

**ARKANSAS  
ANNUAL SYNAR REPORT**

**42 U.S.C. 300x-26**  
OMB № 0930-0222

**FFY 2003**



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Substance Abuse and Mental Health Services Administration  
Center for Substance Abuse Prevention

[www.samhsa.gov](http://www.samhsa.gov)

## INTRODUCTION

The Annual Synar Report format provides the means for States to comply with the reporting provisions of the Public Health Service Act (42 U.S.C. 300x-26) and the Tobacco Regulation for the SAPT Block Grant (45 CFR Part 96).

Public reporting burden for this collection of information is estimated to average 30 hours for questions 1 through 8 for Section I and 3 hours for Section II, including the time for reviewing instructions, completing and reviewing the collection of information, searching existing data sources, and gathering and maintaining the data needed. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to SAMHSA Reports Clearance Officer; Paperwork Reduction Project (0930-0222); Room 16-105, Parklawn Building; 5600 Fishers Lane, Rockville, MD 20857.

An agency may not conduct or sponsor and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this project is 0930-0222 with an expiration date of 7/31/2004.

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

In accordance with the tobacco regulations, the States are required to provide detailed information on progress made in enforcing youth tobacco access laws (FFY 2002 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2003 Intended Use Plan). These data are required by 42 U.S.C. 300x-26 and will be used by the Secretary to evaluate State compliance with the statute. Part of the mission of the Center for Substance Abuse Prevention (CSAP) is to assist States<sup>1</sup> by supporting Synar activities and providing technical assistance helpful in determining the type of enforcement measures and control strategies that are most effective. This information is helpful to CSAP in improving technical assistance resources and expertise on enforcement efforts and tobacco control program support activities, including State Synar Program support services through an enhanced technical assistance program involving conferences and workshops, development of training materials and guidance documents, and on-site technical assistance consultation.

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

The information gathered for the Synar report can help States describe and analyze 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. Aggregated together, 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.

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<sup>1</sup>The term State is used to refer to all the States and territories required to comply with Synar as part of the Substance Abuse Prevention and Treatment Block Grant Program requirements (See 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 the Division of State and Community Systems Development at (301) 443-0326 and ask for your respective State Synar Officer or contact the State Synar Officer directly by telephone or e-mail using the directory provided (see Appendix).

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

The Annual Synar Report must be received by SAMHSA not later than December 31, 2002. Submit one signed original of the report, two additional copies, and a diskette to the Grants Management Officer at the address below:

Ms. LouEllen M. Rice, Grants Management Officer  
Office of Program Services, Division of Grants Management  
Substance Abuse and Mental Health Services Administration

### **Regular Mail:**

Rockwall II Bldg., Suite 630  
5600 Fishers Lane  
Rockville, Maryland 20857

### **Overnight Mail:**

Rockwall II Bldg., Suite 630  
5515 Security Lane  
Rockville, Maryland 20852

## **State Law Regarding Sale of Tobacco Products to Individuals Under Age of 18 (Section 1926):**

An agreement to continue to have in effect a State law that makes it unlawful for any manufacturer, retailer, or distributor of tobacco products to sell or distribute any such product to any individual under the age of 18; and, to enforce such laws in a manner that can reasonably be expected to reduce the extent to which tobacco products are available to individuals under age 18 (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).

### **SECTION I**

#### **FFY 2002 (Compliance Progress):**

42 U.S.C. 300x-26 of the Public Health Service Act requires certain information regarding the sale/distribution of tobacco products to individuals under age 18.

1. Describe any changes or additions to the State tobacco statute relating to 42 U.S.C. 300x-26 since the last application. Attach a photocopy of the changes and describe the impact they will have on enforcement of State tobacco law(s).

#### **ARKANSAS RESPONSE:**

No changes have been made to the State Tobacco statute since the last application. No tobacco-related legislation was introduced or passed in the previous year during the Compliance Progress FFY. No changes were made in the State regulations related to youth access during the Progress FFY. There were no tobacco-related changes in local ordinances during the Progress FFY.

