

# **ANNUAL SYNAR REPORT**

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

OMB № 0930-0222

**FFY 2010**

**State: Kansas**



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Substance Abuse and Mental Health Services Administration  
Center for Substance Abuse Prevention  
[www.samhsa.gov](http://www.samhsa.gov)

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## INTRODUCTION

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

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

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control number for this project is 0930-0222 with an expiration date of 10-31-2010.

### **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 2008 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2009 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 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 on-site technical assistance consultation.

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

The information gathered for the Synar report can help States describe and analyze sub-State 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.

### **Getting assistance in completing the Synar report**

If you have questions about programmatic issues, you may call CSAP's Division of State Programs at (240) 276-2413 and ask for your respective State Project Officer, or contact your State Project Officer directly by telephone or e-mail using the directory provided in the FY 2009

Uniform Application, Appendix A. If you have questions about fiscal or grants management issues, you may call the Grants Management Officer, Office of Program Services, Division of Grants Management, at (240) 276-1422.

### **Where and when to submit the Synar report**

The Annual Synar Report (ASR) must be received by SAMHSA no later than December 31, 2009. The ASR must be submitted in the **approved OMB report format**. Use of the approved format will avoid delays in the review and approval process. The chief executive officer (or an authorized designee) of the applicant organization must sign page 1 of the ASR certifying that the State has complied with all reporting requirements.

The State must upload one copy of the report using the online Web BGAS (Block Grant Application System). States that use the Synar Survey Estimation System (SSES) must also upload one copy of SSES Tables 1-5 (in Excel) to Web BGAS. 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 format) to Web BGAS. Instructions on how to access the Web BGAS system are included in the attached cover letter.

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

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

#### **Regular Mail:**

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

#### **Overnight Mail:**

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

## FFY 2009: 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 AMMENDMENT</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 2009 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 2009 is up-to-date and approved by the Center for Substance Abuse Prevention.
<b>State: Kansas</b>
<b>Name of Chief Executive Officer or Designee: Don Jordon</b>
<b>Signature of CEO or Designee:</b>
<b>Title:</b> Secretary, Kansas Department of Social and Rehabilitation Services
<b>Date Signed:</b>
<b>If signed by a designee, a copy of the designation must be attached.</b>

**SECTION I: FFY 2008 (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. Please attach a photocopy of the change(s) in the State law(s) if any was made since the last reporting year (see 42 U.S.C. 300x-26).**

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

Yes  No

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

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

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

Changed to require that law enforcement conduct inspections of tobacco outlets

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

Changed to require ID to purchase tobacco

Other change(s) *(Please describe.)* \_\_\_\_\_

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

Yes  No

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

Total ban enacted

Banned from location(s) accessible to youth

Locking device or supervision required

Other change(s) *(Please describe.)* \_\_\_\_\_

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

Licensing of tobacco vendors  Yes  No

Penalties for sales to minors  Yes  No

**Note:** A change in penalty for retail sales to minors occurred in January 2007 where the fine was reduced from an automatic \$1,000 to a graduated fine schedule of up to \$1,000. The first penalty begins at \$500, second at \$750, third at \$1,000, and fourth \$1,000 and revocation of license, based on a three year time period. The first offense could be reduced to under \$500 based on mitigating circumstances such as approved training program put in place, prior violation history, number of inspections previously passed, etc. at the discretion of the hearings officer.

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

- Placed on file for public review
- Posted on a State agency Web site (Please provide exact Web address.)  
[http://www.srskansas.org/hcp/aaps/AAPSPublication\\_Policies.htm](http://www.srskansas.org/hcp/aaps/AAPSPublication_Policies.htm)
- Notice published in a newspaper or newsletter
- Public hearing
- Announced in a news release, a press conference, or discussed in a media interview
- Distributed for review as part of the SAPT Block Grant application process
- Distributed through the public library system
- Published in an annual register
- Other change(s) (Please describe.) \_\_\_\_\_

**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:**

Kansas Department of Social and Rehabilitation Services (SRS)

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

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

Kansas Department of Revenue – Alcoholic Beverage Control

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

**c. The State agency(ies) responsible for enforcing youth tobacco access law(s):**

Kansas Department of Revenue and local law enforcement agencies

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

**4. Identify the State agency(ies) responsible for tobacco prevention activities.**

The lead Synar agency (Kansas Department of Social and Rehabilitation Services (SRS)) and the Kansas Tobacco Prevention Agency (Kansas Department of Health and Environment) work collaboratively through the Synar Advisory Group established in June, 2005.

