

# **ANNUAL SYNAR REPORT**

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

OMB № 0930-0222

**FFY 2021**

**State: Oregon**

## Table of Contents

Introduction.....	i
FFY 2021: Funding Agreements/Certifications.....	1
Section I: FFY 2020 (Compliance Progress).....	2
Section II: FFY 2021 (Intended Use).....	11
Appendix A: Forms 1–5.....	13
Appendixes B & C: Forms.....	20
Appendix B: Synar Survey Sampling Methodology .....	19
Appendix C: Synar Survey Inspection Protocol Summary.....	21
Appendix D: List Sampling Frame Coverage Study .....	25

Public Burden Statement: 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. Public reporting burden for this collection of information is estimated to average 18 hours per respondent, per year, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to SAMHSA Reports Clearance Officer, 5600 Fishers Lane, Rockville, MD 20857.

## INTRODUCTION

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

### **How the Synar report helps the Center for Substance Abuse Prevention**

In accordance with the tobacco regulations, states are required to provide detailed information on progress made in enforcing youth tobacco access laws (FFY 2020 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2021 Intended Use Plan). These data are required by 42 U.S.C. 300x-26 and will be used by the Secretary to evaluate state compliance with the statute. Part of the mission of the Center for Substance Abuse Prevention (CSAP) is to assist states<sup>1</sup> by supporting Synar activities and providing technical assistance helpful in determining the type of enforcement measures and control strategies that are most effective. This information is helpful to CSAP in improving technical assistance resources and expertise on enforcement efforts and tobacco control program support activities, including state Synar program support services, through an enhanced technical assistance program involving conferences and workshops, development of training materials and guidance documents, and onsite technical assistance consultation.

### **How the Synar report can help states**

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

---

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

## Getting assistance in completing the Synar report

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

## Where and when to submit the Synar report

The ASR must be received by SAMHSA no later than December 31, 2020 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 2021 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, beginning with the FFY 2021 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 2021: FUNDING AGREEMENTS/CERTIFICATIONS

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

<b>PUBLIC HEALTH SERVICES ACT AND SYNAR AMENDMENT</b>	
42 U.S.C. 300x-26 requires each state to submit an annual report of its progress in meeting the requirements of the Synar Amendment and its implementing regulation (45 C.F.R. 96.130) to the Secretary of the Department of Health and Human Services. By signing below, the chief executive officer (or an authorized designee) of the applicant organization certifies that the state has complied with these reporting requirements and the certifications as set forth below.	
<b>SYNAR SURVEY SAMPLING METHODOLOGY</b>	
The state certifies that the Synar survey sampling methodology on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2021 is up-to-date and approved by the Center for Substance Abuse Prevention.	
<b>SYNAR SURVEY INSPECTION PROTOCOL</b>	
The state certifies that the Synar Survey Inspection Protocol on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2021 is up-to-date and approved by the Center for Substance Abuse Prevention.	
<b>State: Oregon</b>	
<b>Name of Chief Executive Officer or Designee: Steve Allen</b>	
<b>Signature of CEO or Designee:</b>	
<b>Title:</b> OHA Behavioral Health Director	<b>Date Signed:</b> November 3, 2020
<b>If signed by a designee, a copy of the designation must be attached.</b>	

**SECTION I: FFY 2020 (Compliance Progress)**

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

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

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

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

Yes  No

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

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

Yes  No

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

- Changed to require that law enforcement conduct inspections of tobacco outlets
- Changed to make it illegal for youth to possess, purchase or receive tobacco
- Changed to require ID to purchase tobacco
- Changed definition of tobacco products
- Other change(s) *(Please describe.)* \_\_\_\_\_

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

- Licensing of tobacco vendors  Yes  No
- Penalties for sales to minors  Yes  No
- Vending machines  Yes  No
- Added product categories to youth access law  Yes  No

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

- Placed on file for public review
- Posted on a state agency Web site *(Please provide exact Web address and the date when the FFY 2021 ASR was posted to this Web address.)*

*Web address:*

<https://www.oregon.gov/oha/PH/PREVENTIONWELLNESS/TOBACCOPREVENTION/Pages/retailcompliance.aspx>