2. Describe how the annual report required under 45 C.F.R. 96.130(e) was made public within the State, along with the State Plan as provided in 42 U.S.C. 300x-51.

#### **ARKANSAS RESPONSE:**

The procedure to make the annual Synar report public within the state is by distributing it for review and comment as part of the State's Block Grant application. It is also available for review by individuals and groups requesting access to it. The report is shared with the Regional Prevention Resource Centers on an annual basis. In addition, the Arkansas Tobacco Prevention & Education Plan contains the results from the Synar report.

3. Identify the agency or agencies designated by the Governor for the implementation of the requirements. Identify the State agency responsible for conducting random, unannounced inspections. Identify the State and/or local agency or agencies that are responsible for enforcing the tobacco access law(s) (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).

### **ARKANSAS RESPONSE:**

The state agency designated by Section 1926 of the Public Health Service Act to implement the Synar requirements is the Arkansas Department of Health's Alcohol and Drug Abuse Prevention (ADAP). ADAP works in partnership with the Arkansas Department of Health's Office of Tobacco Prevention & Education (TPE). TPE, through a memorandum of agreement with ADAP, coordinates all activities relating to Synar. TPE is funded primarily through the Centers for Disease Control and Prevention to reduce the burden caused by tobacco. Goals for the TPE during the year 2002 cycle are to: (1) prevent tobacco initiation among youth; (2) promote quitting among adults and youth; (3) eliminating exposure to second-hand smoke; (4) identify and eliminate disparities among special populations.

ADAP's thirteen Regional Prevention Resource Centers (PRCs), which are located across Arkansas, are responsible for recruiting, training, and accompanying youth volunteers who actually conduct the random, unannounced inspections.

The Arkansas Tobacco Control Board (ATCB) is responsible for enforcing the tobacco access laws in the state.

4. Describe briefly the coordination and collaboration that occurs between your State's Tobacco and Health Office (Association of State and Territorial Health Officials) and Single State Authority for Substance Abuse (NASADAD). Discuss how State efforts to reduce youth access to tobacco relate to other tobacco control and prevention initiatives in your State.

### **ARKANSAS RESPONSE:**

Alcohol and Drug Abuse Prevention (ADAP) and the Office of Tobacco Prevention and Education (TPE) are both a part of the Arkansas Department of Health. The Director of the Arkansas Department of Health is the state's designated representative to the Association of State and Territorial Health Officers and is the direct supervisor of the Director of Alcohol and Drug Abuse Prevention, who is the designated representative of the Single State Agency. As is described in item 3 above, TPE, through a memorandum of agreement with ADAP, has been responsible for coordinating all activities related to the Synar requirement. Joint planning and training activities are conducted and TPE continually updates ADAP on tobacco control and prevention issues. ADAP is making technical assistance available to TPE through CSAP and will continue to enhance the efforts of all interested parties in the state to reduce the level of underage tobacco access. TPE is responsible for the oversight of the Master Settlement Agreement (MSA) funds.

All ADAP grantees both Prevention and Treatment commit in the assurances of

their grant to provide assistance to the PRCs in the Synar effort if requested. This could mean providing an adult to drive the youth to conduct inspections, identifying appropriate youth, etc.

ADAP and Arkansas Tobacco Control Board (ATCB) staff have a positive working relationship. As a result of the Synar requirements for vending machine inspections, ATCB implemented a requirement for vending machine owners to identify the location of vending machines effective July 1, 2001. As a result, this year's Synar effort is the first time that we have had known addresses for vending machine inspections.

ADAP has supported the Director of ATCB attendance at national Synar-related meetings and ATCB staff attend the annual Synar training provided by ADAP/TPE. When ATCB has hearings related to underage sales violations, ADAP staff attend the ATCB meetings. As an "interested outsider," our presence appears to have a marked impact on the Board's decisions regarding dispensation of the violations. During this SFY, ADAP provided ATCB with a Spanish version of the no sales to minors signs. ATCB included both the English and Hispanic version with the June renewal notices mailed to merchants.

