

ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB № 0930-0222

FFY 2019

State: ME

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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 2018 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2019 Intended Use Plan). These data are required by 42 U.S.C. 300x-26 and will be used by the Secretary to evaluate state compliance with the statute. Part of the mission of the Center for Substance Abuse Prevention (CSAP) is to assist states¹ by supporting Synar activities and providing technical assistance helpful in determining the type of enforcement measures and control strategies that are most effective. This information is helpful to CSAP in improving technical assistance resources and expertise on enforcement efforts and tobacco control program support activities, including state Synar program support services, through an enhanced technical assistance program involving conferences and workshops, development of training materials and guidance documents, and onsite technical assistance consultation.

How the Synar report can help states

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

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

Getting assistance in completing the Synar report

If you have questions about programmatic issues, you may call CSAP's Division of State Programs at (240) 276-2550 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, 2018 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 2019 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 2019 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 2019: FUNDING AGREEMENTS/CERTIFICATIONS

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

PUBLIC HEALTH SERVICES ACT AND SYNAR AMENDMENT

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

SYNAR SURVEY SAMPLING METHODOLOGY

The state certifies that the Synar survey sampling methodology on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2019 is up-to-date and approved by the Center for Substance Abuse Prevention.

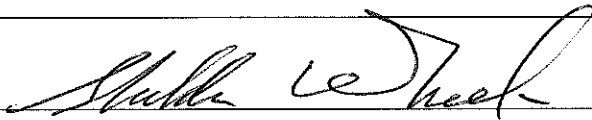
SYNAR SURVEY INSPECTION PROTOCOL

The state certifies that the Synar Survey Inspection Protocol on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2019 is up-to-date and approved by the Center for Substance Abuse Prevention.

State: ME

Name of Chief Executive Officer or Designee: Sheldon Wheeler

Signature of CEO or Designee:



Director, Office of Substance Abuse and Mental Health
Services, Department of Health and Human Services

Title: (DHHS)

Date Signed:

11/26/201

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

SECTION I: FFY 2018 (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 (Grandfathering clause: **unless the person has attained 18 years of age as of July 1, 2018**)

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 2019 ASR was posted to this Web address.)*

Web address: <http://www.maine.gov/dhhs/mecdc/population-health/prevention/>

Date published: 12/06/2018

Web address: <https://www.maine.gov/dhhs/samhs/>

Date published: 12/06/2018

- 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:

Department of Health and Human Services (DHHS) Division of Disease Prevention/ Tobacco and Substance Use Prevention and Control

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

- Yes No

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

Maine Office of the Attorney General in collaboration with the Department of Health and Human Services (DHHS) Division of Disease Prevention/ Tobacco and Substance Use Prevention and 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):

Maine Office of the Attorney General

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).

Department of Health and Human Services (DHHS) Division of Disease Prevention/ Tobacco and Substance Use Prevention and Control

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)).

Maine Office of the Attorney General

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 2018 (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 citations issued	144	0	144
Number of fines assessed	144	0	144
Number of permits/licenses suspended	0		0
Number of permits/licenses revoked	2		2
Other (Please describe.)	0	0	0

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:

Maine's Synar retail tobacco compliance checks are conducted at 100 percent of youth accessible licensed tobacco retailers throughout the state of Maine and are conducted randomly. Agents may not issue a citation (Notice of Civil Administrative Action) against a retail tobacco establishment or sales clerk in high traffic or urban areas until the end of the work shift or until a violating retailer is beyond a 10-mile radius from a preceding retail inspection to minimize the risk of bias.

LD 1170, An Act to Reduce Youth Access to Tobacco Products, effective November 1, 2017 a citation known as a Notice of Civil Administrative Action (NCAA) shall only be issued to the retail establishment (See, 22 M.R.S. §1555-B), this update was stated within the 2018 Synar ASR,

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

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

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

- Yes No

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

- Merchant education and/or training

The Department of Health and Human Services (DHHS) Division of Disease Prevention/ Tobacco and Substance Use Prevention and Control provides retail tobacco establishments (merchants) a free web-based responsible retail tobacco training program called NO BUTS! (Blocking Underage Tobacco Sales). NO BUTS! provides retail tobacco establishment owners and their sales clerks knowledge and understanding of Maine's Retail Tobacco Sales Act, real life scenarios to ensure responsible retail tobacco sales with communication skills and tools to prohibit retail tobacco sales to minors. The NO BUTS! training includes a posttest to ensure user understanding and compliance. If the training user answers the NO BUTS! posttest questions correctly then a dated NO BUTS! certificate will be issued to the individual. DHHS Division of Disease Prevention/ Tobacco and Substance Use Prevention and Control and the Maine Office of the Attorney General recommends retail tobacco establishments to require owners and sales clerks to complete the NO BUTS! training prior to selling retail tobacco products to consumers.

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

Incentives for retail tobacco establishments (merchants) to participate in NO BUTS! includes the availability of a State Compliance Credit. If a violating licensed retail tobacco establishment can provide a copy of the violating sales clerks NO BUTS! certificate dated prior to and within three years of the date of the retail tobacco compliance violation, and the retail tobacco establishments last three Synar retail tobacco compliance check inspections were clear from any violations, the Maine Office of the Attorney General will waive the retail tobacco establishment fine by issuing a State Compliance Credit. However, if a State Compliance Credit is waived and the violating retailer has another violation within their next three inspections, then the Maine Office of the Attorney General will revoke the State Compliance Credit previous issued and reinstate the citation. Furthermore, if the sales clerk was identified as the individual who sold tobacco

products to a minor during a Synar retail tobacco compliance check inspection a State Compliance Credit shall not be issued. The Maine Office of the Attorney General, upholds owner's responsibilities to a higher standard to ensure the licensee complies with Maine's retail tobacco sales act and retail tobacco products are not illegal sold to minors.

