

ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB № 0930-0222

FFY 2023

State: Oregon

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INTRODUCTION

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

How the Synar report helps the Center for Substance Abuse Prevention

In accordance with the tobacco regulations, states are required to provide detailed information on progress made in enforcing youth and young adult tobacco access laws (FFY 2022 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth and young adult tobacco access rates (FFY 2023 Intended Use Plan). These data are required by 42 U.S.C. 300x-26 and will be used by the Secretary to evaluate state compliance with the statute. Part of the mission of the Center for Substance Abuse Prevention (CSAP) is to assist states¹ by supporting Synar activities and providing technical assistance helpful in determining the type of enforcement measures and control strategies that are most effective. This information is helpful to CSAP in improving technical assistance resources and expertise on enforcement efforts and tobacco control program support activities, including state Synar program support services, through an enhanced technical assistance program involving conferences and workshops, development of training materials and guidance documents, and onsite technical assistance consultation.

How the Synar report can help states

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

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

with youth and young adult tobacco access laws.

Getting assistance in completing the Synar report

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

Where and when to submit the Synar report

The ASR must be received by SAMHSA no later than December 31, 2022 and must be submitted in the format specified by these instructions. Use of the approved format will avoid delays in the review and approval process. The chief executive officer (or an authorized designee) of the applicant organization must sign page one of the ASR certifying that the state has complied with all reporting requirements.

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

- FFY 2023 Synar Survey Results: States that use the Synar Survey Estimation System (SSES) must upload one copy of *SSES Tables 1–8* (in Excel) to WebBGAS. **Please note that, in the FFY 2023 ASR, SSES will generate Tables 6, 7, and 8, which are based on the optional microdata on product type, retail outlet type, and whether identification was requested. If your state does not submit these optional data, Tables 6, 7, and 8 will be blank. Tables 6, 7, and 8 are generated for the convenience of the state, and states are not required to submit completed versions of Tables 6, 7, or 8.** States that do not use SSES must upload one copy of ASR Forms 1, 4, and 5, and Forms 2 and 3, if applicable, (in Excel), as well as a database with the raw inspection data to WebBGAS.
- Synar Inspection Form: States must upload one blank copy of the inspection form used to record the result of each Synar inspection.
- Synar Inspection Protocol: States must upload a copy of the protocol used to train inspection teams on conducting and reporting the results of the Synar inspections. This document should be different than the Appendix C attached to the Annual Synar Report.
- A scanned copy of the signed Funding Agreements/Certifications

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

FFY 2023: FUNDING AGREEMENTS/CERTIFICATIONS

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

PUBLIC HEALTH SERVICES ACT AND SYNAR AMENDMENT	
42 U.S.C. 300x-26 requires each state to submit an annual report of its progress in meeting the requirements of the Synar Amendment and its implementing regulation (45 C.F.R. 96.130) to the Secretary of the Department of Health and Human Services. By signing below, the chief executive officer (or an authorized designee) of the applicant organization certifies that the state has complied with these reporting requirements and the certifications as set forth below.	
SYNAR SURVEY SAMPLING METHODOLOGY	
The state certifies that the Synar survey sampling methodology on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2023 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 2023 is up-to-date and approved by the Center for Substance Abuse Prevention.	
State: Oregon	
Name of Chief Executive Officer or Designee: Steve Allen	
Signature of CEO or Designee: 	
Title: OHA Behavioral Health Director	Date Signed: 12/6/2022
If signed by a designee, a copy of the designation must be attached.	

SECTION I: FFY 2022 (Compliance Progress)

YOUTH AND YOUNG ADULT ACCESS LAWS, ACTIVITIES, AND ENFORCEMENT

42 U.S.C. 300x-26 requires the states to report information regarding the sale/distribution of tobacco products to individuals under age 21.