5. In 2-3 pages, list and describe all the State's activities to enforce the State youth access to tobacco law(s) in FFY 2002. Such activities may include statewide and/or targeted enforcement activities.
  - If enforcement of youth access laws is carried out by local law enforcement agencies, provide a detailed summary of local enforcement activities to verify the enforcement is taking place.
  - Include an estimate of the number and types of penalties that were imposed for violation of access laws and policies, and whether these penalties were assessed against owners, clerks, or youth. Examples of penalties include citations, warning letters, public listing of violators, etc.
  - Provide a summary of the final disposition of citations. Example(s) of final disposition include fines that were assessed and collected, licenses that were suspended or revoked, dismissals, etc.
  - Describe additional activities conducted to support enforcement and compliance with State tobacco access law(s). Additional activities may include merchant education, community education, media use, and community mobilization by statewide and/or local community-based coalitions and/or other State agencies.

### **ARKANSAS RESPONSE:**

Various groups in Arkansas actively conduct targeted and general inspections in geographic areas. These groups include the Arkansas Tobacco Control Board, Arkansas Alcohol Beverage Control & Enforcement (ABC), Arkansas Department of Health/Tobacco Prevention & Education Office (for Synar) and local/county

police agencies.

ACA 5-27-227 provides for 5 entities that can perform compliance checks:

- (1) An officer having authority to enforce the provisions of this section'
- (2) An employee of the AR Tobacco Control Board or a prosecuting attorney;
- (3) An authorized representative of a business acting pursuant to a self-compliance program designed to increase compliance with this section;
- (4) An employee or authorized representative of the AR Department of Health
- (5) An employee or authorized agent of a governmental agency authorized to enforce or ensure compliance with the provisions of this section.

Inspections and compliance monitoring of tobacco retail outlets have occurred throughout the state under the following situations: as a convenience to the investigator(s); as a random sample (Synar); as a follow-up to reported violations; and as an official inspection. Notification of vendors, even if no enforcement effort is involved, has also occurred.

Graduated fines/penalties are subject to be imposed on any person or merchant who is selling, giving or distributing tobacco to a minor. Act 1951 allows the Arkansas Tobacco Control Board to levy fines as well as suspension of tobacco permits for businesses determined to be selling tobacco to minors. Local law enforcement offices can also issue fines to stores and clerks for illegal sales. Fines to merchants are as follows: 1<sup>st</sup> violation is up to \$250; 2<sup>nd</sup> is up to \$500 and 2 day suspension of the permit; 3<sup>rd</sup> is up to \$1,000 and 7 day suspension of the permit; 4<sup>th</sup> is up to \$2,000 and 14 day suspension of the permit; and 5<sup>th</sup> offense can be up to \$2000 and revocation of permit. All violations are within a 48 month period. Provisions allow merchants to present affirmative defenses.

In the last legislative session it became a criminal offense for a clerk to sell to an underage minor and because ATCB agents are now commissioned, clerks who sell to minors are adjudicated through the local courts and penalties may be more than \$100. While this appears to be a strong step, there are difficulties in that process due to the fact that judges are often not concerned enough about the violation to levy a fine.

The Arkansas Tobacco Control Board (ATCB), created by Act 1337 of 1997, began operating July 1, 1997. This board licenses retail tobacco outlets throughout Arkansas and has the authority to suspend licenses of outlets in violation of Act 543 of 1991 for selling tobacco to minors. The board has the power to suspend licenses of retailers in violation of state laws concerning tobacco sales. If the ATCB conducts an inspection and finds a violation occurred, the Board will issues an offer of settlement which includes a fine subject to

approval by the Board. The merchant may request an Administrative Hearing rather than accepting the fine. Hearings are held during the monthly Board meeting.