*Date published: October 27, 2020*

- 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.)* \_\_\_\_\_

**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 tobacco access law(s):**

Oregon Health Authority

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 access and advertising restrictions in the Family Smoking Prevention and Tobacco Control Act?**  
 Yes  No (if no, go to Question 5)

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

---

**f. Has the responsible agency changed since last year's Annual Synar Report?**  
 Yes  No

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

- Are the same
- Have a formal written memorandum of agreement
- Have an informal partnership
- Conduct joint planning activities
- Combine resources
- Have other collaborative arrangement(s) *(Please describe.)* \_\_\_\_\_
- No relationship

**h. Does the state use data from the FDA enforcement inspections for Synar survey reporting?**  
 Yes  No

5. Please answer the following questions regarding the state’s activities to enforce the state’s youth access to tobacco law(s) in FFY 2020 (see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130(e)).

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

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

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

PENALTY	OWNERS	CLERKS	TOTAL
Number of <u>citations issued</u>	3	97	100
Number of <u>finest assessed</u>	116	97	213
Number of <u>permits/licenses suspended</u>	NA		NA
Number of <u>permits/licenses revoked</u>	NA		NA
Other (Please describe.)	NA	NA	NA

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:

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

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

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

- Yes  No

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

- Merchant education and/or training

OHA hosts a tobacco retail sales webpage where businesses can learn about Oregon’s tobacco sales laws and rules, and how to comply. Required signs and information on how to read an Oregon ID are available at the site (in both English and Spanish) in a downloadable format. Access at: [www.healthoregon.org/tobaccoretailsales](http://www.healthoregon.org/tobaccoretailsales).

Multnomah County has an active Tobacco Retailer License and have developed in person and online retailer training regarding tobacco laws in our most populous county. Access at: <https://multco.us/file/63111/download>

- 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

OHA hosts a tobacco retail sales webpage where the public can learn about Oregon’s tobacco sales laws and rules. The webpage includes an email address ([tobacco.inspections@state.or.us](mailto:tobacco.inspections@state.or.us)) that the public can use to request more information or report illegal tobacco sales. Required signs and information on how to read an Oregon ID are available at the site (in both English and Spanish) in a downloadable format. Access at: [www.healthoregon.org/tobaccoretailsales](http://www.healthoregon.org/tobaccoretailsales).

- Media use to publicize compliance inspection results

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

--

Other activities *(Please list.)* Media use to publicize state law MLSA results

In September 2020, OHA publicized the results of enforcement of the state tobacco minimum legal sales age (MLSA) law. The report included the name and address of every retailer that received a compliance check, and whether the retailer sold to someone under the age of 21. In addition, OHA created an executive summary of the results. Both documents available at [www.healthoregon.org/tobaccoretailsales](http://www.healthoregon.org/tobaccoretailsales). State and local media published stories about sales results, earning over six media opportunities.

## 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 2020 (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
<b>Effective sample size</b> (sample size needed to meet the SAMHSA precision requirement assuming simple random sampling)	
<b>Target sample size</b> (the product of the effective sample size and the design effect)	
<b>Original sample size</b> (inflated sample size of the target sample to counter the sample attrition due to ineligibility and noncompletion)	
<b>Eligible sample size</b> (number of outlets found to be eligible in the sample)	
<b>Final sample size</b> (number of eligible outlets in the sample for which an inspection was completed)	

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

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

Yes  No

*If Yes, answer the following questions about its coverage.*

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

**b. Percent coverage from the latest Sampling frame coverage study: 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: 2022**

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

Yes  No

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

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

**b. Provide the inspection period: From 07/01/20 to 09/30/20**  
MM/DD/YY MM/DD/YY

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

0

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 2021 (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 2021. 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.**

Historically, Oregon Health Authority has continuously fulfilled Synar Program duties and coordinated Synar and State Enforcement inspections, the two types of tobacco retail inspections conducted in the state. A Tobacco Retail Sales webpage provides merchants online access to tobacco and inhalant delivery system sales laws, new rules and information on how to comply. These materials are available for download, are in English and Spanish, and can be accessed at:  
<http://public.health.oregon.gov/PreventionWellness/TobaccoPrevention/Pages/retailcompliance.aspx>.