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

Yes  No

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

Are the same

Have a formal written memorandum of agreement

- Have an informal partnership
- Conduct joint planning activities
- Combine resources
- Have other collaborative arrangement(s) *(Please describe.)* \_\_\_\_\_

**5. Please answer the following questions regarding the State’s activities to enforce the youth access to tobacco law(s) in FFY 2008 (see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130(e)).**

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

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

**b. The following items concern penalties imposed for violations of youth access to tobacco laws by LOCAL AND/OR STATE LAW ENFORCEMENT AGENCIES. Please fill in the number requested. If State law does not provide for tobacco retailer license/permit suspension or revocation, please mark “NA.”**

PENALTY	OWNERS	CLERKS	TOTAL
Number of <u>citations issued</u>	517	457	974
Number of <u>fin es assessed</u> (Citations and fines for clerks are assessed at the local level. This information for clerks is unavailable)	517	unk	unk
Number of <u>permits/licenses suspended</u>	0		0
Number of <u>permits/licenses revoked</u>	0		0
Other <i>(Please describe.)</i> : Denial of license due to unpaid fines	1	n/a	1

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

- Merchant education and/or training
- Incentives for merchants who are in compliance (e.g., reward and reminder)
- Community education regarding youth access laws
- Media use to publicize compliance inspection results
- Community mobilization to increase support for retailer compliance with youth access laws
- Other activities *(Please list.)* Additional Enforcement and Agent Synar protocol and data collection training

*Briefly describe all checked activities:*

**Merchant education and /or training:**

SRS and the Kansas Department of Revenue collaboratively established the Cigarette and Tobacco Enforcement (CATE) Team devoted to tobacco compliance and enforcement. In FFY 2010, the CATE Team completed 4995 retailer education/inspection visits. The CATE team performs annual educational/inspection visits to all cigarette-tobacco licensees. The educational visit consists of a mock inspection; checking for posting of license and orange age sign (stating they do not sell to person under age 18). In addition, the following is completed during an educational visit: Random check of cartons and cigarettes for stamps, asking what distributor retailers purchase cigarettes from, asking what brands are purchased, and watching for deleted product. The licensee is asked if they retain three months of invoices on the premise. Sample driver's licenses are shown and discussed with staff available, noting the "vertical and green, not 18" motto of the Kansas license, answering any questions that staff may have. For a new licensee they conduct an educational visit. If they are a continuing licensee from the past they receive an inspection visit. The difference is on the initial education visit, licensees are given a written warnings for any violations found, whereas at the actual inspection, licensees are written citations for any violations found. Inspectors also note that CATE will be sending in underage youth periodically to attempt to purchase cigarettes. The inspector will have employee or management if available, sign the checklist and leave a card for the licensee to call for further retailer training or if they have questions at a later date as well.

**Other: Additional Enforcement**

The CATE team consists of eight field inspectors that provide statewide coverage of all 105 Kansas counties. CATE services were set up to enhance enforcement of the laws for cigarette and tobacco products by Alcohol Beverage Control. This interagency agreement was set up in addition to the annual Synar inspection program.

CATE is designed to provide the maximum level of enforcement to cigarette and tobacco licensees across the state. The team of inspectors performs statewide cigarette and tobacco enforcement activities to reduce sales of cigarettes and tobacco products to minors, as well as ensure compliance with the Synar Amendment and the Master Settlement Agreements and components.