The State of Arkansas in April, 1999, enacted Act 1331 which prohibits the possession of tobacco and tobacco products by minors. The consequence is a confiscation and does not entitle a law enforcement official to search the minor.

On a few occasions, local media have a public list of stores reported to be out-of-compliance with state law, especially when one municipal court judge fined violators \$100 each plus court costs. Public listing of vendors who violated has not been a standard practice for local efforts but are included on the ATCB website for violations of official state inspections.

Due to delays in the disbursement of MSA funds to ATCB and time required for hiring and training new agents, only two new agents went to work in SFY 2002. While these two agents were responsible for compliance checks re: underage sales, they were only active for one month during the SFY upon which the data (below) is reported. ATCB plans to hire six additional agents during SFY 2003. It is expected these agents will be trained and in the field conducting compliance checks by the end of March, 2003.

**Sales to minors violations for SFY 2002:**

During SYF 2002 (July, 2001-June, 2002) ATCB conducted 222 Underage Compliance Checks with the following results:

40 stores with first offense violations & fines @\$250 each: \$10,000

0 Vending Machine Inspections

45 stores cited for not having sales to minors signs posted at each register

4 received warnings

41 fined (@ \$100 each) \$4,100

Total of Fines \$14,100

By law, stores are required to prominently display signs that read: "It is a violation of the law for cigarettes or other tobacco products to be sold to or purchased by a person under the age of 18." Stores who do not post this sign are fined.

The Regional Prevention Resource Centers are required to provide merchant education in their regions to assist with reducing sales of tobacco to underage youth. Also, each region may choose to have the list of merchants who did not sell to youth during the Synar checks reported in their local paper to recognize and congratulate those who were in compliance with the law.

The American Cancer Society in Arkansas is active with community mobilization and education and network with ADAP and PRC staff. They provide training in the Communities of Excellence in Tobacco Control. Also, through the MSA Tobacco Prevention Education supports various grants for local prevention efforts and ADH's Hometown Health Initiative is coordinating and promoting tobacco coalitions throughout the state of Arkansas.

The following question pertains to the sampling methodology used by the State to meet the requirements of the Synar Regulation to measure State compliance with youth access to tobacco law.

6. In 2-3 pages, describe the sampling methodology used by the State to conduct random, unannounced inspections. Include in the description the following information:

Sampling design and methodology

Did the sampling methodology change from the previous year? If so, indicate the following.

- what changes were made
- why the changes were necessary
- when the changes occurred

Describe the source(s) and quality of the sampling frame.

- the date when the sampling frame was last updated,
- the procedures used to insure that the addresses of tobacco outlets on the sampling frame are accurate,
- the criteria used to determine accessibility of outlets to youths,
- the methods used to verify that outlets identified on the sampling frame actually do sell tobacco,
- the methods used to locate tobacco outlets that were not on the sampling frame,
- the accuracy of the frame: the percentage of the sampling frame that included outlets that actually sell tobacco and had accurate addresses,
- the coverage of the frame: the percentage of all tobacco outlets in the State that were actually included on the sampling frame.

Describe the random selection process.

- the geographic unit used for sampling,
- the procedures used for selecting the sample of geographic sampling units,
- the method used for selecting outlets from within each sample geographic sampling unit,
- the original sample size, minimum number of required inspections, and final sample size; and explain how they were determined,
- if applicable, explain the difference between the original sample size and the final sample size; and indicate whether the final sample is representative of the distribution of tobacco outlets in the State.

Describe how replacement outlets and non-completed inspections were handled. Provide a complete tally of non-completed inspections that include:

- the number of inspections that were not completed because the outlets were ineligible,
- the number of eligible but non-completed inspections.

### **ARKANSAS RESPONSE:**

The sampling methodology did change from the previous year. We worked with Dr. Lorraine Porcellini, CSAP Consultant, to develop a cluster sampling methodology.