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

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

Yes No

If Yes, current minimum age: 19 20 21

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

Yes No

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

Changed to require that law enforcement conduct inspections of tobacco outlets
 Changed to make it illegal for youth and young adults to possess, purchase or receive tobacco

Changed to require ID to purchase tobacco

Changed definition of tobacco products

Other change(s) *(Please describe.)* The Oregon Department of Justice (DOJ) is responsible for enforcing Oregon Revised Statute 180.441(2), which prohibits the sale of cigarettes (including RYO), smokeless tobacco, and inhalant delivery systems unless the retailer and employee of the retailer makes the sale to the purchaser in person as part of a face-to-face exchange. DOJ’s interpretation of this statute is that self-service vending machines, whether they are only accessible to individuals over the age of 21, do not satisfy the face-to-face requirement. Therefore, sale of cigarettes, smokeless tobacco, and inhalant delivery systems are now prohibited from vending machines. Although not a change in law, the interpretation changes the state’s protocol because vending machines are now prohibited from selling most tobacco products.

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

Licensing of tobacco vendors Yes No

Penalties for sales to minors Yes No

Vending machines Yes No

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

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

- Placed on file for public review
- Posted on a state agency Web site (Please provide exact Web address and the date when the FFY 2023 ASR was posted to this Web address.)

Web address:

<https://www.oregon.gov/oha/PH/PREVENTIONWELLNESS/TOBACCOPREVENTION/Pages/data-and-reports.aspx>

Date published: November 28th, 2022

- 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.) Sent to partner listservs.

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:

Oregon Health Authority

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

- Yes No

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

Oregon Health Authority

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

- Yes No

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

Oregon Health Authority, Department of Justice

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).

Oregon Health Authority

- 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.)* _____
 - No relationship
- d. Does a state agency contract with the Food and Drug Administration's Center for Tobacco Products (FDA/CTP) to enforce the youth and young adult access and advertising restrictions in the Family Smoking Prevention and Tobacco Control Act?
 Yes No (if no, go to Question 5)
- e. If yes, identify the state agency responsible for enforcing the youth and young adult access and advertising restrictions in the Family Smoking Prevention and Tobacco Control Act (the agency that is under contract to the Food and Drug Administration's Center for Tobacco Products (FDA/CTP)).
-
- f. Has the responsible agency changed since last year's Annual Synar Report?
 Yes No
- g. Describe the coordination and collaboration that occur between the agency contracted with the FDA to enforce federal youth and young adult tobacco access laws and the agency responsible for oversight of the Synar requirements. *(Check all that apply.)* The two agencies:
- Are the same
 - Have a formal written memorandum of agreement
 - Have an informal partnership
 - Conduct joint planning activities
 - Combine resources
 - Have other collaborative arrangement(s) *(Please describe.)* _____
 - No relationship

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

Yes No

5. Please answer the following questions regarding the state’s activities to enforce the state’s youth and young adult access to tobacco law(s) in FFY 2022 (see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130(e)).

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

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

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

PENALTY	OWNERS	CLERKS	TOTAL
Number of <u>citations issued</u>	172	NA	172
Number of <u>finest assessed</u>	55	NA	55
Number of <u>permits/licenses suspended</u>	26		26
Number of <u>permits/licenses revoked</u>	2		2
Other (Please describe.) NA	NA	NA	NA

*** Note:** Penalties to owners were from violations of state youth access tobacco laws assessed by both state and local agencies.

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:

Oregon issues citations to retailers who sell tobacco to minors while conducting Synar inspections. Citations are not assessed at the time of the inspection but are

mailed at the end of the month to all retailers who sold to minors during that month's inspections. Citations are not issued at the time of Synar inspections.