CATE conducts a minimum of two controlled buy enforcement visits at all licensed retail locations that are youth accessible and also target enforcement revisits in locations that have failed previous enforcement visits from either Synar or CATE. CATE maintains a database with updates from the enforcement activities; provides timely information upon requests from SRS to assist in monitoring, evaluation, planning, data collection, and promotes communication between Regional Prevention Center staff and ABC.

CATE includes a staff attorney and administrative assistant who work with regulations, citations, briefs, administrative hearings, license suspensions and/or revocations, data entry and tracking, as well as support of field staff to help carry out the mission of CATE and to enforce the cigarette and tobacco laws. CATE also ensures that random selected Synar licenses are not visited by CATE on the same

day the Synar inspection takes place. CATE data by county is presented in Appendix E.

**Agent Synar protocol and data collection training**

The lead ABC Synar inspection coordinator, together with an SRS contractor, the lead Synar analyst, presented a Synar protocol refresher course for all ABC agents in the state on July 15, 2009. The purpose of the training was to ensure that all agents who would be conducting Synar inspections were fully informed of proper protocol and procedures.

- d. 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 5d, please describe the State’s procedure for minimizing risk of bias to the survey results:*

Neither CATE Team inspections nor Synar inspections are preceded by a letter of notification of any type of announcement. Because CATE inspections occur year-round and concurrently with Synar inspection, retailers have no indication or distinction between inspection types.

**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 2008 (see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).

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

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

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

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

*If Yes, attach SSES summary tables 1, 2, 3, 4 and 5 along with the ASR submission and go to Question 8. If No, continue to Question 7b.*

- b. Report the weighted and unweighted Retailer Violation Rate (RVR) estimates, and the standard error.**

**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.

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

c. Fill out Form 1 in Appendix A (Forms). (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) (Attach completed Form 2.)
- Other (Please specify. Provide formulae 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 non-completion)	
<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 frame coverage study: 2007

b. Percent coverage from the latest frame coverage study: 100%

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: 2012

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

Yes  No

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

a. Provide the inspection period: From 06/01/09 To 09/30/09  
MM/DD/YY MM/DD/YY

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

17.

NOTE: If the State uses SSES, please ensure that the number reported in 9b matches that reported in SSES Table 4, or explain any difference.

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

## SECTION II: FFY 2009 (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 the:

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 2010. 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.

SRS will work collaboratively with the Kansas Department of Revenue to continue the efforts of the Cigarette and Tobacco Enforcement Team. Activities will encompass year-round checks that include educational visits, enforcement visits and controlled buys. Regional Prevention Centers will continue efforts in their local communities and develop plans with CATE agents to continue retailer educational visits to maximize their impact.

The Synar Advisory Group will continue to meet quarterly. The group has revisited the charter and group membership. In the upcoming FFY the group will have task teams with the following focuses: Education, State level practices, policies and regulatory approaches and enforcement teams. These teams are charged with decreasing the retailer violation rate through education at the State and local levels, reviewing the current enforcement process in the State and look for additional ways to decrease the retailer violation rate through enforcement at the State and local levels and reviewing the current State level practices, policies and regulatory approaches to tobacco prevention, cessation and compliance Synar and seek additional opportunities to collaborate efforts for an effective comprehensive statewide approach at decreasing the retailer violating rates. The state will also be requesting technical assistance for the SAG to develop a Synar strategic plan. Members of the SAG will also contribute to a comprehensive State tobacco prevention plan- an effort to be undertaken by the Kansas Department of Health and Environment.

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

Limited resources for law enforcement of youth access laws

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

Limitations in the State youth tobacco access laws

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

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

**Limited resources for law enforcement of youth access laws:**

Resources continue to be limited due to local and state level staffing issues and rural coverage areas. In addition, state revenues continue to decline as a result of the economy and significant budget cuts.

The State is preparing a TA request to look at additional cost effective ways to address this concern.

