of the 2011 ASR web posting. The details of this component of the 18-month plan have not been fully developed or discussed and will only be submitted to the Secretary upon its completion. Implementation is dependent upon approval at the Secretary's level.
- 5) Propose to enforce an administrative fine to owners/corporations. While Troopers would continue to cite the clerk on the spot, owners or corporations would be cited through an administrative process. The Bureau is directly discussing the possibility of this with the West Virginia Secretary of State's office. Several magistrates or prosecuting attorneys have dismissed charges citing the owner or corporation, or the corporation has been difficult to

contact or to work with. This would simplify the process and be less burdensome for the Troopers who enforce the law. We take the law seriously and seeking additional ways for retailers and corporations to do so.

3. Describe any challenges the State faces in complying with the Synar regulation. (Check all that apply.)

- Limited resources for law enforcement of youth access laws
- Limited resources for activities to support enforcement and compliance with youth tobacco access laws
- Limitations in the State youth tobacco access laws
- Limited public support for enforcement of youth tobacco access laws
- Limitations on completeness/accuracy of list of tobacco outlets
- Limited expertise in survey methodology
- Laws/regulations limiting the use of minors in tobacco inspections
- Difficulties recruiting youth inspectors
- Geographic, demographic, and logistical considerations in conducting inspections
- Cultural factors (e.g., language barriers, young people purchasing for their elders)
- Issues regarding sources of tobacco under tribal jurisdiction
- Other challenges (*Please list.*) Retailer licensing; funding for adjunct inspections

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

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

The Bureau for Behavioral Health and Health Facilities relies on its SAPT Block Grant prevention subgrantees to assist in community education concerning youth tobacco laws. This is frequently an "add on" to substance abuse prevention activities designed to address identified prevention needs in each community with funded activities. These subgrantees also provide service to the Bureau by serving as Adult Coordinators and recruitment and training of Youth Inspectors.

The addition of a Synar Compliance Specialist and Assistant Synar Compliance Specialist to the Bureau will provide additional guidance to the subgrantees and assurance to Bureau leadership that community education and compliance are a continuing focus.

Community and merchant education has focused on the use of 'See Red?' materials. While this approach has some success, materials are often "hidden" or not displayed. Additional materials, including CD/DVD materials for large companies, have not been developed due to budgetary constraints. The Bureau will continue to seek resources to expand community and merchant education efforts.

It is anticipated the Bureau will apply for an FDA grant. A successful application will add resources to support enforcement and compliance.

Geographic, demographic, and logistical considerations in conducting inspections

The State of West Virginia is mountainous and primarily rural. Areas of the State are difficult to access. The statistical selection process for actual inspections creates challenges in scheduling team members efficiently. The time required to implement inspections can also be challenging. The Bureau's partnership with its substance abuse prevention subgrantees has enabled identification of coalitions in every county in the State. These coalitions will be able to assist in Synar compliance inspections as well as community and merchant education.

Retailer licensing; funding for adjunct inspections

The attorney for the Bureau for Behavioral Health and Health Facilities reported in 2008 that West Virginia has tobacco retailer licensing. The wording of the licensing is intermingled with a retailer's business license application and was not viewed previously as a separate tobacco licensing application. The Tax Code, as interpreted by BHHF's attorney requires that tobacco retailers apply for a tobacco license as a sub-application of the business license application. The Bureau's attorney is partnering with the attorney for the Bureau for Public Health in discussions with the Department of Tax and Revenue, which has the ability to suspend and/or revoke the license permitting the sale of tobacco products.

Additional discussions and planning will be necessary prior to affirmative actions. These discussions will need to include the Secretary of the Department of Health and Human Resources, the Secretary of Administration, the Governor's office, and the Legislature.

The Bureau for Behavioral Health and Health Facilities and its subgrantees have sufficient resources only for the annual Synar compliance inspections. Additional inspections, conducted year around, are necessary to continue to reduce the rate of illegal sales. The Bureau's successful application for an FDA grant should provide additional resources to enable these additional inspections.

The SSA does not anticipate TA to be a need at this time.

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 2011). 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 1 (Required for all States not using the Synar Survey Estimation System [SSES] to analyze the Synar Survey data.)