The sample frame consists of the Arkansas Tobacco Control Board's list of all tobacco retail permit holders in the state of Arkansas as transmitted to the Health Department on May 8, 2002. The list includes all tobacco permit holders in the state of Arkansas. There are no outlets, which can legally sell tobacco in Arkansas, that are not on the list. The Sampling Frame only includes outlets that have retailer's permits. The Arkansas Tobacco Control Board updates the Sample Frame annually. The frame is free of duplicates, and errors found from previous inspections have been corrected. The Sample Frame suffers from *overcoverage*, which means that some outlets listed on the frame no longer sell tobacco or are out of business. Outlets found to be out of business or not selling tobacco in previous studies have been deleted from the sampling frame. The sample size has been inflated to correct for non-response rate due to outlets no longer in business or not selling tobacco and design effect.

The Arkansas Department of Health conducted a **two-stage cluster sample** in order to select outlets for the FY2002 Synar inspection. **The Primary Sampling Unit was county.** Arkansas **selected 25 PSUs.** In the second stage of sampling, retail outlets were chosen from the selected counties.

The number of outlets in each county varies greatly, e.g. Pulaski County has 648

outlets and Calhoun County has 13 outlets. Because of this variance, we are conducting **Probability Proportional to Size (PPS) sampling**. PPS sampling allows the design to have clusters of unequal size, achieve an equal probability of selection for each outlet, and have an equal final sample size per PSU.

The sample was taken from the **Arkansas Tobacco Control Board's** list of all tobacco sales permit holders. The list contained retail permits as well as wholesale permits. Only retail permit holders were selected for the sample. The total number of outlets on the list was **5077** outlets. Using this total number of outlets, a non-response rate of 25%, a 95% One-Sided Confidence Interval of 3%, and inflation for design effect of 2.0, an adequate sample size of **1172** outlets was calculated in an Excel program written by Dr. Lorraine Porcellini.

**Five PSUs were recognized as self-representing strata.** Self-representing strata had to have a population of outlets sufficiently large enough to warrant self-representation. Because they were self-representing, these PSUs were selected with certainty for the sample. **These counties were considered as separate strata.** Outlets were sampled directly from these counties using a stratified one-stage design. Since these counties account for approximately 31.1% (1,579/5077) of the population, 31.1% of the sample was selected from these counties for a total of 365 outlets (.311 x 1172).

In selecting **20 counties** for the first stage of the Non-self representing strata (nsr). We needed to have **40 outlets/PSU** because we were selecting 807 outlets from 20 PSUs and  $807/20=40.4$ , which is rounded down to 40. A problem with selecting 40 outlets per PSU was that **29 counties had fewer than 40 outlets**, and it was necessary that every PSU have a size larger than 40. So, counties, which had fewer than 40 outlets, were combined. Counties were combined first on geographic proximity to one another and second on the number of outlets in the county. The combinations resulted in a universe of 47 non-self representing county units from which to select the sample.

Once every PSU was assured of having a size of 40 outlets or larger, the PSUs were stratified. Four geographic regions stratified the PSUs: North West, North East, Central and South. These regions had very similar percentages of outlets: Northwest=25%, Northeast=25%, Central=23% and South=27%. Stratifying the PSUs decreases the chances that the sample will consist of counties with entirely or largely one population element.

An SPSS program developed by Dr. Lorraine Porcellini was used to randomly select the 20 of the 47 non-self-representing (nsr) county groups. These, plus the five self-representing counties make up the 25 PSUs needed for the first stage of sampling. There are a total of 3,498 outlets (69% of the universe in the

nsr counties). To obtain the remainder of the sample (1172-365=807 outlets), 40 outlets were selected from each nsr PSU for a total of 800 outlets in the nsr counties, making the total sample size 1166 outlets.

Once the 20 nsr PSUs were selected, it was necessary to select 40 outlets from each PSU. Dr. Porcellini provided an SPSS program, which randomly selected 40 outlets from each county. Since it only selected for one PSU at a time, this program had to be run 20 times. Another SPSS program was used to randomly select 365 outlets from the Self-Representing Strata.

