

ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB № 0930-0222

FFY 2021

State: ME

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INTRODUCTION

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

How the Synar report helps the Center for Substance Abuse Prevention

In accordance with the tobacco regulations, states are required to provide detailed information on progress made in enforcing youth tobacco access laws (FFY 2020 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2021 Intended Use Plan). These data are required by 42 U.S.C. 300x-26 and will be used by the Secretary to evaluate state compliance with the statute. Part of the mission of the Center for Substance Abuse Prevention (CSAP) is to assist 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, 2020 and must be submitted in the format specified by these instructions. Use of the approved format will avoid delays in the review and approval process. The chief executive officer (or an authorized designee) of the applicant organization must sign page one of the ASR certifying that the state has complied with all reporting requirements.


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

- FFY 2021 Synar Survey Results: States that use the Synar Survey Estimation System (SSES) must upload one copy of *SSES Tables 1–8* (in Excel) to WebBGAS. **Please note that, beginning with the FFY 2021 ASR, SSES will generate Tables 6, 7, and 8, which are based on the optional microdata on product type, retail outlet type, and whether identification was requested. If your state does not submit these optional data, Tables 6, 7, and 8 will be blank. Tables 6, 7, and 8 are generated for the convenience of the state, and states are not required to submit completed versions of Tables 6, 7, or 8.** States that do not use SSES must upload one copy of ASR Forms 1, 4, and 5, and Forms 2 and 3, if applicable, (in Excel), as well as a database with the raw inspection data to WebBGAS.
- Synar Inspection Form: States must upload one blank copy of the inspection form used to record the result of each Synar inspection.
- Synar Inspection Protocol: States must upload a copy of the protocol used to train inspection teams on conducting and reporting the results of the Synar inspections. This document should be different than the Appendix C attached to the Annual Synar Report.
- A scanned copy of the signed Funding Agreements/Certifications

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

FFY 2021: FUNDING AGREEMENTS/CERTIFICATIONS

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

| | |
|--|-----------------------------|
| 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 2021 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 2021 is up-to-date and approved by the Center for Substance Abuse Prevention. | |
| State: ME | |
| Name of Chief Executive Officer or Designee: Jessica Monahan Pollard, Ph.D. | |
| Signature of CEO or Designee:  | |
| Title: Director, Office of Behavioral Health, Department of Health and Human Services | Date Signed: 12/8/20 |
| If signed by a designee, a copy of the designation must be attached. | |

SECTION I: FFY 2020 (Compliance Progress)

YOUTH ACCESS LAWS, ACTIVITIES, AND ENFORCEMENT

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

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

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

Yes No

If Yes, current minimum age: 19 20 21

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

Yes No

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

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

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

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

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

- Placed on file for public review
- Posted on a state agency Web site *(Please provide exact Web address and the date when the FFY 2021 ASR was posted to this Web address.)*
Web address: <https://www.maine.gov/dhhs/mecdc/population-health/prevention/>
Date published: 12/7/2020
- Notice published in a newspaper or newsletter
- Public hearing

- Announced in a news release, a press conference, or discussed in a media interview
- Distributed for review as part of the SABG application process
- Distributed through the public library system
- Published in an annual register
- Other *(Please describe.)* _____

3. Identify the following agency or agencies *(see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).*

a. The state agency(ies) designated by the Governor for oversight of the Synar requirements:

Tobacco and Substance Use Prevention and Control Program, Maine Center for Disease Control and Prevention, Department of Health and Human Services (TSUPCP)

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

Yes No

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

The Maine Office of Attorney General (OAG) in Collaboration with TSUPCP

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):

OAG

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).

TSUPCP

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)).

OAG

f. Has the responsible agency changed since last year’s Annual Synar Report?

- Yes No

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

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

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

- Yes No

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

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

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

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

| PENALTY | OWNERS | CLERKS | TOTAL |
|---|--------|--------|-------|
| Number of <u>citations issued</u> | 18 | N/A | 18 |
| Number of <u>finest assessed</u> | 17 | N/A | 17 |
| Number of <u>permits/licenses suspended</u> | 0 | | 0 |
| Number of <u>permits/licenses revoked</u> | 0 | | 0 |
| Other (Please describe.) | N/A | N/A | N/A |

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 (NCAA) 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).