To reduce the retailer violation rate for Synar inspections, Oregon has instituted a system of revisiting those retailers that fail to pass inspection. If a retailer fails the Synar compliance survey, the business is added to the list of retailers selected for Enforcement inspections, where a fine will be received if an illegal sale is made. In addition, any retailer that sells a tobacco product to a person under 21 during Enforcement inspections is re-inspected within two weeks after the sale is made. Oregon posts results of Synar and Enforcement inspections on the web after the completion of each round of inspections.

The Synar List Frame completeness has improved and will continue to be updated. Oregon Health Authority shares retailer lists with the Department of Revenue and the Attorney General's Office and obtains updated tobacco retailer lists from local jurisdictions that have local tobacco retailer licensing in place. The Coordinator will continue to work with local tobacco prevention and education program coordinators in maintaining accurate local tobacco retailer outlet lists, while adding new retail locations to Oregon's Synar List Frame as they are identified through enforcement inspections conducted by the Oregon State Police (OSP). The Synar Coverage Study was conducted in 2019 to determine the accuracy of the list of tobacco retailers in Oregon, an additional source for increasing the accuracy of the Synar List Frame.

The OSP Tobacco Enforcement Program continues to help keep the focus of youth access to tobacco at the forefront. The program, which includes citing clerks, managers and owners who sell tobacco to youth, usually inspects up to 1100 additional tobacco retail outlets each year, separate from Synar Inspections. This year COVID interrupted the normal Enforcement Inspection process, forcing the conclusion of inspections several months early than anticipated, in mid-March.

Since 2019, two Oregon counties (Multnomah and Klamath) have been enforcing state youth tobacco access laws in all tobacco retailers licensed by their counties. Clatsop County adopted a local tobacco retailer license in early 2020 and is presently undergoing a retailer education and implementation process.

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

- Limited resources for law enforcement of youth access laws

There are no current resources presently dedicated from law enforcement for enforcement of youth access laws. Funds for education and enforcement come from the Oregon Health Authority through General Funds for enforcement and the Substance Abuse Prevention and Treatment (SAPT) Block Grant for education. The state has limited funding to provide additional enforcement of tobacco access laws statewide. In addition, jurisdictions that have local tobacco licensure ordinances have limited, if any, funding to enforce those ordinances.

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

While the Substance Abuse Prevention and Treatment (SAPT) Block Grant allows states to use funding to complete the requirements of the Synar Survey, the state has limited funding to provide additional enforcement of tobacco access laws statewide. In addition, jurisdictions that have local tobacco licensure ordinances have limited, if any, funding to enforce those ordinances. Efforts are occurring locally to increase tobacco licensure ordinance fees to increase enforcement of local ordinances and consideration of a statewide license to ensure all retailers would be offered expanded education and regular inspection. OHA continues to search for resources to continue providing limited enforcement inspections through the Oregon State Police or another agency to inspect retail locations, for continued and consistent enforcement in driving down the RVR.

- 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

Oregon does not require a tobacco retailer license to sell tobacco, and therefore a comprehensive list of tobacco retailers is not available. OHA works with the Department of Revenue, Oregon Liquor Control Commission and the Department

of Justice to update and maintain its master list of tobacco retailers so it is as accurate as possible. Accuracy and completeness of the list frame is validated through local public health authorities and substance use prevention partners, through records obtained from the Attorney General's Office and Synar Survey staff as they conduct retailer inspections.

Limited expertise in survey methodology

Laws/regulations limiting the use of minors in tobacco inspections

Difficulties recruiting youth inspectors

This year no Synar operations were conducted during the normal period of July-September due to the response to COVID. The Oregon Governor's order limits all non-essential travel of state employees, inclusive of Oregon State Police. Beyond that limitation the potential risk of youth interaction with both retired police officers and retail staff made it impossible to recruit or conduct operations during this period.

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

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

Geographic, demographic, and logistical considerations in conducting inspections

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

As discussed above, Oregon Health Authority is cautiously exploring whether law enforcement is the best agency to conduct youth operations in communities. In a year where police interaction with communities is under scrutiny, our public health system is exploring innovative ideas about how to proceed in coming years.