LD 1170, An Act to Reduce Youth Access to Tobacco Products, effective November 1, 2017 a citation known as a Notice of Civil Administrative Action (NCAA) will only be issued to the retail establishment (See, 22 M.R.S. §1555-B), this update was stated within the 2018 Synar ASR,

Community education regarding youth access laws

Media use to publicize compliance inspection results

Media use to publicize compliance inspection results was conducted by the Department of Health and Human Services (DHHS) Division of Disease Prevention/ Tobacco and Substance Use Prevention and Control and the Maine Office of the Attorney General Tobacco Enforcement Coordinator through the creation and dissemination of Synar retail tobacco compliance check inspection violation graphs. The graphs showcased: 1. Violating Sales Clerk Age and Gender. 2. Tobacco Product Categories sold to Youth Interns. 3. Tobacco Product Brands sold to Youth Interns. 4. Total retail violation rate per 16 counties, based on total number of conducted inspections and resulting number of tobacco product sales to Youth Interns. The graphs were shared with District Tobacco Partners and Tobacco Prevention organizations. The Tobacco Enforcement Coordinator also promoted the NO BUTS! program to all violating retail establishments when a Synar retail tobacco compliance check inspection violation occurred throughout the contract year.

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

Other activities (Please list.) _____

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 2018 (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.

	+	(1.645	×	0.1)	=	
RVR Estimate	plus	(1.645	times	Standard Error)	equals	Right Limit

Accuracy rate _____

Completion rate _____

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

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

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

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

- Yes No No stratification

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

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

- Yes No

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

If No, go to Question 7g.

Were any certainty primary sampling units selected this year?

- Yes No

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

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

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

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

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

Yes No

If Yes, answer the following questions about its coverage.

- a. The calendar year of the latest Sampling frame coverage study: 2005
- b. Percent coverage from the latest Sampling frame coverage study: 94%
- 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: From letter dated 3/19/2008: CSAP approved the State of Maine's coverage study waiver request on 3/19/2008 with the following condition: 1) Every five years, Maine will be required to provide CSAP with a written document which describes their State-wide canvassing efforts to identify tobacco outlets that are accessible to youth but do not appear on the State's tobacco license list. In 2013, Maine submitted the required canvassing report and was notified on 5/29/13 that the report was approved and that the coverage study waiver request is extended another 5 years.

10/30/2018: Maine State Canvassing Plan has been updated and will be submitted with the Annual Synar Report by 12/30/2018. Synar Canvassing was added to the annual retail tobacco training to increase canvassing efforts. It was also shared with the community level partners and put on the Maine Centers for Disease Control and Prevention (CDC) website (<https://preventionforme.org/retailer-workplace/#report-a-violation>).

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 10/1/2017 to 9/30/2018
MM/DD/YY MM/DD/YY

- c. Provide the number of youth inspectors used in the current inspection year: 8

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.

ISN employed eight Youth Interns between 10/1/2017 to 9/30/2018. Three Youth Interns aged out of the program during the contract year (Minor I.D #400, #405, and #412). Three Youth Interns had a birthday during the contract year after their hire date, from age 16 to 17 and conducted inspections at both age 16 and 17

throughout the contract year (Minor I.D., #408, #409, and #413). Because they conducted inspections at age 16 and 17, they will appear in the Synar output twice which will increase the total minors to eleven. One Youth Intern had a birthday during the contract year after their hire date from age 16 to 17, however did not conduct inspections at age 17 during the contract year (Minor I.D. #414).

- 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 2019 (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 2019. 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.**

The State of Maine will continue to maintain a non-compliance rate of less than 11% for the 10/1/2018 to 9/30/2019 contract year through a collaborative effort between the Department of Health and Human Services (DHHS) Division of Disease Prevention/ Tobacco and Substance Use Prevention and Control and the Maine Office of the Attorney General (OAG). These two agencies will continue to oversee the subcontract with Information Systems and Networks (ISN) to execute Maine’s Synar retail tobacco compliance check inspections statewide at licensed retail tobacco establishments that are open and accessible to youth under 18 years of age. ISN employs Agents (who are active or retired law enforcement officers), Supervisors, and Youth Interns 16 to 17 years old of age to carry out Synar retail tobacco compliance check inspections. DHHS Health Inspection Program (HIP) requires all persons who sell tobacco products to consumers in Maine, to first obtain an annual retail tobacco license from their department. HIP works collaboratively with the OAG Tobacco Enforcement Coordinator and provides an updated active retail tobacco license list on a weekly basis. The OAG Tobacco Enforcement Coordinator sends weekly electronic welcome responsible retail tobacco letters that includes copies of Maine’s retail tobacco sales laws and rules to newly licensed tobacco retailers and promotes Maine’s Blocking Underage Tobacco Sales (NO BUTS!) program. The OAG Tobacco Enforcement Coordinator oversees

the day to day work conducted by ISN. The OAG Tobacco Enforcement Coordinator provides the most recent active retail tobacco license list to ISN on a monthly basis to ensure Synar retail tobacco compliance check inspections are conducted at licensed youth accessible retail tobacco establishments. ISN conducts canvassing efforts throughout the state while conducting Synar retail tobacco compliance check inspection to ensure retailers who are selling tobacco products are licensed by HIP. If a retailer is found to be selling tobacco products and is not on ISN's assigned retail tobacco list, the establishments information is brought from ISN to the OAG Tobacco Enforcement Coordinator to ensure licenser. DHHS Division of Disease Prevention/ Tobacco and Substance Use Prevention and Control and OAG Tobacco Enforcement Coordinator collectively monitor and report on completed Synar retail tobacco compliance check inspections. Both agencies correctly observe challenges in the execution of retail tobacco compliance check inspections of licensed retail tobacco establishments located on Maine islands, and work closely with ISN to minimize those challenges. ISN is required on behalf of the OAG to issue a citation, known as a Notice of Civil Administrative Action (NCAA) to violating retail establishments (LD 1170, An Act to Reduce Youth Access to Tobacco Products, effective November 1, 2017 a citation known as a Notice of Civil Administrative Action (NCAA) will only be issued to the retail establishment (See, 22 M.R.S. §1555-B) as noted within the 2018 Synar ASR).

Annual renewal of licensed retail tobacco establishments ensures compliance inspection efficiency and allows for more precise inspections by tracking business types and operating hours throughout the inspection contract year.