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

TSCUPC provides retail tobacco establishments a free web-based responsible retail tobacco training program called Blocking Underage Tobacco Sales (NO BUTS!). 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 and if they choose to, their supervisor. TSUPCP and OAG recommends retail tobacco establishments to require owners and sales clerks to complete the NO BUTS! training prior to selling retail tobacco products to consumers for all new clerks and annually for seasonal staff.

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

Incentives for retail tobacco establishments to participate in NO BUTS! includes the availability of a State Compliance Credit. If a violating licensed retail tobacco establishment provides a copy of the violating sales clerks NO BUTS! certificate dated prior to the sale violation and the retail tobacco establishments last three Synar retail tobacco compliance check inspections resulted in no sale violation, the OAG can waive the retail tobacco establishment fine by issuing a State Compliance Credit. However, if the sales clerk is the owner and is 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 OAG 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 illegally sold to minors.

- Community education regarding youth access laws

TSUPCP funded local community partners engage licensed tobacco retailers in their communities, providing assessment, training and education. Retailers are provided tobacco prevention materials, signage and educated about NO BUTS!

Media use to publicize compliance inspection results

N/A

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

See community education above.

Other activities (*Please list.*) Online retailer education

The OAG continues to research and prevent online tobacco sales. Maine law requires that all sales of tobacco products occur in direct, face-to-face exchanges. The OAG Tobacco Enforcement Coordinator partners with an Assistant Attorney General, completing research, compiling an active case, and electronically sending compliance letters in violation of Maine's Compliance laws regarding online sales. A continuous monitoring and follow up plan is in place in efforts to minimize access for youth to purchase tobacco products via internet webpages.

SYNAR SURVEY METHODS AND RESULTS

The following questions pertain to the survey methodology and results of the Synar survey used by the state to meet the requirements of the Synar Regulation in FFY 2020 (see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).

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

Yes No

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

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

N/A

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

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

Yes No

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

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

Unweighted RVR _____

Weighted RVR _____

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

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

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

plus times

Accuracy rate _____

Completion rate _____

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

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

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

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

- Yes No No stratification

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

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

- Yes No

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

If No, go to Question 7g.

Were any certainty primary sampling units selected this year?

- Yes No

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

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

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

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

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

Yes No

If Yes, answer the following questions about its coverage.

a. The calendar year of the latest Sampling frame coverage study: 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: On March 19, 2008, CSAP approved the State of Maine's coverage study waive request 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." The FFY 2019 approved ASR included an updated Maine State Canvassing Plan.

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

As the state prepared to recommence inspections, incorporation of COVID-19 protocols was communicated verbally during the 8/18/2020 check-in call and a formal summary of the year was sent by email on 10/23/2020.

b. Provide the inspection period: From 10/01/2019 **to** 09/30/2020

MM/DD/YY MM/DD/YY

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

6

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.

One Youth Intern: ID 305 had a birthday during the inspection year and was assigned the ID 305a. Table 4 reports results for 7 inspectors

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

SECTION II: FFY 2021 (Intended Use):

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

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

- Synar sampling methodology Yes No
Synar inspection protocol Yes No

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

2. Please describe the state's plans to maintain and/or reduce the target rate for Synar inspections to be completed in FFY 2021. Include a brief description of plans for law enforcement efforts to enforce youth tobacco access laws, activities that support law enforcement efforts to enforce youth tobacco access laws, and any anticipated changes in youth tobacco access legislation or regulation in the state.

In spite of COVID-19 challenges, the State of Maine intends to maintain a non-compliance rate of less than 10% for the current contract year through a collaborative effort between TSUPCP and the 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. 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. Stakeholders will revise the protocol for the inclusion of Young Adult inspectors 18 to 20 years old. The Department of Health and Human Services, Health Inspection Program (HIP) requires all persons who sell tobacco products to consumers in Maine, to obtain a retail tobacco license from their department. HIP works collaboratively with the OAG Tobacco Enforcement Coordinator by providing an updated active retail tobacco license list on a weekly basis. The OAG TEC sends weekly electronic welcome responsible retail tobacco letters that includes signage with tobacco products listed, Tobacco Compliance Tips, and education on Maine's NO BUTS! program. The OAG TEC oversees the day to day work conducted by ISN and provides the most recent active retail tobacco license list to ISN on a monthly basis. 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 TEC to ensure licensure. TSUPCP Synar Coordinator and OAG TEC collectively monitor and report on completed Synar retail tobacco compliance check inspections. Both agencies 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, NCAA, to violating retail establishments.