**Laws/regulation limiting the use of minor in tobacco inspections:**

Kansas law prohibits minors from attempting to purchase tobacco products unless they are under Chapter 79. –TAXATION ARTICLE 33.—CIGARETTES AND TOBACCO PRODUCTS 79-3394. Use of a minor to determine compliance, limitations. No person shall engage or direct a minor to violate any provision of this act for purposes of determining compliance with provisions of this act of the Kansas consumer protection act unless such person has procured the written consent of a parent or guardian of the minor to so engage or direct the minor and such person is:

- (a) An officer having authority to enforce the provisions of this act;
- (b) an authorized representative of the attorney general, a county attorney or a district attorney; or
- (c) an authorized representative of a business acting pursuant to a self-compliance program designed to increase compliance with the provisions of this act.

History: L.1996, ch. 214 17; July 1.

In the past when funding was available the State utilized local coalitions to perform unconsummated visits however due to the funding situation these types of visits are very limited. The State would consider this approach again if additional funding becomes available.

**Difficulties recruiting youth inspectors**

Youth are recruited from a variety of groups including SADD, ROTC, churches, Boy Scouts, and local law enforcement and Regional Prevention Center (RPC) referrals. Due the lack of set hours, date of inspections, and busy or conflicting schedules of youth, recruitment and continued employment of the UCIs is challenging. It is hoped the year-round effort of the CATE inspectors will allow for regular, full-time employment of UCIs with pre-determined hours and thus, will reduce the challenge involved in UCI recruitment and retention. Continued partnership between Regional Prevention Centers and CATE staff will assist in recruitment as well. A protocol for informing CATE of potential UCI's was put in the RPC's contract this year.

**Geographic, demographic, and logistical considerations in conducting inspections:**

Kansas is 400 miles long and 210 miles wide. These 82,823 square miles constitute counties that for purposes of Synar sampling are divided into four strata based on natural population breakpoints from the 6-17 year old population of the 2000 U.S. The majority of counties (69) reside in stratum 4 'sparse rural' areas. CATE agent compliance with four retailer contacts per licensee per year is ambitious and challenging given the demographic and logistical considerations in Kansas.

**Cultural Factors:**

Language barriers also exist within ethnic and cultural groups. Due to multiple dialects the state is challenged to provide resource and materials that are culturally competent.

The State is preparing a TA request to look at additional cost effective ways to address this concern.

## APPENDIX A: FORMS 1–5

**SSES Table 1 (Synar Survey Estimates and Sample Sizes)**

### CSAP-SYNAR REPORT

State	KS
Federal Fiscal Year (FFY)	2010
Date	10/26/2009 11:09
Data	Final Synar Data for SSES.xlsx
Analysis Option	Stratified SRS with FPC

### Estimates

Unweighted Retailer Violation Rate	7.8%
Weighted Retailer Violation Rate	8.3%
Standard Error	1.4%
Is SAMHSA Precision Requirement met?	YES
Right-sided 95% Confidence Interval	[0.0%, 10.5%]
Two-sided 95% Confidence Interval	[5.6%, 11.0%]
Design Effect	1.1
Accuracy Rate (unweighted)	93.8%
Accuracy Rate (weighted)	93.3%
Completion Rate (unweighted)	96.2%

### Sample Size for Current Year

Effective Sample Size	395
Target (Minimum) Sample Size	395
Original Sample Size	471
Eligible Sample Size	442
Final Sample Size	425
Overall Sampling Rate	19.4%

SSES Table 2 (Synar Survey Results by Stratum and by OTC/VM)