Additionally, the Department of Health and Human Services (DHHS) Division of Disease Prevention/ Tobacco and Substance Use Prevention and Control will continue to provide retail tobacco establishments with the NO BUTS! program, a free web-based training curriculum for licensed retail tobacco establishments and sales clerk to comply with Maine's Retail Tobacco Sales Act, prohibit tobacco product sales to minors and offer trained sales clerks a NO BUTS! certificate for the retail tobacco establishment an opportunity to obtain a State Compliance Credit to waive an establishment fine. For more details please review Section 1, 5 (f).

LD 1170, An Act to Reduce Youth Access to Tobacco Products will increase Maine's retail tobacco sales laws to person who have not attained 21 years of age, unless the person has attained 18 years of age as of July 1, 2018. LD 1170 will occur in stages. On July 1, 2018, tobacco product sales are prohibited to any person who has not attained 18 years of age as of July 1, 2018. In 2019, tobacco product sales to persons who have not attained 19 years of age as of July 1, 2019 is prohibited. In 2020, tobacco product sales to persons who have not attained 20 years of age as pf July 1, 2020 is prohibited, and in 2021, retail tobacco sales to persons who have not attained 21 years of age as of July 1, 2021 is prohibited. ISN will continue to employ and utilize Youth Interns 16 to 17 years of age and will age out Youth Interns thirty days prior to the Youth Interns eighteenth birthday during the 10/1/2018 to 9/30/2019 contract year.

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

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

Gaining access to remote locations of some licensed retail tobacco establishments remains a challenge (e.g. islands and remote north woods locations). Maine continues to maintain a non-compliance rate less than 20%. Without a perceived need, or failure to meet Synar targets, there is no expectation for the state to increase funding. Maine is leveraging FDA retail tobacco compliance check inspections to diminish youth access to tobacco products. Department of Health and Human Services (DHHS) Division of Disease Prevention/ Tobacco and Substance Use Prevention and Control, Maine Office of the Attorney General, and ISN assumed duties to ensure Synar responsibilities were met during 10/1/2017 to 9/30/2018.

- 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

- 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)

Issues regarding sources of tobacco under tribal jurisdiction

Other challenges (*Please list.*)

APPENDIX A: FORMS 1–5

FORM 1 (Required for all states not using the Synar Survey Estimation System (SSES) to analyze the Synar Survey data)

Complete Form 1 to report sampling frame and sample information and to calculate the unweighted retailer violation rate (RVR) using results from the current year's Synar survey inspections.

Instructions for Completing Form 1: In the top right-hand corner of the form, provide the state name and reporting federal fiscal year (FFY 2019). Provide the remaining information by stratum if stratification was used. Make copies of the form if additional rows are needed to list all the strata.

Column 1: *If stratification was used:*

- 1(a) Sequentially number each row.
- 1(b) Write in the name of each stratum. All strata in the state must be listed.

If no stratification was used:

- 1(a) Leave blank.
- 1(b) Write "state" in the first row (indicates that the whole state is a single stratum).

Note for unstratified samples: For Columns 2–5, wherever the instruction refers to "each stratum," report the specified information for the state as a whole.

- Column 2: 2(a) Report the number of over-the-counter (OTC) outlets in the sampling frame in each stratum.
2(b) Report the number of vending machine (VM) outlets in the sampling frame in each stratum.
2(c) Report the combined total of OTC and VM outlets in the sampling frame in each stratum.

- Column 3: 3(a) Report the estimated number of eligible OTC outlets in the OTC outlet population in each stratum.
3(b) Report the estimated number of eligible VM outlets in the VM outlet population in each stratum.
3(c) Report the combined total estimated number of eligible OTC and VM outlets in the total outlet population in each stratum.

The estimates for Column 3 can be obtained from the Synar survey sample as the weighted sum of eligible outlets by outlet type.

- Column 4: 4(a) Report the number of eligible OTC outlets for which an inspection was completed, for each stratum.
4(b) Report the numbers of eligible VM outlets for which an inspection was completed, for each stratum.
4(c) Report the combined total of eligible OTC and VM outlets for which an inspection was completed, for each stratum.

- Column 5: 5(a) Report the number of OTC outlets found in violation of the law as a result of completed inspections, for each stratum.
5(b) Report the number of VM outlets found in violation of the law as a result of completed inspections, for each stratum.
5(c) Report the combined total of OTC and VM outlets found in violation of the law as a result of completed inspections, for each stratum.

Totals: For each subcolumn (a–c) in Columns 2–5, provide totals for the state as a whole in the last row of the table. These numbers will be the sum of the numbers in each row for the respective column.

FORM 2 (Optional)

Appropriate for stratified simple or systematic random sampling designs.

Complete Form 2 to calculate the weighted RVR. This table (in Excel form) is designed to calculate the weighted RVR for stratified simple or systematic random sampling designs, accounting for ineligible outlets and noncomplete inspections encountered during the annual Synar survey.

Instructions for Completing Form 2: In the top right-hand corner of the form, provide the state name and reporting federal fiscal year (FFY 2019).