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, TSUPCP staff will continue to provide retail tobacco establishments with the NO BUTS! program, a free web-based training curriculum for licensed retail tobacco establishments to educate sales clerks with Maine's Retail Tobacco Sales Act and prohibit tobacco product sales to minors.

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

- 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

Based on information from inspections at the end of the past year, TSUPCP and OAG anticipate rapidly changing status of licensed tobacco retailers due to business losses and closures from the COVID-19 pandemic.

- Limited expertise in survey methodology

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

- Difficulties recruiting youth inspectors

TSUPCP and OAG anticipate the need to support ISN in hiring new inspection teams due to interruptions between inspections due to the COVID-19 pandemic.

- 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

TSUPCP, OAG and ISN continue to prioritize recruitment of inspectors to maintain the gender balance. Stakeholders will continue to monitor to ensure the required ratio while facing difficulty in recruitment due to the COVID-19 pandemic.

- Geographic, demographic, and logistical considerations in conducting inspections

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%. A Northern Maine inspector was successfully trained and hired. Maine is leveraging FDA retail tobacco compliance check inspections to diminish youth access to tobacco products.

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

- Issues regarding sources of tobacco under tribal jurisdiction

- Other challenges (*Please list.*) COVID-19 Pandemic

Inspections have been halted due to the number of active cases in the state. When counties demonstrate a low number, inspections recommence in these counties using current public health and licensing data. Multiple accessible counties are included in decision making to allow for as much as a random selection as possible. All Agents, Supervisors and Interns follow the COVID-19 protocol for inspections.

Due to the interruption between inspections that vary in length, ISN has difficulty in maintaining teams. In response, active recruitment continues and at this time the state has two teams that continue to be ready for inspections when they begin again.

The number of licensed retailers continues to fluctuate as TSUPCP and OAG have found current retailers have gone out of business and there is a lag in licensing information due to renewal being once per year. When on inspections, teams provide updated information to TSUPCP and the OAG.

Available product has varied greatly the past year due to federal regulation and geographic differences of the state. Inspection teams have started to include observations during inspections for TSUPCP and OAG to track and record in order to understand geographic differences in product types and to ensure an accurate representation of what is being requested during inspections.

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 2021). Provide the remaining information by stratum if stratification was used. Make copies of the form if additional rows are needed to list all the strata.

Column 1: *If stratification was used:*

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

If no stratification was used:

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

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

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

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

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

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

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

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

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

| Summary of Synar Inspection Results by Stratum | | | | | | | | | | | | | State: _____ | |
|--|---------------------|-------------------------------------|------------------------------|------------------------------|--|------------------------------|------------------------------|-------------------------------|------------------------------|------------------------------|--|------------------------------|------------------------------|--|
| | | | | | | | | | | | | | FFY: 2021 | |
| (1) | | (2) | | | (3) | | | (4) | | | (5) | | | |
| STRATUM | | NUMBER OF OUTLETS IN SAMPLING FRAME | | | ESTIMATED NUMBER OF ELIGIBLE OUTLETS IN POPULATION | | | NUMBER OF OUTLETS INSPECTED | | | NO. OF OUTLETS FOUND IN VIOLATION DURING INSPECTIONS | | | |
| (a) Row # | (b) Stratum Name | (a) Over-the-Counter (OTC) | (b) Vending Machines (VM) | (c) Total Outlets (2a+2b) | (a) Over-the-Counter (OTC) | (b) Vending Machines (VM) | (c) Total Outlets (3a+3b) | (a) Over-the-Counter (OTC) | (b) Vending Machines (VM) | (c) Total Outlets (4a+4b) | (a) Over-the-Counter (OTC) | (b) Vending Machines (VM) | (c) Total Outlets (5a+5b) | |
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RECORD COLUMN TOTALS ON LAST LINE (LAST PAGE ONLY IF MULTIPLE PAGES ARE NEEDED).