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

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

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

- Yes No

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

- Merchant education and/or training

OHA hosts a Tobacco Retail Sales webpage where businesses can learn more about Oregon's tobacco sales laws and rules, and how to comply. This webpage includes:

- Required signs prohibiting sales of tobacco products and inhalant delivery systems to persons under the age of 21 that can be downloaded and printed in 6 languages – English, Spanish, Chinese, Korean, Russian and Vietnamese. Access at: www.healthoregon.org/tobaccoretailsales.
- Information on how to read an Oregon ID that is provided in a downloadable format and is available in 6 languages – English, Spanish, Chinese, Korean, Russian and Vietnamese. Access at: www.healthoregon.org/tobaccoretailsales.
- Senate Bill 754 Frequently Asked Questions (FAQ). This law raised the required minimum age from 18 to 21. FAQ are regularly reviewed and updated to provide the most relevant information. Access at: https://www.oregon.gov/oha/PH/PREVENTIONWELLNESS/TOBACCOPREVENTION/Documents/Tobacco_21_Frequently_Asked_Questions.pdf.
- Tobacco Retail License Bulletin that explains how to comply with Oregon Tobacco Laws and is available in 7 languages – English, Spanish, Chinese, Korean, Russian, Arabic and Vietnamese. Access at: <https://www.oregon.gov/oha/PH/PREVENTIONWELLNESS/TOBACCOPREVENTION/Pages/retailers.aspx>.
- Tobacco Retail Licensing Virtual Training for Retailers. Access at: <https://www.youtube.com/watch?v=5FGW-d3oFx0&feature=youtu.be>

- Tobacco Retail Licensing Training Manual for Retailers that provides an overview of tobacco retail license requirements, enforcement and explains penalties. In addition, Tobacco Retail Licensing Fact Sheets and FAQs are available in 7 above mentioned languages. All resources can be accessed at: <https://www.oregon.gov/oha/PH/PREVENTIONWELLNESS/TOBACCOPREVENTION/Pages/retailers.aspx>

Additionally, some counties that have an active Tobacco Retailer License (TRL) maintain resources to inform and educate local retailers. For example:

- Multnomah County has developed in person and online retailer trainings regarding tobacco laws. Access at: <https://www.multco.us/health/inspections-and-licensing/tobacco-retail-license>
- Clatsop County hosts a retailer resources webpage where retailers can learn how to comply with laws and includes a TRL Retailer Training Manual. Access at: <https://www.co.clatsop.or.us/publichealth/page/tobacco-retail-license>

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

- Community education regarding youth and young adult access laws

OHA hosts a Tobacco Retail Licensing and Sales website where the public can learn more about Oregon’s tobacco retail environment. The website includes an email address (tobacco.inspections@state.or.us) and the phone number (971-673-2283) that the public can use to request more information or report illegal tobacco sales. Access at:

<https://www.oregon.gov/oha/PH/PREVENTIONWELLNESS/TOBACCOPREVENTION/Pages/community-members.aspx> and <https://www.oregon.gov/oha/PH/PREVENTIONWELLNESS/TOBACCOPREVENTION/Pages/retailenvironment.aspx>

Additionally, Smoke Free Oregon has a webpage entitled Protecting Children and Youth that provides community members a 6 step guide on how they can take action to support healthy retail environments . Access at:

<https://smokefreeoregon.com/oregonians/protecting-children-and-youth/>

- Media use to publicize compliance inspection results

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

As Oregon implemented its new statewide Tobacco Retail License law, for the first six months the law was in effect (January 1- June 20, 2022), the state and Local Public Health Authorities conducted outreach and education about the new law and

prepared resources to help them comply with tobacco laws, including youth access laws.

Other activities *(Please list.)* Public violation reporting and penalties

OHA hosts a phone line and email for the public to report violations pertaining to state youth and young adult access laws.

Access at:

<https://www.oregon.gov/oha/PH/PREVENTIONWELLNESS/TOBACCPREVENTION/Pages/community-members.aspx>

In Winter 2021, OHA wrote new administrative rules to stand up the Tobacco Retail License program. As part of the rules, administrative penalties were increased for selling tobacco products to minors. The penalty increased to \$1000 for the first penalty, \$2000 for the second violation, \$3500 for the third violation and \$5000 for the fourth and subsequent violation.