- Column 1: Write in the name of each stratum into which the sample was divided. These should match the strata reported in Column 1(b) of Form 1.
- Column 2: Report the number of outlets in the sampling frame in each stratum. These numbers should match the numbers reported for the respective strata in Column 2(c) of Form 1.
- Column 3: Report the original sample size (the number of outlets originally selected, *including* substitutes or replacements) for each stratum.
- Column 4: Report the number of sample outlets in each stratum that were found to be eligible during the inspections. Note that this number must be less than or equal to the number reported in Column 3 for the respective strata.
- Column 5: Report the number of eligible outlets in each stratum for which an inspection was completed. Note that this number must be less than or equal to the number reported in Column 4. These numbers should match the numbers reported in Column 4(c) of Form 1 for the respective strata.
- Column 6: Report the number of eligible outlets inspected in each stratum that were found in violation. These numbers should match the numbers reported in Column 5(c) of Form 1 for the stratum.
- Column 7: Form 2 (in Excel form) will automatically calculate the stratum RVR for each stratum in this column. This is calculated by dividing the number of inspected eligible outlets found in violation (Column 6) by the number of inspected eligible outlets (Column 5). The state unweighted RVR will be shown in the Total row of Column 7.
- Column 8: Form 2 (in Excel form) will automatically calculate the estimated number of eligible outlets in the population for each stratum. This calculation is made by multiplying the number of outlets in the sampling frame (Column 2) times the number of eligible outlets (Column 4) divided by the original sample size (Column 3). Note that these numbers will be less than or equal to the numbers in Column 2.
- Column 9: Form 2 (in Excel form) will automatically calculate the relative stratum weight by dividing the estimated number of eligible outlets in the population for each stratum in Column 8 by the Total of the values in Column 8.
- Column 10: Form 2 (in Excel form) will automatically calculate each stratum's contribution to the state weighted RVR by multiplying the stratum RVR (Column 7) by the relative stratum weight (Column 9). The weighted RVR for the state will be shown in the Total row of Column 10.
- Column 11: Form 2 (in Excel form) automatically calculates the standard error of each stratum's RVR (Column 7). The standard error for the state weighted RVR will be shown in the Total row of Column 11.
- TOTAL: For Columns 2–6, Form 2 (in Excel form) provides totals for the state as a whole in the last row of the table. For Columns 7–11, it calculates the respective statistic for the state as a whole.

FORM 3 (Required when a cluster design is used for all states not using the Synar Survey Estimation System [SSES] to analyze the Synar survey data.)

Complete Form 3 to report information about primary sampling units when a cluster design was used for the Synar survey.

Instructions for Completing Form 3: In the top right-hand corner of the form, provide the state name and reporting federal fiscal year (FFY 2019).

Provide information by stratum if stratification was used. Make copies of the form if additional rows are needed to list all the strata.

Column 1: Sequentially number each row.

Column 2: *If stratification was used:* Write in the name of stratum. All strata in the state must be listed.

If no stratification was used: Write “state” in the first row to indicate that the whole state constitutes a single stratum.

Column 3: Report the number of primary sampling units (PSUs) (i.e., first-stage clusters) created for each stratum.

Column 4: Report the number of PSUs selected in the original sample for each stratum.

Column 5: Report the number of PSUs in the final sample for each stratum.

TOTALS: For Columns 3–5, provide totals for the state as a whole in the last row of the table.

Summary of Clusters Created and Sampled				
State: ME				
FFY: 2019				
(1) Row #	(2) Stratum Name	(3) Number of PSUs Created	(4) Number of PSUs Selected	(5) Number of PSUs in the Final Sample
Total				

FORM 4 (Required for all states not using the Synar Survey Estimation System [SSES] to analyze the Synar Survey data)

Complete Form 4 to provide detailed tallies of ineligible sample outlets by reasons for ineligibility and detailed tallies of eligible sample outlets with noncomplete inspections by reasons for noncompletion.

Instructions for Completing Form 4: In the top right-hand corner of the form, provide the state name and reporting federal fiscal year (FFY 2019).

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

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

Inspection Tallies by Reason of Ineligibility or Noncompletion			
		State: ME	
		FFY: 2019	
(1) INELIGIBLE		(2) ELIGIBLE	
Reason for Ineligibility	(a) Counts	Reason for Noncompletion	(a) Counts
Out of business		In operation but closed at time of visit	
Does not sell tobacco products		Unsafe to access	
Inaccessible by youth		Presence of police	
Private club or private residence		Youth inspector knows salesperson	
Temporary closure		Moved to new location	
Unlocatable		Drive-thru only/youth inspector has no driver's license	
Wholesale only/Carton sale only		Tobacco out of stock	
Vending machine broken		Ran out of time	
Duplicate		Other noncompletion reason(s) <i>(Describe.)</i>	
Other ineligibility reason(s) <i>(Describe.)</i>			
Total		Total	

FORM 5 (Required for all states not using the Synar Survey Estimation System [SSES] to analyze the Synar survey data)

Complete Form 5 to show the distribution of outlet inspection results by age and gender of the youth inspectors.

Instructions for Completing Form 5: In the top right-hand corner of the form, provide the state name and reporting federal fiscal year (FFY 2019).

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

Column 2: Enter the number of successful buys by youth inspector age and gender.

If the inspectors are age eligible but the gender of the inspector is unknown, include those inspections in the "Other" row. Calculate subtotals for males and females in rows marked "Male Subtotal" and "Female Subtotal." Sum subtotals for Male, Female, and Other and record in the bottom row marked "Total." Verify that that the total of attempted buys and successful buys equals the total for Column 4(c) and Column 5(c), respectively, on Form 1. If the totals do not match, please explain any discrepancies.

Synar Survey Inspector Characteristics		
		State: ME
		FFY: 2019
	(1) Attempted Buys	(2) Successful Buys
Male		
15 years		
16 years		
17 years		
18 years		
19 years		
20 years		
Male Subtotal		
Female		
15 years		
16 years		
17 years		
18 years		
19 years		
20 years		
Female Subtotal		
Other		
Total		

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 2018.