FORM 2 (Optional)

Appropriate for stratified simple or systematic random sampling designs.

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

Instructions for Completing Form 2: In the top right-hand corner of the form, provide the state name and reporting federal fiscal year (FFY 2021).

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

FORM 2 (Optional) Appropriate for stratified simple or systematic random sampling designs.

| Calculation of Weighted Retailer Violation Rate | | | | | | | | | | |
|--|--|-------------------------------------|--|--|---|---|---|--|--|---|
| | | | | | | | | | | State: _____ |
| | | | | | | | | | | FFY: <u>2021</u> |
| (1) Stratum Name | (2) N Number of Outlets in Sampling Frame | (3) n Original Sample Size | (4) n1 Number of Sample Outlets Found Eligible | (5) n2 Number of Outlets Inspected | (6) x Number of Outlets Found in Violation | (7) p=x/n2 Stratum Retailer Violation Rate | (8) N'=N(n1/n) Estimated Number of Eligible Outlets in Population | (9) w=N'/Total Column 8 Relative Stratum Weight | (10) pw Stratum Contribution to State Weighted RVR | (11) s.e. Standard Error of Stratum RVR |
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| Total | | | | | | | | | | |

- N - number of outlets in sampling frame
- n - original sample size (number of outlets in the original sample)
- n1 - number of sample outlets that were found to be eligible
- n2 - number of eligible outlets that were inspected
- x - number of inspected outlets that were found in violation
- p - stratum retailer violation rate (p=x/n2)
- N' - estimated number of eligible outlets in population (N'=N*n1/n)
- w - relative stratum weight (w=N'/Total Column 8)
- pw - stratum contribution to the weighted RVR
- s.e. - standard error of the stratum RVR

FORM 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 2021).

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: _____ |
| | | | | FFY: 2021 _____ |
| (1) Row # | (2) Stratum Name | (3) Number of PSUs Created | (4) Number of PSUs Selected | (5) Number of PSUs in the Final Sample |
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| 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 2021).

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

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

| Inspection Tallies by Reason of Ineligibility or Noncompletion | | | |
|---|---------------|---|---------------|
| | | State: _____ | |
| | | FFY: 2021 | |
| (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 2021).

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: _____ |
| | | FFY: 2021 _____ |
| | (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 2020.

APPENDIX B: SYNAR SURVEY SAMPLING METHODOLOGY

State: ME
 FFY: 2021

1. What type of sampling frame is used?

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

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

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

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

| Name of Frame Source | Type of Source | Description | Updating Method and Cycle |
|--|----------------|--|--|
| The Department of Health and Human Services Health Inspection Program (HIP) licenses retail tobacco establishments annually. The Maine Office of the Attorney General (OAG) receives an updated active retail tobacco license list from HIP each week. | 3 | 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 TEC conducts research on 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 TEC 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.

N/A

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

Yes No

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

_____%

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

Yes No

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

- State law bans vending machines.
- State law bans vending machines from locations accessible to youth.
- State has a contract with the FDA and is actively enforcing the vending machine requirements of the Family Smoking Prevention and Tobacco Control Act.
- Other (Please describe.) _____

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

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

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

Census (STOP HERE: Appendix B is complete.)

Unstratified statewide sample:

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

Stratified sample:

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

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

7. Provide the following information about stratification.

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

- b. Is clustering used within the stratified sample?

Yes (Go to Question 8.)

No (Go to Question 9.)

8. Provide the following information about clustering.

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

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

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

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

Yes (Respond to part b.)

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

- b. SSES Sample Size Calculator used?

State Level (Respond to Question 10a.)

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

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

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

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

Inputs for Effective Sample Size:

RVR:

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:**

- 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.**

APPENDIX C: SYNAR SURVEY INSPECTION PROTOCOL SUMMARY

State: ME
FFY: 2021

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

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

a. Consummated buy attempts?

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

b. Youth inspectors to carry ID?

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

c. Adult inspectors to enter the outlet?