Issues regarding sources of tobacco under tribal jurisdiction

Other challenges (*Please list.*) \_\_\_\_\_

While the COVID pandemic did not necessarily reassign either the retired state police officers or the core staff at Oregon Health Authority, it did result in a

complete stoppage of the operations this year. Starting in March 2020, a Governor's directive called for the end of all non-essential state employee travel. This included the conducting of youth decoy tobacco operations. As the pandemic continues to change how many of us live, work, and conduct ourselves on a daily basis, OHA continues to not conduct operations through at least December 2020. This decision was not made lightly but has been made in an abundance of caution and a focus on the health of the people in our state.

## **APPENDIX A: FORMS 1-5**

Oregon used the Synar Survey 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 2020.

## APPENDIX B: SYNAR SURVEY SAMPLING METHODOLOGY

State: OR  
 FFY: 2021

**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
Local public health, substance abuse prevention partners and Oregon State Policy inspectors	6	OHA updates the status of outlets inaccessible to youth or that have been confirmed closed.	The list is updated and validated in June of each year for accuracy and completeness by working with local public health and substance abuse prevention partners, who review and verify the list for completeness to the best of their knowledge. List information is also updated and enhanced by inspectors conducting both Synar and Enforcement Inspections.
Multnomah, Lane, Benton and Klamath County Tobacco Retail Licenses	6	Several Oregon counties have tobacco retail licenses. We receive the license information from these counties and merge into our state list.	The list is updated in June of each year prior to pulling the sample frame for the Synar surveys.
Oregon Liquor Control Commission	5	OHA reviews the OLCC list for off-site consumption alcohol retailers to determine if retailers from known chains have opened new stores. OLCC premises identifications number are merged into the OHA tobacco retailer list to confirm matches.	The list is updated in June of each year prior to pulling the sample frame for the Synar surveys.
Federal Drug Administration (FDA) Inspections public list	6	OHA reviews completed inspection from the publicly available FDA lists and merges any new tobacco retailers not already into OHA's tobacco retailer database.	The list is updated in June of each year prior to pulling the sample frame for the Synar surveys.
Secretary of State business license	4	OHA reviews business licenses listed in the Secretary of State website, that is publicly available and merges any new tobacco.	The list is updated in June of each year prior to pulling the sample frame for the Synar surveys.

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.
- State has a contract with the FDA and is actively enforcing the vending machine requirements of the Family Smoking Prevention and Tobacco Control Act.
- Other (Please describe.) \_\_\_\_\_

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

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

5. Which category below best describes the sample design? (Check only one.)

**Census** (STOP HERE: Appendix B is complete.)

**Unstratified statewide sample:**

- Simple random sample (Go to Question 9.)
- Systematic random sample (Go to Question 6.)
- Single-stage cluster sample (Go to Question 8.)
- Multistage cluster sample (Go to Question 8.)

**Stratified sample:**

- Simple random sample (Go to Question 7.)
- Systematic random sample (Go to Question 6.)
- Single-stage cluster sample (Go to Question 7.)
- Multistage cluster sample (Go to Question 7.)
- Other** (Please describe and go to Question 9.) \_\_\_\_\_

6. Describe the systematic sampling methods. (After completing Question 6, go to Question 7 if stratification is used. Otherwise go to Question 9.)

7. Provide the following information about stratification.

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

b. Is clustering used within the stratified sample?

Yes (Go to Question 8.)

No (Go to Question 9.)

8. Provide the following information about clustering.

a. Provide a full description of how clusters are formed. (If multistage clusters are used, give definitions of clusters at each stage.)

b. Specify the sampling method (simple random, systematic, or probability proportional to size sampling) for each stage of sampling and describe how the method(s) is (are) implemented.

9. Provide the following information about determining the Synar Sample.

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

Yes (Respond to part b.)

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

b. SSES Sample Size Calculator used?

State Level (Respond to Question 10a.)

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

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

10. Provide the following information about sample size calculations for the Synar survey conducted in FFY 2020.

- 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: 15.50

Frame Size: 3129

**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

- 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: 2021

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

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

### a. Consummated buy attempts?

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

### b. Youth inspectors to carry ID?

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

### c. Adult inspectors to enter the outlet?

- Required
- Permitted under specified circumstances (Describe: 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 inspectors to be compensated?