APPENDIX B: SYNAR SURVEY SAMPLING METHODOLOGY

State: ME
 FFY: 2019

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
Department of Health and Human Services (DHHS) Health Inspection Program (HIP) licenses retail tobacco establishments annually. Maine Office of the Attorney General (OAG) receives an active retail tobacco license list from HIP every Monday.		The frame was initially established in 1995 when all tobacco retail establishments were required to be licensed by DHHS HIP. Effective June 30, 2004, retail tobacco sale licenses were required to be annually renewed (April 1 st - March 30 th). As the result of the 2005 list coverage survey conducted by Maine Revenue Services and subsequent efforts and legislation that prohibits distributors from shipping tobacco products to tobacco retailer establishments that do not document current active HIP licenses, the list was found to be 94% accurate. Since 2013, the licensed retail tobacco sales list is updated weekly. New establishments are added to the Synar retail tobacco compliance check inspections lists on a monthly basis. If a retail establishment is newly licensed after Synar inspections were conducted in a specific area or region, ISN will make all necessary attempts to ensure a Synar retail tobacco compliance check inspection is conducted at the newly licensed retail tobacco establishment throughout the contract year to meet 100% accuracy of youth accessible retail tobacco establishments.	The frame is updated weekly for newly licensed retail tobacco establishments. DHHS HIP licenses retail tobacco establishments and the OAG Tobacco Enforcement Coordinator aggressively pursues licensees that fail to renew. Licensed retail tobacco establishments that do not renew annually are first confirmed closed before being removed from the active retail tobacco license list. Agents conduct canvassing of any apparent unlicensed retail tobacco establishments through the contract year while conducting unannounced assigned Synar retail tobacco compliance check inspections. Unlicensed retail tobacco establishments selling tobacco products are contacted by the OAG Tobacco Enforcement Coordinator and requested to stop selling until an active retail tobacco sales license is issued by HIP. The OAG will criminally prosecute any unlicensed retail tobacco establishment selling tobacco products that does not renew or obtain an active retail tobacco sales license after adequate

			notice.

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(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.

[Empty rectangular box]

10. Provide the following information about sample size calculations for the Synar survey conducted in FFY 2018.

- 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:

Frame Size:

Input for Target Sample Size:

Design Effect:

Inputs for Original Sample Size:

Safety Margin:

Accuracy (Eligibility) Rate:

Completion Rate:

- b. If the state 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:**

[Empty rectangular box]

- 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.**

[Empty rectangular box]

APPENDIX C: SYNAR SURVEY INSPECTION PROTOCOL SUMMARY

State: ME

FFY: 2019

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: Agents are required to observe and accompany or observe, but unaccompany. Observe and accompany means the Agent accompanied the Youth Intern into the retail establishment. Observe, but unaccompany means the Agent viewed the retail tobacco compliance check inspection from outside the retail establishment (looking in). During observes, but unaccompanied, the Agent is require to be able to externally view the sales register area and transaction of potential tobacco product delivery from the sales clerk to Youth Intern.)
 Not permitted

d. Youth inspectors to be compensated?

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

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

- Law enforcement agency(ies)
 State or local government agency(ies) other than law enforcement

- Private contractor(s)
- Other

List the agency name(s): ISN Corporation employs Agents, who are active or retired law officers, Supervisors, and Youth Interns 16 -17 years of age.

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: *Rolling Papers*

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

The protocol for types of tobacco products are discussed at the Synar retail tobacco compliance check inspection training. At the beginning of an inspection the Agent confirms the type of tobacco product the Youth Intern shall attempt to purchase. The tobacco product selected is based on Maine's retail tobacco product definition, Synar regulations, and the type of tobacco product the licensed retail tobacco establishment sells. Youth Intern attempts the purchase of cigarettes, small cigars, cigarillos, smokeless tobacco, electronic cigarette/electronic nicotine delivery systems (ENDS) including e-liquid and rolling papers. Youth Intern mainly attempts the purchase of tobacco products that are popular in the geographic area. Youth Intern attempts the purchase of rolling papers at head shops, because these types of retail tobacco stores do not regularly sell cigarettes, cigars, smokeless tobacco or ENDS. Youth Intern attempts the purchase of cigars and cigarillos at cigar shops and golf courses.

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

Since 2016, Department of Health and Human Services (DHHS) Division of Disease Prevention/ Tobacco and Substance Use Prevention and Control, has contracted with ISN to recruit and hire Agents (who are active or retired law enforcement officers), Supervisors, and Youth Interns age 16 to 17 years of age to conduct Synar retail tobacco compliance check inspections at 100% of youth accessible licensed retail tobacco establishments throughout Maine. ISN was solely responsible for the recruitment and retention of Agents, Supervisors, and Youth Interns 16 to 17 years of age.

Agents and Supervisors are required to participate in a Synar retail tobacco compliance check inspection training and conduct a ride along with an inspection team (Agent, Supervisor and an experienced Youth Intern) prior to actively participating in any Synar retail tobacco compliance check inspection. The Synar retail tobacco compliance check inspection training was created and is maintained by the Maine Office of the Attorney General (OAG) Tobacco Enforcement Coordinator and facilitated by either the OAG Tobacco Enforcement Coordinator or the ISN, Project Manager. The training includes the description of tobacco and its health consequences, history of Synar, Maine's current adult smoking rate by county, Maine's retail tobacco sale laws, retail tobacco compliance check inspection procedures, protocols, canvassing, scenarios, safety, and confidentiality. An annual Synar retail tobacco compliance check training is also required for all actively employed Agents, Supervisors, and Youth Interns.

Maine Office of the Attorney General (OAG) Tobacco Enforcement Coordinator administers the Synar retail tobacco compliance check inspection contract between DHHS Division of Disease Prevention/ Tobacco and Substance Use Prevention and Control, and ISN.

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

Since 2016, Department of Health and Human Services (DHHS) Division of Disease Prevention/ Tobacco and Substance Use Prevention and Control, has contracted with ISN to recruit and hire Agents (who are active or retired law enforcement officers), Supervisors, and Youth Interns 16 to 17 years of age to conduct Synar retail tobacco compliance check inspections at 100% of youth accessible licensed retail tobacco establishments throughout Maine. Maine Office of the Attorney General (OAG) Tobacco Enforcement Coordinator administers the Synar retail tobacco compliance check inspection contract between DHHS Division of Disease Prevention/ Tobacco and Substance Use Prevention and Control, and ISN.

ISN was solely responsible for the recruitment and retention of Agents, Supervisors, and Youth Interns 16 to 17 years of age. ISN was required to maintain a 60% to 40% gender ratio of Youth Interns 16 to 17 years of age. Youth Interns were required to represent a cross-section of the community in which the investigations were carried out. All participating Youth Interns were afforded equitable opportunities to conduct Synar retail tobacco compliance check inspections throughout the state of Maine. Youth Interns are not allowed to conduct Synar retail tobacco compliance check inspections within thirty days of their eighteenth birthday.