STATE: KS

FFY: 2010

Samp. Stratum	Var. Stratum	Outlet Frame Size	Estimated Outlet Population Size	Number of PSU Clusters Created	Number of PSU Clusters in Sample	Outlet Sample Size	Number of Eligible Outlets in Sample	Number of Sample Outlets Inspected	Number of Sample Outlets in Violation	Retailer Violation Rate(%)	Standard Error(%)
<b>All Outlets</b>											
1	1	583	557	N/A	N/A	155	148	145	6	4.1%	
2	2	444	415	N/A	N/A	140	131	130	12	9.2%	
3	3	737	716	N/A	N/A	105	102	94	11	11.7%	
4	4	571	491	N/A	N/A	71	61	56	4	7.1%	
Total		2,335	2,179			471	442	425	33	8.3%	1.4%
<b>Over the Counter Outlets</b>											
1	1	583	557	N/A	N/A	155	148	145	6	4.1%	
2	2	444	415	N/A	N/A	140	131	130	12	9.2%	
3	3	737	716	N/A	N/A	105	102	94	11	11.7%	
4	4	571	491	N/A	N/A	71	61	56	4	7.1%	
Total		2,335	2,179			471	442	425	33	8.3%	1.4%
<b>Vending Machines</b>											
1	1	0	0	N/A	N/A	0	0	0	0	0.0%	
2	2	0	0	N/A	N/A	0	0	0	0	0.0%	
3	3	0	0	N/A	N/A	0	0	0	0	0.0%	
4	4	0	0	N/A	N/A	0	0	0	0	0.0%	
Total		0	0			0	0	0	0	0.0%	0.0%

**SSES Table 3 (Synar Survey Sample Tally Summary)**

STATE: FFY:  
KS 2010

Disposition Code	Description	Count	Subtotal
EC	Eligible and inspection complete outlet	425	
Total (Eligible Completes)			425
N1	In operation but closed at time of visit	7	
N2	Unsafe to access	5	
N3	Presence of police	0	
N4	Youth inspector knows salesperson	4	
N5	Moved to new location but not inspected	1	
N6	Drive thru only/youth inspector has no drivers license	0	
N7	Tobacco out of stock	0	
N8	Run out of time	0	
N9	Other noncompletion	0	
Total (Eligible Noncompletes)			17
I1	Out of Business	14	
I2	Does not sell tobacco products	11	
I3	Inaccessible by youth	1	
I4	Private club or private residence	0	
I5	Temporary closure	3	
I6	Unlocatable	0	
I7	Wholesale only/Carton sale only	0	
I8	Vending machine broken	0	
I9	Duplicate	0	
I10	Other ineligibility	0	
Total (Ineligibles)			29
Grand Total			471

**SSES Table 4 (Synar Survey Inspection Results by Youth Inspector Characteristics)**

STATE: KS

FFY: 2010

**Frequency Distribution**

Gender	Age	Number of Inspectors	Attempted Buys	Successful Buys
Male	14	0	0	0
	15	1	34	1
	16	3	111	4
	17	3	79	9
	18	0	0	0
	Subtotal		7	224
Female	14	0	0	0
	15	1	15	2
	16	4	77	4
	17	5	109	13
	18	0	0	0
	Subtotal		10	201
Other		0	0	0
Grand Total		17	425	33

**Buy Rate in Percent by Age and Gender**

Age	Male	Female	Total
14	0.0%	0.0%	0.0%
15	2.9%	13.3%	6.1%
16	3.6%	5.2%	4.3%
17	11.4%	11.9%	11.7%
18	0.0%	0.0%	0.0%
Other			0.0%
Total	6.3%	9.5%	7.8%

## **APPENDICES 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 appendices, therefore, should generally describe the design and protocol and are not to be modified with year-specific information. Please note that any changes to either appendix must receive CSAP's advance written approval. To facilitate the State's completion of this section, simply "cut and paste" the previously approved sampling design (Appendix B) and inspection protocol (Appendix C).

## APPENDIX B: SYNAR SURVEY SAMPLING METHODOLOGY

State: Kansas  
 FFY: 2010

**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
Kansas Department of Revenue (KDOR) /Division of Taxation	3	KDOR/Division of Taxation maintains a database of all outlets in Kansas licensed to sell tobacco.	Licenses to sell cigarettes in the State of Kansas are valid for a maximum of two years. All licenses expire on December 31 <sup>st</sup> of odd years and must be renewed by January 1 <sup>st</sup> of even years, regardless of issue date.