Summary of Synar Inspection Results by Stratum													
											State: WV		
											FFY: 2011		
(1)		(2)			(3)			(4)			(5)		
STRATUM		NUMBER OF OUTLETS IN SAMPLING FRAME			ESTIMATED NUMBER OF ELIGIBLE OUTLETS IN POPULATION			NUMBER OF OUTLETS INSPECTED			NO. OF OUTLETS FOUND IN VIOLATION DURING INSPECTIONS		
(a) Row #	(b) Stratum Name	(a) Over-the-Counter (OTC)	(b) Vending Machines (VM)	(c) Total Outlets (2a+2b)	(a) Over-the-Counter (OTC)	(b) Vending Machines (VM)	(c) Total Outlets (3a+3b)	(a) Over-the-Counter (OTC)	(b) Vending Machines (VM)	(c) Total Outlets (4a+4b)	(a) Over-the-Counter (OTC)	(b) Vending Machines (VM)	(c) Total Outlets (5a+5b)
1	WV	1,944	0	1,944	1,795	0	1,795	376	0	376	55	0	55
Total	1	1,944	0	1,944	1,795	0	1,795	376	0	376	55	0	55

RECORD COLUMN TOTALS ON LAST LINE (LAST PAGE ONLY IF MULTIPLE PAGES ARE NEEDED).

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 2011).

- 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: WV
										FFY: 2011
(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
WV	1,944	417	385	376	55	0.146	1,794.82	1.00000	0.1463	0.0162
Total	1,944	417	385	376	55	0.146	1,794.82	1.00000	0.1463	0.0162

- 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 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 2011).

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

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

Inspection Tallies by Reason of Ineligibility or Noncompletion			
		State: _____	
		FFY: 2011	
(1) INELIGIBLE		(2) ELIGIBLE	
Reason for Ineligibility	(a) Counts	Reason for Noncompletion	(a) Counts
Out of business	18	In operation but closed at time of visit	7
Does not sell tobacco products	7	Unsafe to access	0
Inaccessible by youth	1	Presence of police	0
Private club or private residence	2	Youth inspector knows salesperson	0
Temporary closure	1	Moved to new location	0
Unlocatable	2	Drive-thru only/youth inspector has no driver's license	0
Wholesale only/Carton sale only	0	Tobacco out of stock	0
Vending machine broken	0	Ran out of time	1
Duplicate	2	Other noncompletion reason(s) (<i>Describe.</i>) Business listed was actually the corporate headquarters	1
Other ineligibility reason(s) (<i>Describe.</i>) Outlet is rarely open according to State Police trooper	1		
Total	32	Total	9

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 2011).

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.

Synar Survey Inspector Characteristics		
		State: WV
		FFY: 2011
	(1) Attempted Buys	(2) Successful Buys
Male		
15 years	43	5
16 years	37	4
17 years	106	19
18 years		
Male Subtotal	186	28
Female		
15 years	53	5
16 years	71	7
17 years	66	15
18 years		
Female Subtotal	190	27
Other		
Total	376	55

APPENDIXES B & C: FORMS

Instructions

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

APPENDIX B: SYNAR SURVEY SAMPLING METHODOLOGY

State: WV
 FFY: 2011

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
WV Department of Tax & Revenue	4	WV Department of Tax & Revenue – All retail businesses registered in department with licensure	Updated monthly with renewal licensure notice bi-annually

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

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

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

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

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

- State law bans vending machines.
- State law bans vending machines from locations accessible to youth.
- State has SAMHSA approval to exempt vending machines from the survey.
- Other (*Please describe.*) **Vending machines in West Virginia are generally found only in bars or adult club areas. Youth inspectors cannot enter those areas for inspection**

purposes. Some vending machines are located in hotels, but no hotels were included in the sample.

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 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.

To ensure the study meets SAMHSA precision requirement, a safety margin of 30% is used
Below is the formula for calculating a sample size using a 1-tail test:

Effective sample size:

Where P is the previous year's RVR

s.e = 0.0182 is the standard error for the estimate for 3% margin of error for one-sided confidence interval

N is the total number of outlets in the sampling frame

The target sample size (n1) is the effective sample size for simple random sampling times the design effect from the previous year's survey.

The original sample size is determined by:

Where s is a safety margin of 30%, r1 is the previous year's eligibility rate, and rc is the previous year's completion rate.

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

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

Inputs for Effective Sample Size:

RVR:

Frame Size:

Input for Target Sample Size:

Design Effect:

Inputs for Original Sample Size:

Safety Margin:

Accuracy (Eligibility) Rate:

Completion Rate:

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

APPENDIX C: SYNAR SURVEY INSPECTION PROTOCOL

State: WV

FFY: 2011

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

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

a. Consummated buy attempts?