ISN, Project Manager, Supervisors and Agents recruit Youth Interns from their local communities, schools and recreational programs. In order to comply with U.S. Dept. of Labor Fair Labor Standards Act, ISN can only employ Youth Interns 16 to 17 years of age. ISN worked to retain and employ Youth Interns until thirty days of the Youth Interns eighteenth birthday. The age requirement of 16 to 17 years of age for Youth Interns results in a year to year fluctuation.

Youth Interns must be 16 to 17 years of age and are required to participate in a Synar retail tobacco compliance check inspection training and conduct a ride along with an inspection team (Agent, Supervisor and an experienced Youth Intern) prior to actively participating in any Synar retail tobacco compliance check inspection. The Synar retail tobacco compliance check inspection training was created and is maintained by the Maine Office of the Attorney General (OAG) Tobacco Enforcement Coordinator and facilitated by either the OAG

Tobacco Enforcement Coordinator or the ISN, Project Manager. The training includes the description of tobacco and its health consequences, history of Synar, Maine's current adult smoking rate by county, Maine's retail tobacco sale laws, retail tobacco compliance check inspection procedures, protocols, canvassing scenarios, safety, and confidentiality. An annual Synar retail tobacco compliance check training is also required for all actively employed Agents, Supervisors, and Youth Interns.

Safety of Youth Interns is the highest priority for all departments, and ISN. ISN is required to obtain an annual DUI/OUI conviction check on their Agents and Supervisors. For employment, Youth Interns are required to submit a Parent Authorization, Parent Agreement, Youth Intern Agreement, Youth Intern Application, Emergency Medical Release, and a copy of the Youth Interns birth certificate. Physical characteristics of Youth Interns are retrieved on the Youth Intern Application and photos of the Youth Interns are obtained during the hiring process and confirmed at the Synar retail tobacco compliance check inspection training. Photos of active Youth Interns are updated during Synar retail tobacco compliance check inspections. Youth Interns employment paperwork and photographs are kept in a locked confidential file cabinet in the OAG managed by the Tobacco Enforcement Coordinator.

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.)

In 1996, the Maine Office of the Attorney General (OAG) determined that Youth Interns working under the supervision of a law enforcement officer to attempt the purchase of a tobacco product solely for the purpose of checking and enforcing retail tobacco compliance with underage sales restrictions were not subject to civil proceedings under the purchase and possession statute. The Assistant Attorney General has reaffirmed that without law enforcement supervision, Youth Interns are not allowed to conduct retail tobacco compliance check inspections under any internal compliance secret shopper programs established by merchants.

In further support, LD 1170, An Act to Reduce Youth Access to Tobacco Products effective July 1, 2018, Maine's retail tobacco sales law was amended to "5-A. Purchase of tobacco products by persons who have not attained 21 years of age prohibited," unless the person has attained 18 years of age as of July 1, 2018 "A person who violates subsection 5-A commits a civil violation and may be subject to completing tobacco-related education classes, diversion programs or specified work for the benefit of the State, the municipality or other public entity or a charitable organization (See, 22 M.R.S. §1555-B).

b. Procedural

Yes No

(If Yes, please describe.)

Agents and Supervisors receive a photographic Department of Health and Human Services (DHHS) Tobacco Agent or Supervisor badge that includes the DHHS Commissioner name, signature, Tobacco Agent or Supervisor Synar I.D. number, name and title. The badges are updated annually and issued by the Maine Office of the Attorney General Tobacco Enforcement Coordinator. Tobacco Agents and Supervisor use their DHHS issued badges to deescalate atypical situations, such as when a Youth Intern's attempt to purchase a tobacco product is questioned by local municipality, retail tobacco establishment or sales clerk.

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.)

See contractual requirement in Appendix B (procedural).

b. Procedural

Yes **No**

(If Yes, please describe.)

Under the subcontract between DHHS and Information Systems and Networks (ISN), both Inspectors and Chaperones are required to have automobile insurance policies that comply with Maine law, which would inure to the benefit of any passenger, like a minor, that may be in the automobile at the time of an accident. In addition, ISN maintains both General Liability and Workers Compensation insurance policies, both of which provide additional coverages to Inspectors, Chaperones and Minors working under this program pursuant to the terms and conditions of those policies. Agents and Supervisors are responsible for assuring the safety of Youth Intern while conducting Synar retail tobacco compliance check inspections.

All Youth Interns must submit a signed Parental Authorization, Parent Agreement, Emergency Medical Release, Youth Intern Agreement, Youth Intern Application and a copy of Youth Interns birth certificate before employment is effective or a Youth Intern Minor ID # is issued. Agents, Supervisors and Youth Interns must receive an I.D. number from the Maine Office of the Attorney General (OAG) Tobacco Enforcement Coordinator and complete a Synar retail tobacco compliance check inspection training before carrying out any Synar retail tobacco compliance check inspections.

When a violation occurs, the assigned Agent will issue a citation, known as a Notice of Civil Administrative Action (NCAA) to the licensed retail tobacco establishment, only after the Supervisor and Youth Interns are safely located off-site of the violating retail tobacco establishment premise. Agents are required to intervene if any confrontation occurs between the Youth Intern and the licensed retail tobacco

establishment or sales clerk. Supervisors are trained to remove Youth Interns from confrontation to allow the assigned Agent to address any atypical situations with the violator(s). All personal information regarding the Youth Intern is confidential and cannot be released without the approval of an OAG Assistant Attorney General. All violation paperwork issued to the retail tobacco establishment may only contain the Minor's I.D. number, which is created by the OAG Tobacco Enforcement Coordinator during the Youth Interns employment initiation.

LD 1170, An Act to Reduce Youth Access to Tobacco Products, effective November 1, 2017 amended Maine's retail tobacco sales law to state that "An employer of a person who violates Maine's retail sales, sales to persons who have not attained 21 years of age, sales through vending machines, and wholesale sales, commits a civil violation (See, 22 M.R.S. §1555-B). This means that since November 1, 2017, the Tobacco Agent shall only issue a Notice of Civil Administrative Action (NCAA) to the retail establishment.

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.)

b. Procedural

Yes No

(If Yes, please describe.)