- Required
- Permitted under specified circumstances (Describe: The inspection protocol does not specifically address compensation of youth inspectors. Oregon currently chooses to pay an hourly wage to all youth inspectors.)
- 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 State Police

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

Always  Usually  Sometimes  Rarely  Never

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

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

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

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

The protocol states that products purchased during inspections will be as close as possible to the following ratio:

- 7/10 purchases will be cigarettes
- 2/10 purchases will be electronic cigarettes
- 1/10 purchases will be cigarillos

Specific brands are not stated in the protocol, but adult inspectors usually have the youth inspectors request Marlboro Reds when purchasing cigarettes and Blu electronic cigarettes when purchasing electronic cigarettes.

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

OHA, in partnership with Oregon State Police, recruits and trains adult inspectors (retired state police troopers), who, in turn, recruit and train youth inspectors. The Synar Protocols details the training for both adult and youth inspectors.

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

OHA, in partnership with Oregon State Police, recruits and trains adult inspectors (retired state police troopers), who, in turn, recruit and train youth inspectors.

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

- a. Legal

Yes  No

*(If Yes, please describe.)*

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."

**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 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 youth safety is top priority. Training emphasizes that both youth and adult inspectors take precautionary measures to ensure youth safety. Adult inspectors assess each tobacco retailer to make sure that there are no circumstances which could compromise youth safety. Inspections are suspended if youth safety becomes of 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 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.)*

OHA may coordinate with the Oregon State Police to conduct annual random, unannounced inspections of tobacco retailers to ensure compliance with and enforce Oregon laws designed to limit youth access to tobacco products (OAR 333-015-0215(1)). Other 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 and 19-year-old youth inspectors.

# APPENDIX D: LIST SAMPLING FRAME COVERAGE STUDY

(LIST FRAME ONLY)

State: Oregon  
FFY: 2021

1. Calendar year of the coverage study: 2019

2. a. Unweighted percent coverage found: 92.8%  
b. Weighted percent coverage found:       %  
c. Number of outlets found through canvassing: 251  
d. Number of outlets matched on the list frame: 233

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

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.

Oregon targeted sampling on 25 census tracts. The 25 randomly selected tracts were pulled using SURVEY SELECT in SAS statistical software. Once the 25 tracts were selected, HPCDP merged tracts with fewer than seven estimated retailer outlets with adjoining tracts until there were seven or more estimated retailers within the merged sample areas. This was done using ArcGIS software and used the following procedure for tracts with fewer than seven estimates retailer outlets: 1) For each tract generate a random integer between 1 and 4 where: 1=north, 2=east, 3=south and 4=west; 2) Merge the tract with the longest shared border in the random compass direction to the original (seed) census tract; 3) If the randomly selected compass direction tract from step 1, was already part of the randomly selected 25 census tracts, exclude this tract and repeat step 1; 4) Recount the number of retail outlets for the merged tracts. If seven or more retail outlets were included, then stop; 5) If still fewer than seven retail outlets, repeat steps 1-4, always starting with the original seed tract; 6) If there were no available compass directions from the seed tract left, then stop and use the existing merged tracts with fewer than seven retail outlets. Twenty-five units were expected to contain a total of 175 (seven per unit) to 250 (ten per unit) outlets, meeting the requirements for sampling based on the coverage study manual.

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

NA

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

NA

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.*

Field observers were provided maps for each sample unit which delineated areas with tax lots zoned for retail or commercial use. Field observers explored all delineated areas and searched for all potential tobacco retailers by following predetermined routes. Predetermined routes were created by mapping routes of all roads to drive where any retail business or commercial areas were zoned within the sample unit. This resulted in 100% coverage of all potential retail or commercial zoned areas within the sample unit. Field observers were not provided any lists or other information of known tobacco retailers within the sample areas prior to or during canvassing. Field observers were instructed to drive or walk each road in a route and look for any visible signs of retail sales. If retail sales information, business names, or signage were visible while driving or walking, the field observer was instructed to enter all businesses found and determine if the outlets sold tobacco and where accessible to youth.

**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.**

Canvassers enter the outlet and look for visible tobacco products as defined by Appendix C. If they did not observe any tobacco product in the outlet, they asked the clerk if the outlet sell tobacco products.

**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.)**

A match between a retailer in the master list and a retailer in the list of canvassed retailers is confirmed when the two share (a) address, business name and city, or (b) address and city.

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