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

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

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

\_\_\_\_\_ %

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

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

- State law bans vending machines
- State law bans vending machines from locations accessible to youth
- State has SAMHSA approval to exempt vending machines from the survey
- Other (*Please describe.*) \_\_\_\_\_

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

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

**Unstratified State-wide sample:**

Simple random sample (*Go to Question 9.*)

Systematic random sample (*Go to Question 6.*)

Single-stage cluster sample (*Go to Question 8.*)

Multi-stage 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.*)

Multi-stage 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.**

Kansas is about 400 miles long and 210 miles wide. These 82,823 square miles constitute 105 counties that for purposes of Synar sampling are divided into four strata based on natural population breakpoints from the 6-17 year-old population of the 2000 U.S. Census data to accurately reflect the current demographics in the state. Stratum 1 represents the two most populated counties in the state. The six counties in stratum 2 are considered “quasi-urban.” Stratum 3 has 28 counties considered to be “medium-sized rural” and the majority of counties (69) reside in stratum 4, “sparse rural” areas.

**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 multi-stage 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 formulae for determining the effective, target, and original outlet sample sizes.**

The SSES sample size calculator is used to estimate the sample size. To ensure the study meets SAMHSA's precision requirement, a safety margin of 5% was applied. The formula for calculating the effective sample size,  $n_e$ , is based on page 35 (formula S3.4) of the Sample Design Guidance. It is written as:

$$n_e = \frac{1}{\left( \frac{(0.0182)^2}{P(1-P)} + \frac{1}{N} \right)},$$

where  $P$  is the expected RVR (for which the previous year's RVR can be used), 0.0182 is the standard error of the estimate for 3% margin of error for one-sided 95% confidence interval, and  $N$  is the outlet population (frame) size. The target sample size should be derived as the effective sample size multiplied by the design effect ( $n_t = dn_e$ ).

The original sample size is determined by inflating the target sample size by the expected eligibility rate ( $r_i$ ) and the expected completion rate ( $r_c$ ). The original sample size can be written as:

$$n_o = \frac{n_t}{r_i r_c}.$$

## APPENDIX C: SYNAR SURVEY INSPECTION PROTOCOL

State: Kansas

FFY: 2010

*Note: Attach a copy of the inspection form and protocol used to record the inspection result.*

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

#### a. Consummated buy attempts?

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

#### b. Youth inspectors to carry ID?

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

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

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

#### d. Youth inspectors to be compensated?

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

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

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

List the agency name(s): **Kansas Department of Revenue – Alcoholic Beverage Control (ABC). ABC agents have law enforcement authority.**

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

- Always  Usually  Sometimes  Rarely  Never

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

Youth are recruited from various sources throughout communities in the state, such as local substance abuse coalitions, health departments, schools, and home schooled youth etc. They are contacted by KDOR/ABC to schedule a meeting with them and their parents to explain the process, expectations and safeguards for the minors' safety. If the youth are still interested, a background check is conducted to ensure that the youth do not have a criminal record. Community members (law enforcement, teachers, etc.) are interviewed to ensure the youth are of good character. If agents are satisfied with the screening, youth are hired. KDOR-ABC agents train all youth on inspection protocol and safety issues. All adults working with minors are KDOR enforcement agents.

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

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

Kansas State law provides for the immunity of minors participating in the compliance checks and alcohol sales.

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

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

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

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

If either the minor or the agent feels that the outlet is unsafe to enter at the time of inspection, the inspection is not attempted. Agents observe the minor during the transaction from either within or outside the establishment to ensure the safety of the minor and to monitor the transaction. In addition, some agents team up with another agent in order to have an agent present with the UCI at all times to ensure their safety and protection.

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

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

Youth must be at least 15 years of age but not older than 17 years 6 months.

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

During the course of inspections, youth inspectors are instructed to answer questions honestly; however, youth inspectors are instructed to respond “No” if asked the question “Are you working with law enforcement?”