SYNAR SURVEY METHODS AND RESULTS

The following questions pertain to the survey methodology and results of the Synar survey used by the state to meet the requirements of the Synar Regulation in FFY 2022 (see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).

6. Has the sampling methodology changed from the previous year?

Yes No

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

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

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

a. Did the state use the optional Synar Survey Estimation System (SSES) to analyze the Synar survey data?

Yes No

If Yes, upload a copy of SSES tables 1–8 (in Excel) to WebBGAS. Then go to Question 8. If No, continue to Question 7b.

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

Unweighted RVR _____

Weighted RVR _____

Standard error (s.e.) of the (weighted) RVR _____

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

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

plus times

Accuracy rate _____

Completion rate _____

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

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

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

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

- Yes No No stratification

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

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

- Yes No

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

If No, go to Question 7g.

Were any certainty primary sampling units selected this year?

- Yes No

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

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

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

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

8. Did the state's Synar survey use a list frame?

Yes No

If Yes, answer the following questions about its coverage.

a. The calendar year of the latest Sampling frame coverage study: 2019

b. Percent coverage from the latest Sampling frame coverage study: 92.8

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: 2023

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

The Oregon Health Authority informed SAMHSA of the change and sent the updated protocol to SAMHSA by email for approval prior to conducting Synar inspections. The updated protocol was sent to SAMHSA on 6/24/2022.

b. Provide the inspection period: From 08/18/2022 to 9/30/2022
MM/DD/YY MM/DD/YY

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

14

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.

No difference

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

SECTION II: FFY 2023 (Intended Use):

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

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

- Synar sampling methodology Yes No
Synar inspection protocol Yes No

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

2. Please describe the state's plans to maintain and/or reduce the target rate for Synar inspections to be completed in FFY 2023. Include a brief description of plans for law enforcement efforts to enforce youth and young adult tobacco access laws, activities that support law enforcement efforts to enforce youth and young adult tobacco access laws, and any anticipated changes in youth and young adult tobacco access legislation or regulation in the state.

Historically, the Oregon Health Authority (OHA) has continuously fulfilled Synar Program duties and coordinated Synar and State Enforcement inspections, the two types of tobacco retail inspections conducted by OHA.

For FY 2023, OHA plans on inspecting all tobacco retailers and assessing citations to the owner of establishments that sell tobacco products to those under the age of 21. With each successive sale to a minor the owner is assessed a citation. For tobacco retailers that repeatedly sell to underage persons, their license to sell tobacco can be revoked. In addition to inspections for sales to underage persons, OHA will also conduct inspections to assure that retailers are in compliance with all tobacco retail sales laws.

OHA also has an email address (Tobacco.Inspections@dhsoha.state.or.us) and phone line that citizens can use to report Oregon law violations, including sales to persons under 21 years of age. When a complaint is made, OHA staff conducts a follow-up inspection to determine if the retailer is in violation.

A few changes have occurred over the last year that OHA anticipates will change youth access to tobacco products and inhalant delivery systems. In 2021 the Oregon legislature banned the online sale of vaping products, further reducing youth access to nicotine products. This law will be enforced by the Oregon Department of Justice (DOJ). In addition, DOJ interpreted ORS 180.441(2), which prohibits the sale of cigarettes, smokeless tobacco, and inhalant delivery systems unless the sale is made in person, as part of a face-to-face exchange, to mean that these products are not allowed to be sold from vending machines. Self-service vending machines, whether they are only accessible to individuals over the age of 21, do not satisfy the face-to-face requirement.

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

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

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

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

Oregon lacks the authority to enforce retail regulations like the minimum legal sales age on oral synthetic nicotine products because they are not included in the state's tobacco product definition. Products containing tobacco-derived nicotine, but no leaf and synthetic oral nicotine pouches, gums and lozenges containing nicotine developed in a lab are not currently regulated. OHA has heard from schools, pediatricians, tobacco inspectors, and health advocacy organizations that flavored synthetic nicotine products are growing in popularity among youth. These regulatory gaps are a public health concern given the increasing use of synthetic nicotine by tobacco and nicotine product manufacturers, as well as the popularization of these products among youth. For the 2023 Legislative session, OHA submitted a Legislative Concept that would ban flavored tobacco products and amend the definition of "tobacco product" to include synthetic nicotine products. If passed, this law would help regulate a category of products that are currently unregulated, addictive, and accessible to youth.