- Required
- Permitted under specified circumstances (Describe: 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 observe, but unaccompanied, the Agent is required 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 employes 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. The 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 depending what products are popular in the geographic area. Interns attempt to purchase rolling papers at head or vape shops because these types of retail tobacco stores do not regularly sell cigarettes, cigars, smokeless tobacco or ENDS. The purchase of cigars and cigarillos is attempted at cigar shops and golf courses.

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

TSUPCP is contracted with ISN to recruit and hire Supervisors to conduct Synar retail tobacco compliance check inspections at 100% of youth accessible licensed retail tobacco establishments throughout Maine. ISN is solely responsible for the recruitment and retention of Supervisors.

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 OAG TEC and facilitated by either the OAG TEC 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 Supervisors.

OAG TEC administers the Synar retail tobacco compliance check inspection contract between TSUPCP and ISN.

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

TSUPCP is contracted with ISN to recruit and hire 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. OAG TEC administers the Synar retail tobacco compliance check inspection contract between TSUPCP and ISN.

ISN is solely responsible for the recruitment and retention of Youth Interns. ISN is required to maintain a 60% to 40% gender ratio of Youth Interns 16 to 17 years of age. Youth Interns are required to represent a cross-section of the community in which the investigations were carried out. All participating Youth Interns are 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 recruits 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 works to retain and employ Youth Interns until within thirty days of their eighteenth birthday. The age requirement of 16 to 17 years of age for Youth Interns results in a year to year fluctuation.

Youth Interns 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 OAG TEC and facilitated by either the OAG TEC 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 and Youth Interns.

Safety of Youth Interns is the highest priority for all departments, and ISN. 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 as electronic files and locked confidential file cabinet in the OAG managed by the TEC.

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 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.

b. Procedural

Yes No

(If Yes, please describe.)

Agents receive a photographic DHHS Tobacco Agent badge that includes the DHHS Commissioner name, signature, Tobacco Agent Synar I.D. number, name and title. The badges are updated annually and issued by the OAG TEC. Tobacco Agents 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 requirements in next section, b. Procedural.

b. Procedural

Yes No

(If Yes, please describe.)

Under the subcontract between DHHS and ISN, both Agents and Supervisors are required to have current automobile insurance policies that comply with Maine law. In addition, ISN maintains both General Liability and Workers Compensation insurance policies, both of which provide additional coverages to Agents, Supervisors 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 OAG TEC 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, 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. 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 TEC during the Youth Interns employment initiation.

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 OAG TEC and facilitated by either the OAG TEC 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 HIP 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 this location, the Youth Intern shall hand over the tobacco product, remaining currency, and inspection details to the Agent. The Youth Intern will then re-enter the Supervisor's vehicle. The Agent must return to the violating store to issue a citation, 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 adjoining 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: 2021

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).

SSES Table 1 (Synar Survey Estimates and Sample Sizes)

CSAP-SYNAR REPORT

| | |
|---------------------------|---|
| State | ME |
| Federal Fiscal Year (FFY) | 2021 |
| Date | 11/20/2020 9:25 |
| Data | FFY 2020 SSEsv7_DataEntryTemplate_SRS.xlsx |
| Program Version | Version 7.0 |
| Analysis Option | Stratified SRS with FPC |

Estimates

| | |
|--------------------------------------|--------------|
| Unweighted Retailer Violation Rate | 2.9% |
| Weighted Retailer Violation Rate | 2.9% |
| Standard Error | 0.1% |
| Is SAMHSA Precision Requirement met? | YES |
| Right-sided 95% Confidence Interval | [0.0%, 3.1%] |
| Two-sided 95% Confidence Interval | [2.6%, 3.2%] |
| Design Effect | 1.4 |
| Accuracy Rate (unweighted) | 90.3% |
| Accuracy Rate (weighted) | 90.3% |
| Completion Rate (unweighted) | 96.6% |

Sample Size for Current Year

| | |
|------------------------------|-------|
| Effective Sample Size | 722 |
| Target (Minimum) Sample Size | 722 |
| Original Sample Size | 722 |
| Eligible Sample Size | 652 |
| Final Sample Size | 630 |
| Overall Sampling Rate | 97.0% |