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# APPENDIX D: LIST SAMPLING FRAME COVERAGE STUDY

(LIST FRAME ONLY)

State: Kansas  
FFY: 2010

**1. Calendar year of the coverage study: 2007**

**2. Percent coverage found: 100%**

(Provide calculation of the percent coverage.)

Coverage rate =  $100 \times b/n$

b = total number of matched outlets on the frame

n = total number of outlets found by the coverage survey

$100 \times 165/165 = 100\%$

**Note:** Although no outlets selling tobacco products were found that were not on the license list there were a number of sites in the current tobacco license list that were not identified by field canvassers. This is due to the requirements that licenses be turned back in to the Department of Revenue before they are removed from the license list. Often this step does not occur thus sites that are out of business may remain in the current list. KDOR is reviewing this policy and taking steps to improve the situation. Inspectors will be conducting an education visit within 60 days from the date a new license is issued. When a new licensee is found at an address where a previous owner had not informed KDOR that they closed, the inspector will be asking for the old license at the time of the visit. Most of these situations will be caught during license renewal resulting in a reduction of out-of-business outlets in the current tobacco license list in mid January.

**3. Provide a description of the coverage study methods and results.**

On March 15, 2007, CSAP approved the Kansas Coverage Study design. Using the stratification used in the Synar sample, the Kansas coverage study employed a two stage design covering nine randomly selected counties or cluster of counties and 16 randomly selected areas across the state.

A Sponsor information packet was created to recruit field staff to canvass the selected areas. Groups within the areas to be canvassed were recruited and paid \$300 for completion of canvassing and data collection requirements. Field workers were given a packet of information to assist them. The packet included a map of the area to be canvassed with designated route to follow to ensure that all locations could be checked, field staff instruction sheet, data collection forms to record and identify information about each eligible outlet encountered, and a letter to give to clerks or owners who have questions about what field workers are doing or questions about the study. In urban areas, field workers were specifically instructed to thoroughly check large buildings such as malls and college campuses to identify tobacco outlets operating within. Within each selected area, field staff canvassed the area completely and made a detailed,

exhaustive list of all tobacco establishments that are accessible by minors. This was done without the assistance of the tobacco license list. When canvassing was complete, the field workers sent the data collection forms to the Data & Information Systems Group for use in measuring the coverage of the Synar list frame.

Data collection occurred between the months of May and August, 2007. A total of 165 outlets that sold tobacco products were reported by field staff. Data & Information Systems Group collated the data collection forms and compared results to the State's current tobacco license list frame from which the Synar sample is drawn. Reported outlets that had an exact match on the license list were confirmed. Outlets that did not have an exact match were selected for further review. Data & Information Systems Group found several discrepancies that were the result of reported street names/street crossings. Any outlets that were not able to be confirmed by Data & Information Systems Group were then sent to Kansas Department of Revenue/Alcohol Beverage Control for verification. This group also found several discrepancies due to owner name vs. gasoline provider name, street names, and locations. KDOR/ABC was able to verify all previously unmatched outlets reported by field staff.