Youth Interns must be 16 to 17 years of age and are required to participate in a Synar retail tobacco compliance check inspection training and conduct a ride along with an inspection team (Agent, Supervisor and an experienced Youth Intern) prior to actively participating in any Synar retail tobacco compliance check inspection. The Synar retail tobacco compliance check inspection training was created and is maintained by the Maine Office of the Attorney General (OAG) Tobacco Enforcement Coordinator and facilitated by either the OAG Tobacco Enforcement Coordinator or the ISN, Project Manager. The training includes the description of tobacco and its health consequences, history of Synar, Maine's current adult smoking rate by county, Maine's retail tobacco sale laws, retail tobacco compliance check inspection procedures, protocols, canvassing, scenarios, safety, and confidentiality. Inspections shall occur during the retail establishments hours of operation as listed on the Department of Health and Human Services Health Inspection Program retail tobacco license list.

When a Youth Intern successfully purchases a tobacco product, the Youth Intern is required to retain the tobacco product, remaining currency, and register receipt, if applicable, exit the retail establishment immediately, and enter either the Agent or

Supervisor's vehicle. The Agent and Supervisor shall meet at a safe off-site location. At the safe off-site location, the Youth Intern shall hand over the tobacco product, remaining currency, and inspection details to the Agent. The Youth Intern Buyer will then re-enter the Supervisors vehicle. The Agent must return to the violating store to issue a citation known as a Notice of Civil Administration Action (NCAA) citing the violation of Maine's retail tobacco sale law to the licensed retail tobacco establishment. However, when licensed retail tobacco establishments are in close proximity to one another or located in an area known by the Agent that the violating retailer will contact adjourning retailers to notify the presence of the inspection team, the Agent shall return to the violating retail tobacco establishment only after all retail tobacco establishment inspections within a 10-mile radius have been inspected to decrease bias.

LD 1170, An Act to Reduce Youth Access to Tobacco Products, effective November 1, 2017 for the 2018 Synar retail tobacco compliance check inspections, the Tobacco Agent shall only issue a NCAA to the retail establishment (See, 22 M.R.S. §1555-B).

APPENDIX D: LIST SAMPLING FRAME COVERAGE STUDY

(LIST FRAME ONLY)

State: ME
FFY: 2019

1. Calendar year of the coverage study: N/A

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

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

b. Were any areas of the state excluded from sampling?

Yes No

If Yes, please explain.

4. Please answer the following questions about the selection of canvassing areas.

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

Census (Go to Question 6.)

Unstratified statewide sample:

- Simple random sample (Respond to Part b.)
 Systematic random sample (Respond to Part b.)
 Single-stage cluster sample (Respond to Parts b and d.)
 Multistage cluster sample (Respond to Parts b and d.)

Stratified sample:

- Simple random sample (Respond to Parts b and c.)
 Systematic random sample (Respond to Parts b and c.)
 Single-stage cluster sample (Respond to Parts b, c, and d.)
 Multistage cluster sample (Respond to Parts b, c, and d.)
 Other (Please describe and respond to Part b.) _____

b. Describe the sampling methods.

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

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

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

Yes No

6. Were all sampled areas visited by canvassing teams?

Yes (Go to Question 7.) No (Respond to Parts a and b.)

a. Was the subset of areas randomly chosen?

Yes No

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

7. Were field observers provided with a detailed map of the canvassing areas?

Yes No

If No, describe the canvassing instructions given to the field observers.

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

Yes No

If No, respond to Question 9.

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

9. If a full canvassing was not conducted:

a. How many predetermined outlets were to be observed in each area? _____

b. What were the starting points for each area? _____

c. Were these starting points randomly chosen?

Yes No

d. Describe the selection of the starting points.

- e. Please describe the canvassing instructions given to the field observers, including predetermined routes.

10. Describe the process field observers used to determine if an outlet sold tobacco.

11. Please provide the state's definition of "matches" or "mismatches" to the Synar sampling frame? (i.e., address, business name, business license number, etc.)

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

SSSES Table 1 (Synar Survey Estimates and Sample Sizes)

CSAP-SYNAR REPORT

State	ME
Federal Fiscal Year (FFY)	2019
Date	11/13/2018 16:10
Data	Cleaned 2018 Synar Data.xlsx
Program Version	Version 7.0
Analysis Option	Stratified SRS with FPC

Estimates

Unweighted Retailer Violation Rate	9.1%
Weighted Retailer Violation Rate	9.1%
Standard Error	0.1%
Is SAMHSA Precision Requirement met?	YES
Right-sided 95% Confidence Interval	[0.0%, 9.3%]
Two-sided 95% Confidence Interval	[8.8%, 9.3%]
Design Effect	1.0
Accuracy Rate (unweighted)	92.9%
Accuracy Rate (weighted)	92.9%
Completion Rate (unweighted)	96.4%

Sample Size for Current Year

Effective Sample Size	1,794
Target (Minimum) Sample Size	1,794
Original Sample Size	1,800
Eligible Sample Size	1,673
Final Sample Size	1613
Overall Sampling Rate	96.7%

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

STATE: ME

FFY: 2019

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(%)
All Outlets											
ANDRO SCOGG IN	ANDRO SCOGG IN	130	123	N/A	N/A	130	123	121	11	9.1%	
AROOS TOOK	AROOS TOOK	120	111	N/A	N/A	120	111	106	4	3.8%	
CUMBERLAND	CUMBERLAND	325	293	N/A	N/A	325	293	271	37	13.7%	
FRANKLIN	FRANKLIN	53	51	N/A	N/A	53	51	49	7	14.3%	
HANCOCK	HANCOCK	70	67	N/A	N/A	70	67	64	3	4.7%	
KENNEBEC	KENNEBEC	158	148	N/A	N/A	158	148	146	13	8.9%	
KNOX	KNOX	53	49	N/A	N/A	53	49	49	5	10.2%	
LINCOLN	LINCOLN	53	49	N/A	N/A	53	49	48	2	4.2%	
OXFORD	OXFORD	78	74	N/A	N/A	78	74	74	9	12.2%	
PENOBSCOT	PENOBSCOT	227	210	N/A	N/A	227	210	199	7	3.5%	
PISCATAQUIS	PISCATAQUIS	36	36	N/A	N/A	36	36	36	1	2.8%	
SAGadahoc	SAGadahoc	40	35	N/A	N/A	40	35	34	4	11.8%	
SOMERSET	SOMERSET	92	87	N/A	N/A	92	87	85	16	18.8%	
WALDO	WALDO	54	52	N/A	N/A	54	52	51	5	9.8%	
WASHINGTON	WASHINGTON	80	75	N/A	N/A	80	75	74	6	8.1%	
YORK	YORK	231	213	N/A	N/A	231	213	206	16	7.8%	
Total		1,800	1,673			1,800	1,673	1,613	146	9.1%	0.1%
Over the Counter Outlets											