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

b. Youth inspectors to carry ID?

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

c. Adult inspectors to enter the outlet?

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

d. Youth inspectors to be compensated?

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

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

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

List the agency name(s): West Virginia State Police, who had a Memorandum of Understanding with the West Virginia Prevention Resource Center, conducted the Synar Compliance inspections

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

- Always Usually Sometimes Rarely Never

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

WVPRC's Community Development Specialists (CDS) served as Adult Coordinators for Synar inspections. They were trained and provided protocol by the Synar Compliance Specialist. CDS worked with the youth in the community and educational setting. Therefore, they had access to youth to serve as Youth Compliance Inspectors. The CDS recruited the youth to serve as Youth Compliance Inspectors. They recruited age-appropriate youth from their respective areas. If they needed recruitment assistance, coalition members and Troopers were asked to recommend youth to serve as Inspectors. Training materials were developed for all members of the Inspection Team by the Synar Compliance Specialist. Troopers and CDS were trained solely by the Synar Compliance Specialist. The Synar Compliance Specialist accompanied any new CDS on their first inspection as well as a number of county inspections for quality assurance purposes.

5. Are there specific legal or procedural requirements instituted by the State to address the issue of youth inspectors' immunity when conducting inspections?

- a. Legal** **Yes** **No** (*If Yes, please describe.*)

Contained within WV State Code: Article 9A. Tobacco Usage Restrictions 16-9A-7. Persons under the age of eighteen years may be enlisted by such commissioner, superintendent, sheriffs or chiefs of police or employees or agents thereof to test compliance only if the testing is conducted under the direct supervision of the commissioner, superintendent, sheriffs or chiefs of police or employees or agents thereof and written consent of the parent or guardian of such person is first obtained and such minors shall not be in violation of section three of this article and chapter when acting under the direct supervision of the commissioner, superintendent, sheriffs or chiefs of police or employees or agents thereof and with the written consent of the parent or guardian.

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

The above-referenced State Law that provides for the immunity, every precaution is taken so that the youth will not have to appear in court should a citation be contested by the vendor. However, it is up to the county magistrate or judge to require the youth to appear in court. Since the law enforcement officer is the actual witness to the buy, it is seldom necessary to call the youth to appear.

6. Are there specific legal or procedural requirements instituted by the State to address the issue of the safety of youth inspectors during all aspects of the Synar inspection process?

- a. Legal** **Yes** **No** (*If Yes, please describe.*)

Contained within West Virginia State Code: Article 9A. Tobacco Usage Restrictions 16-9A-7. A law enforcement officer is required, by law, to participate in the inspection team on each inspection. Also, youth are not assigned to their home communities so as not to be conducting inspections in stores where they might be recognized.

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

Seat belts must be worn by all inspection team members. There is no use of tobacco products during inspections on the way to/from inspections by adults. In most cases, youth from adjacent counties are used to inspect counties selected for Synar inspection unless the county is large enough to protect their identity. The Law Enforcement officers are witness to all attempts/buys of tobacco products. Law enforcement officers enter the outlet prior to the youth. The youth immediately leaves the outlet after the attempt to buy and returns to the vehicle prior to the law enforcement officer. The vehicle is always parked well away from the main doors where owners/clerks are unable to visually see the vehicle. If the youth feels unsafe in a situation or if the outlet is deemed to be unsafe by the law enforcement officer or other adult inspection team member, the inspection of that particular outlet is not completed.

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

a. Legal Yes No *(If Yes, please describe.)*

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

Procedures are in place within the inspection protocol itself that describes specific actions to take from the beginning of the inspection when the youth enters the business, the amount of money given to the youth for purchasing purposes, the brand of cigarettes to request, the exit of the youth immediately following the request and subsequent purchase/denial. Prior to the state trooper issuing the citation, the youth inspector is to be in the vehicle and out of the sight of the vendor. Only 15, 16, and 17 year olds are utilized for Synar inspections. All youth were between the age of 15-17 years of age.

All youth inspectors must have a state-issued Learner's/Driver's license with RED background (color-coded State Driver's license). All youth/parents/guardians must sign consent forms.

Synar inspections occurred between the months of July-September 2010. Troopers and CDS determine the schedule for their respective counties. The schedule is determined upon team member availability (West Virginia State Police, Adult Coordinator, and Youth Inspector).