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

- Limitations on completeness/accuracy of list of tobacco outlets

There are few retailers that continue selling tobacco without a license. The Oregon Department of Revenue issues tobacco retail licenses in Oregon and is conducting inspections to assure all retailers that sell tobacco have a license.

- Limited expertise in survey methodology

- Laws/regulations limiting the use of minors in tobacco inspections

- Difficulties recruiting youth and young adult inspectors

In FY 2022 OHA had difficulty initially setting up a contract and hiring young adult inspectors. The difficulties were mainly due to the bad timing of the recruitment process (summer) and the coincidence that other state enforcement agencies were hiring young adult inspectors at around the same time. For FY 2023, OHA now has

sufficient young adult inspectors but will need to continue inspections throughout the year to maintain employment for these young adults.

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

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

- Geographic, demographic, and logistical considerations in conducting inspections

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

- Issues regarding sources of tobacco under tribal jurisdiction

- Other challenges (*Please list.*) _____

APPENDIX A: FORMS 1-5

Oregon used the Synar Estimation System (SSES).

APPENDIXES B & C: FORMS

Instructions

Appendix B (Sampling Design) and Appendix C (Inspection Protocol) are to reflect the state's CSAP-approved sampling design and inspection protocol. These appendixes, therefore, should generally describe the design and protocol and, with the exception of Question #10 of Appendix B, are not to be modified with year-specific information. Please note that any changes to either appendix must receive CSAP's advance, written approval. To facilitate the state's completion of this section, simply cut and paste the previously approved sampling design (Appendix B) and inspection protocol (Appendix C) and respond to Question #10 of Appendix B to provide the requested information about sample size calculations for the Synar survey conducted in FFY 2022.

APPENDIX B: SYNAR SURVEY SAMPLING METHODOLOGY

State: Oregon
 FFY: 2023

1. What type of sampling frame is used?

- List frame (*Go to Question 2.*)
- Area frame (*Go to Question 3.*)
- List-assisted area frame (*Go to Question 2.*)

2. List all sources of the list frame. Indicate the type of source from the list below. Provide a brief description of the frame source. Explain how the lists are updated (method), including how new outlets are identified and added to the frame. In addition, explain how often the lists are updated (cycle). (*After completing this question, go to Question 4.*)

Use the corresponding number to indicate Type of Source in the table below.

- 1 – Statewide commercial business list
- 4 – Statewide retail license/permit list
- 2 – Local commercial business list
- 5 – Statewide liquor license/permit list
- 3 – Statewide tobacco license/permit list
- 6 – Other

Name of Frame Source	Type of Source	Description	Updating Method and Cycle
Multnomah, Benton and Klamath County Tobacco Retail Licenses	6	Local tobacco license	Quarterly
Oregon Department of Revenue	3	State license that covers state except for Multnomah, Benton, Clatsop and Klamath Counties.	Monthly

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

Not applicable.

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

- Yes No

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

____%

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

- Yes No

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

- State law bans vending machines.
- State law bans vending machines from locations accessible to youth and young adults.
- State has a contract with the FDA and is actively enforcing the vending machine requirements of the Family Smoking Prevention and Tobacco Control Act.
- Other (Please describe.) **Vending machines are not allowed to sale cigarettes, smokeless tobacco or Electronic Cigarettes/Electronic Nicotine Delivery Systems (ENDS).**

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.**

10. Provide the following information about sample size calculations for the Synar survey conducted in FFY 2022.

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

Inputs for Effective Sample Size:

RVR: 15.5

Frame Size: 3,592

Input for Target Sample Size:

Design Effect: 1.1

Inputs for Original Sample Size:

Safety Margin: 25
Accuracy (Eligibility) Rate: 93.30
Completion Rate: 98.10

NOTE: Oregon used a one-sided confidence interval.