ANDRO SCOGG IN	ANDRO SCOGG IN	130	123	N/A	N/A	130	123	121	11	9.1%	
AROOS TOOK	AROOS TOOK	120	111	N/A	N/A	120	111	106	4	3.8%	
CUMBE RLAND	CUMBE RLAND	325	293	N/A	N/A	325	293	271	37	13.7%	
FRANK LIN	FRANK LIN	53	51	N/A	N/A	53	51	49	7	14.3%	
HANCO CK	HANCO CK	70	67	N/A	N/A	70	67	64	3	4.7%	
KENNE BEC	KENNE BEC	158	148	N/A	N/A	158	148	146	13	8.9%	
KNOX	KNOX	53	49	N/A	N/A	53	49	49	5	10.2%	
LINCOL N	LINCOL N	53	49	N/A	N/A	53	49	48	2	4.2%	
OXFOR D	OXFOR D	78	74	N/A	N/A	78	74	74	9	12.2%	
PENOB SCOT	PENOB SCOT	227	210	N/A	N/A	227	210	199	7	3.5%	
PISCAT AQUIS	PISCAT AQUIS	36	36	N/A	N/A	36	36	36	1	2.8%	
SAGAD AHOOC	SAGAD AHOOC	40	35	N/A	N/A	40	35	34	4	11.8%	
SOMER SET	SOMER SET	92	87	N/A	N/A	92	87	85	16	18.8%	
WALD O	WALD O	54	52	N/A	N/A	54	52	51	5	9.8%	
WASHI NGTON	WASHI NGTON	80	75	N/A	N/A	80	75	74	6	8.1%	
YORK	YORK	231	213	N/A	N/A	231	213	206	16	7.8%	
Total		1,800	1,673			1,800	1,673	1,613	146	9.1%	0.1%
Vending Machines											
ANDRO SCOGG IN	ANDRO SCOGG IN	0	0	N/A	N/A	0	0	0	0	0.0%	
AROOS TOOK	AROOS TOOK	0	0	N/A	N/A	0	0	0	0	0.0%	

CUMBERLAND	CUMBERLAND	0	0	N/A	N/A	0	0	0	0	0.0%	
FRANKLIN	FRANKLIN	0	0	N/A	N/A	0	0	0	0	0.0%	
HANCOCK	HANCOCK	0	0	N/A	N/A	0	0	0	0	0.0%	
KENNEBEC	KENNEBEC	0	0	N/A	N/A	0	0	0	0	0.0%	
KNOX	KNOX	0	0	N/A	N/A	0	0	0	0	0.0%	
LINCOLN	LINCOLN	0	0	N/A	N/A	0	0	0	0	0.0%	
OXFORD	OXFORD	0	0	N/A	N/A	0	0	0	0	0.0%	
PENOBSCOT	PENOBSCOT	0	0	N/A	N/A	0	0	0	0	0.0%	
PISCATAQUIS	PISCATAQUIS	0	0	N/A	N/A	0	0	0	0	0.0%	
SAGadahoc	SAGadahoc	0	0	N/A	N/A	0	0	0	0	0.0%	
SOMERSET	SOMERSET	0	0	N/A	N/A	0	0	0	0	0.0%	
WALDO	WALDO	0	0	N/A	N/A	0	0	0	0	0.0%	
WASHINGTON	WASHINGTON	0	0	N/A	N/A	0	0	0	0	0.0%	
YORK	YORK	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: ME

FFY: 2019

Disposition Code	Description	Count	Subtotal
EC	Eligible and inspection complete outlet	1613	
Total (Eligible Completes)			1613
N1	In operation but closed at time of visit	7	
N2	Unsafe to access	19	
N3	Presence of police	7	
N4	Youth inspector knows salesperson	1	
N5	Moved to new location but not inspected	0	
N6	Drive thru only/youth inspector has no drivers license	0	
N7	Tobacco out of stock	26	
N8	Run out of time	0	
N9	Other noncompletion	0	
Total (Eligible Noncompletes)			60
I1	Out of Business	56	
I2	Does not sell tobacco products	8	
I3	Inaccessible by youth	6	
I4	Private club or private residence	41	
I5	Temporary closure	3	
I6	Can't be located	13	
I7	Wholesale only/Carton sale only	0	
I8	Vending machine broken	0	
I9	Duplicate	0	
I10	Other ineligibility	0	
Total (Ineligibles)			127
Grand Total			1800

Frequency Distribution

Gender	Age	Number of Inspectors	Attempted Buys	Successful Buys
Male	14	0	0	0
	15	0	0	0
	16	2	580	66
	17	2	235	17
	18	0	0	0
	19	0	0	0
	20	0	0	0
	Subtotal	4	815	83
Female	14	0	0	0
	15	0	0	0
	16	3	315	25
	17	4	483	38
	18	0	0	0
	19	0	0	0
	20	0	0	0
	Subtotal	7	798	63
Other		0	0	0
Grand Total		11	1613	146

Buy Rate in Percent by Age and Gender

Age	Male	Female	Total
14	0.0%	0.0%	0.0%
15	0.0%	0.0%	0.0%
16	11.4%	7.9%	10.2%
17	7.2%	7.9%	7.7%
18	0.0%	0.0%	0.0%
19	0.0%	0.0%	0.0%
20	0.0%	0.0%	0.0%
Other			0.0%
Total	10.2%	7.9%	9.1%