APPENDIX D: LIST SAMPLING FRAME COVERAGE STUDY

(LIST FRAME ONLY)

State: WV

FFY: _____

1. **Calendar year of the coverage study:** 2008 – West Virginia was not required to do a coverage study in 2010.

2.
 - a. **Unweighted percent coverage found:** 88.7% %
 - b. **Weighted percent coverage found:** 88.7% %
 - c. **Number of outlets found through canvassing:** 151
 - d. **Number of outlets matched on the list frame:** _____

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

According to SAMHSA recommendations, West Virginia was expected to sample anywhere from 130 to 200 outlets. There were 151 tobacco-selling outlets (that minor youth can access) found in these census tracts during canvassing. Seventeen (17) of these outlets were determined to be missing from our original 2008 screened Synar list. This gives West Virginia an overall accuracy rate of 88.7%.

Methods:

30 of West Virginia's 466 census tracts were randomly chosen to be included in the coverage study. Each census tract must be canvassed and all found tobacco retailers must be recorded. The list of retailers found in the coverage study compared to the final list of tobacco retailers that was used to randomly select outlets for Synar inspection. (At least 80% of the retailers identified in the coverage study must be on the final list to meet requirements). Each CDS received a map of the census tracts in the counties that were chosen for the study. The goal is to thoroughly canvass all roads within the area shown on the map and record information about all tobacco retailers found in the area. SAMHSA guidelines do not allow given a list of the known outlets, as this may affect the validity of the study. The HSC census tract map is a guide for the boundaries of the area to be canvassed. Before they began, they were to be familiar with the area and plan a route. Review the census tract and county maps provided. More detailed county and city maps may be helpful. They may be purchased or borrowed from local offices or stores such as: Chamber of Commerce, state police/sheriff departments, emergency services offices, real estate offices, libraries, Wal-Mart. They were advised to work in pairs. It is unsafe to drive and read maps, especially in urban areas. Canvass all roads found within the boundary, even if they do not appear on the map. You may want to highlight or mark off roads on the map as you canvass them. Canvass both sides of boundary roads. If there was a question about whether a road is within the boundary, canvass the road. Enter all businesses that may sell tobacco. When a tobacco retailer was found, complete a Retailer Information Form. They were to formally introduce themselves and briefly explain that they are

verifying a list of tobacco retailers in the area. Wear identification and have a business card available. Show the Retailer Information Form to the clerk/manager as they are asking for information to avoid suspicion. They could do merchant education while in the store.

Results:

There were a total of 30 randomly selected census tracts in West Virginia used for the Coverage Study. These tracts were spread throughout 20 different counties. Eight of the chosen tracts were considered rural as defined by the U.S. Department of Agriculture – <http://www.ers.usda.gov/briefing/rurality/whatisrural> while 11 were considered urban. The remaining 11 tracts were located in a combination of rural and urban areas. All but one of these 17 outlets missing from our original 2008 screened Synar list have been in existence even before the Synar screening process began. They could have not been on the WV Department of Tax and Revenue's database and/or overlooked in the screening process.

There is a place in Barbour County Census tract 9657 which was earlier believed to be located in Randolph County but was, in fact, confirmed to be in Barbour County. However, it's considered a seasonal business which will more than likely not be eligible for the upcoming Synar survey. There is another place in Morgan County (Census tract 9708) and Nicholas County (Census Tract 9802) which has been closed since the screening process began. One of those places is now a business that no longer sells tobacco.

There are three additional new businesses found in these Census tracts. One is a combined café and convenience store located in Marshall County Census tract 202 which opened on October 1, 2007. The other outlet is a Little General Store (gas station/convenience store) located in Kanawha County Census tract 8 which opened on January 4 of last year. A convenience store found in Monongalia County Census tract 111 was under construction during canvassing and is now completed.

There were some specific issues in completing this study, as expected. West Virginia is primarily a rural state while homes and businesses are sparsely distributed in many of these areas. Many addresses on our Synar list frame contain only a rural route, county, or state route number. This makes it difficult to locate on a map and also for inspectors to find unless they have prior knowledge. Finally, in some cases excessive time, travel, and expense were unavoidable especially for those inspectors who canvassed the larger census tracts.

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.

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

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

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

Yes **No**

6. Were all sampled areas visited by canvassing teams?

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

a. Was the subset of areas randomly chosen?

Yes **No**

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

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.

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

Yes No

If No, respond to Question 11.

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

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.

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).

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