Appendix E  
Cigarette and Tobacco Enforcement (CATE) Compliance Rates by County

COUNTY	Inspections Completed	No Sale	Compliance Rate
Note: To protect retailer confidentiality, compliance rates are not reported for counties with fewer than five licensed retailers.			
AL - ALLEN	28	27	96.43
AN - ANDERSON	25	24	96
AT - ATCHISON	15	15	100
BA - BARBER	19	15	78.95
BB - BOURBON	29	29	100
BR - BROWN	0	NA	NA
BT - BARTON	72	67	93.06
BU - BUTLER	131	121	92.37
CA - CLARK	8	7	87.5
CD - CLOUD	23	17	73.91
CF - COFFEY	45	43	95.56
CK - CHEROKEE	39	38	97.44
CL - COWLEY	85	83	97.65
CM - COMANCHE	13	13	100
CN - CHEYENNE	7	5	71.43
CQ - CHAUTAUQUA	14	14	100
CR - CRAWFORD	62	61	98.39
CS - CHASE	n<5	NA	NA
CY - CLAY	16	14	87.5
DC - DECATUR	13	12	92.31
DG - DOUGLAS	113	95	84.07
DK - DICKINSON	53	46	86.79
DP - DONIPHAN	11	10	90.91
ED - EDWARDS	13	11	84.62
EK - ELK	13	13	100
EL - ELLIS	87	74	85.06
EW - ELLSWORTH	27	26	96.3
FI - FINNEY	54	41	75.93
FO - FORD	67	63	94.03
FR - FRANKLIN	63	62	98.41
GE - GEARY	78	71	91.03
GH - GRAHAM	7	5	71.43
GL - GREELEY	n<5	NA	NA
GO - GOVE	17	14	82.35
GT - GRANT	17	12	70.59
GW - GREENWOOD	36	36	100
GY - GRAY	9	8	88.89

HG - HODGEMAN	n<5	NA	NA
HM - HAMILTON	11	9	81.82
HP - HARPER	22	21	95.45
HS - HASKELL	13	12	92.31
HV - HARVEY	80	78	97.5
JA - JACKSON	11	8	72.73
JF - JEFFERSON	21	20	95.24
JO - JOHNSON	648	588	90.74
JW - JEWELL	21	21	100
KE - KEARNEY	9	6	66.67
KM - KINGMAN	17	16	94.12
KW - KIOWA	n<5	NA	NA
LB - LABETTE	67	66	98.51
LC - LINCOLN	17	16	94.12
LE - LANE	n<5	NA	NA
LG - LOGAN	n<5	NA	NA
LN - LINN	43	37	86.05
LV - LEAVENWORTH	52	47	90.38
LY - LYON	92	89	96.74
MC - MITCHELL	26	23	88.46
ME - MEADE	12	9	75
MG - MONTGOMERY	94	93	98.94
MI - MIAMI	71	64	90.14
MN - MARION	39	34	87.18
MP - MCPHERSON	77	69	89.61
MR - MORRIS	22	18	81.82
MS - MARSHALL	0	NA	NA
MT - MORTON	n<5	NA	NA
NM - NEMAHA	0	NA	NA
NO - NEOSHO	57	53	92.98
NS - NESS	12	7	58.33
NT - NORTON	12	12	100
OB - OSBORNE	27	25	92.59
OS - OSAGE	58	56	96.55
OT - OTTAWA	11	11	100
PL - PHILLIPS	19	16	84.21
PN - PAWNEE	9	9	100
PR - PRATT	23	20	86.96
PT - POTTAWATOMIE	17	14	82.35
RA - RAWLINS	7	6	85.71
RC - RICE	20	17	85
RH - RUSH	14	14	100
RL - RILEY	70	67	95.71
RN - RENO	115	111	96.52
RO - ROOKS	27	20	74.07

RP - REPUBLIC	5	4	80
RS - RUSSELL	40	39	97.5
SA - SALINE	77	71	92.21
SC - SCOTT	11	10	90.91
SD - SHERIDAN	16	15	93.75
SF - STAFFORD	17	15	88.24
SG - SEDGWICK	718	653	90.95
SH - SHERMAN	15	14	93.33
SM - SMITH	14	12	85.71
SN - SHAWNEE	181	146	80.66
ST - STANTON	n<5	NA	NA
SU - SUMNER	62	52	83.87
SV - STEVENS	14	14	100
SW - SEWARD	47	40	85.11
TH - THOMAS	24	16	66.67
TR - TREGO	17	15	88.24
WA - WALLACE	n<5	NA	NA
WB - WABAUNSEE	16	14	87.5
WH - WICHITA	n<5	NA	NA
WL - WILSON	39	35	89.74
WO - WOODSON	29	26	89.66
WS - WASHINGTON	0	NA	NA
WY - WYANDOTTE	307	277	90.23
STATE TOTALS	4994	4525	90.61