- 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:**

Not applicable

- 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.**

Not applicable

APPENDIX C: SYNAR SURVEY INSPECTION PROTOCOL SUMMARY

State: Oregon
FFY: 2023

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

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

a. Consummated buy attempts?

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

b. Youth and young adult inspectors to carry ID?

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

c. Adult inspectors to enter the outlet?

- Required
- Permitted under specified circumstances (Describe: The inspection protocol does not require the adult inspector to be in the outlet. The adult inspector must position self to observe the youth inspector at all times. This may be, but is not required to be, in the outlet.)
- Not permitted

d. Youth and young adult inspectors to be compensated?

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

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

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

List the agency name(s): Oregon Public Health Division; Multnomah County

Health Department

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 Shisha, if sold in certified smoke shops.

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

- c.** The protocol states that products purchased during inspections will be as close as possible to the following ratio:
- d.** - 4/10 purchases will be cigarettes
 - e.** - 3/10 purchases will be electronic cigarettes
 - f.** - 3/10 purchases will be cigarillos
 - g.** Specific brands are not stated in the protocol, but adult inspectors usually have the youth inspectors request common products.

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

OHA, recruits and trains adult and young adult inspectors. The Synar Protocols details the training for both adult and youth inspectors.

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

OHA, recruits and trains adult and young adult inspectors. The Synar Protocols details the training for both adult and youth inspectors.

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

a. Legal

- Yes No

(If Yes, please describe.)

Oregon Revised Statute (ORS) 167.760(2) provides exceptions to the prohibition of a person under 21 years of age purchasing tobacco products or inhalant delivery systems. This section reads, "A person under 21 years of age who is acting under the supervision of a person 21 years of age or older may purchase or attempt to purchase tobacco products or an inhalant delivery system for the purpose of testing compliance with a federal law, state law, local law or retailer policy limiting or regulating the distribution or sale of tobacco products or inhalant delivery systems to persons who are under the legal minimum purchase age."

In addition, Oregon's purchase, use and possession penalties for underage persons (ORS 167.785 and 431A.180) were repealed in the 2021 legislative session, as part of Senate Bill 587- the bill that established tobacco retail licensure.

b. Procedural

Yes No

(If Yes, please describe.)

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

a. Legal

Yes No

(If Yes, please describe.)

b. Procedural

Yes No

(If Yes, please describe.)

The state Synar Inspection Protocol clearly states that young adult safety is top priority. Training emphasizes that both young adult and adult inspectors take precautionary measures to ensure the young adults safety. Adult inspectors assess each tobacco retailer to make sure that there are no circumstances which could compromise the young adult's safety. Inspections are suspended if young adult safety becomes a concern.

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

a. Legal

Yes No

(If Yes, please describe.)

Oregon Administrative Rules (OAR) require that inspections be conducted at times when persons under 21 years of age are likely to purchase tobacco products or inhalant delivery systems.

b. Procedural

Yes **No**

(If Yes, please describe.)

Procedural requirements include:

- The random sampling method must reflect persons under 21 years of age and tobacco outlet distribution throughout the state.
- Inspections must occur at times when persons under 21 years of age are likely to purchase tobacco products.
- Random inspections must occur only in areas where tobacco products or inhalant delivery systems are sold or distributed and are open to the public.
- Outlets may be inspected no more than once per month unless a compliance problem exists or is suspected.

Each of these requirements serves to strengthen the inspection protocol. In addition, Oregon has chosen to use only 18, 19, and 20-year-old young adult inspectors.

APPENDIX D: LIST SAMPLING FRAME COVERAGE STUDY

(LIST FRAME ONLY)

State: Oregon
FFY: 2023

1. Calendar year of the coverage study: _____

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

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

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 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.

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 9.

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

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).