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

STATE: ME
FFY: 2021

| 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 | | | | | | | | | | | |
| Andros coggin | Andros coggin | 95 | 86 | N/A | N/A | 95 | 86 | 86 | 3 | 3.5% | |
| Cumberland | Cumberland | 100 | 94 | N/A | N/A | 100 | 94 | 86 | 4 | 4.7% | |
| Kennebec | Kennebec | 57 | 47 | N/A | N/A | 57 | 47 | 44 | 2 | 4.5% | |
| Knox | Knox | 22 | 16 | N/A | N/A | 22 | 16 | 14 | 1 | 7.1% | |
| Lincoln | Lincoln | 28 | 20 | N/A | N/A | 28 | 20 | 20 | 1 | 5.0% | |
| Oxford | Oxford | 51 | 49 | N/A | N/A | 51 | 49 | 49 | 2 | 4.1% | |
| Penobscot | Penobscot | 183 | 171 | N/A | N/A | 183 | 171 | 167 | 2 | 1.2% | |
| Piscataquis | Piscataquis | 34 | 32 | N/A | N/A | 34 | 32 | 31 | 0 | 0.0% | |
| Sagadahoc | Sagadahoc | 26 | 25 | N/A | N/A | 26 | 25 | 25 | 0 | 0.0% | |
| Somerset | Somerset | 52 | 44 | N/A | N/A | 52 | 44 | 43 | 0 | 0.0% | |
| Waldo | Waldo | 22 | 20 | N/A | N/A | 22 | 20 | 19 | 0 | 0.0% | |
| Washington | Washington | 21 | 19 | N/A | N/A | 21 | 19 | 19 | 1 | 5.3% | |
| York | York | 31 | 29 | N/A | N/A | 31 | 29 | 27 | 2 | 7.4% | |
| Total | | 722 | 652 | | | 722 | 652 | 630 | 18 | 2.9% | 0.1% |

SSES Table 3 (Synar Survey Sample Tally Summary)

STATE: ME
FFY: 2021

| Disposition Code | Description | Count | Subtotal |
|-------------------------------|--|-------|----------|
| EC | Eligible and inspection complete outlet | 630 | |
| Total (Eligible Completes) | | | 630 |
| N1 | In operation but closed at time of visit | 10 | |
| N2 | Unsafe to access | 10 | |
| N3 | Presence of police | 0 | |
| N4 | Youth inspector knows salesperson | 0 | |
| 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 | 1 | |
| N8 | Run out of time | 0 | |
| N9 | Other noncompletion | 0 | |
| Total (Eligible Noncompletes) | | | 22 |
| I1 | Out of Business | 9 | |
| I2 | Does not sell tobacco products | 10 | |
| I3 | Inaccessible by youth | 35 | |
| I4 | Private club or private residence | 11 | |
| I5 | Temporary closure | 5 | |
| I6 | Can't be located | 0 | |
| I7 | Wholesale only/Carton sale only | 0 | |
| I8 | Vending machine broken | 0 | |
| I9 | Duplicate | 0 | |
| I10 | Other ineligibility | 0 | |
| Total (Ineligibles) | | | 70 |
| Grand Total | | | 722 |

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

STATE: ME
FFY: 2021

Frequency Distribution

| Gender | Age | Number of Inspectors | Attempted Buys | Successful Buys |
|-------------|----------|----------------------|----------------|-----------------|
| Male | 14 | 0 | 0 | 0 |
| | 15 | 0 | 0 | 0 |
| | 16 | 3 | 344 | 7 |
| | 17 | 1 | 57 | 1 |
| | 18 | 0 | 0 | 0 |
| | 19 | 0 | 0 | 0 |
| | 20 | 0 | 0 | 0 |
| | Subtotal | 4 | 401 | 8 |
| Female | 14 | 0 | 0 | 0 |
| | 15 | 0 | 0 | 0 |
| | 16 | 1 | 19 | 0 |
| | 17 | 2 | 210 | 10 |
| | 18 | 0 | 0 | 0 |
| | 19 | 0 | 0 | 0 |
| | 20 | 0 | 0 | 0 |
| | Subtotal | 3 | 229 | 10 |
| Other | | 0 | 0 | 0 |
| Grand Total | | 7 | 630 | 18 |

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 | 2.0% | 0.0% | 1.9% |
| 17 | 1.8% | 4.8% | 4.1% |
| 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 | 2.0% | 4.4% | 2.9% |