**Sample Size Determination: What were the original sample size and the final sample size? How were replacements or non-completed inspections handled?**

The sample size for FFY 2002 was determined by TPE after consultation with Lorraine Porcellini a statistical consultant from Temple University hired by CSAP to help develop the sample methodology for the Arkansas Synar inspection. The original sample size was 1172 outlets, with approximately 10 percent of that sample designated for inspection of vending machines. A 25 percent margin of error was built into the sample set to compensate for errors and "out of business" locations found in the set. A final sample size of 1166 retail outlets was the end result, well within the allowances of the original sample design. Since replacements were already compensated for in the sample size determination, no additional outlets were required to be added later, once the inspections had begun.

To calculate the sample size, formulas using the relationship between sample size and standard error were used in an excel spreadsheet.

The variables used in these calculations were:

Population	5077	outlets
Estimate	.20	(target noncompliance rate)
Non-response	.25	(attrition + no contact, this was determined based on response)
		Rates from the 1999 and 2000 Synar Studies)
Confidence level	1.645	(95% confidence level, one-sided)
Tolerable Error	.03	(T.E. =C.L*Standard Error, this allows a 3% error)
Design Effect	2.00	(Design var/Simple Random Sample var)

Using the values, which we have set for the Confidence Level and Tolerable Error, the Standard Error can be calculated by using the formula:

S.E. = Tolerable Error/Confidence Level  
S.E. = .03/1.645  
S.E. = .018237082

Once we have calculated an S.E., we can then calculate a sample size by using the formula  $S.E. = \text{sq.rt.}[\{(estimate*(1-estimate))/n\}]$  to solve for n.

$n = (estimate * (1-estimate))/(S.E.)^2$   
 $n = (.20*.80)/(.018237082)^2$   
 $n = (.16)/(.000332591)$   
 $n = 481$

The Finite Population Correction the changes n.

$n' = n/(1+n/population)$   
 $n' = 481/(1+481/5077)$   
 $n' = 439$

To correct for Non-Response n' is inflated using the formula:

n inflated for NR =  $n'/(1-\text{nonresponse rate})$   
n inflated for NR =  $439/(1-.25)$   
n inflated for NR = 586

Then, the sample size was inflated to account for design effect using the formula:

n inflated for deff =  $(n \text{ inflated for NR})(deff)$   
n inflated for deff =  $(586*2.0)$   
n inflated for deff = 1172

Using these variable and formulas a sample size of 1172 is determined to be adequate for the Arkansas 2002 Synar Study. Rounding to integer numbers in each PSU resulted in a loss of 6 to give a final sample size of 1166.

### **Vending Machines.**

Narrative: Form 1 (attached) shows the total number of outlets and vending machines sampled. In previous years records for vending machine locations did not exist, and an experimental vending machine sample design (approved by CSAP) was employed to inspect vending machines in Arkansas. Beginning in FFY 2002, the ATCB required that vending companies furnish a list of machines and their physical locations; hence an accurate list of vending machine locations is

readily available. The vending machine list was joined with the over-the-counter list and sampling was done without regard to permit type, using the same PPS sampling design used in 2001 with over-the-counter permits. Hence, vending machines were sampled and checked with the same probability as over-the-counter locations. A large portion of vending machines are located in restricted areas such as employee lunch rooms and night clubs and thus are not eligible to be inspected.

The following question pertains to the random sample survey required by the Synar Regulation to measure State compliance with youth access to tobacco laws.

7. In 3-5 pages, report the complete results of the inspections conducted for the Synar survey during the FFY 2001. Report the unweighted and weighted retailer violation rates, including the corresponding standard error, and the confidence interval for the weighted reported retailer violation rate. Provide all supporting tables, formulas, and values used to calculate the final weighted retailer violation rate.

### **ARKANSAS RESPONSE:**

The **unweighted violation rate** is 97 violations/862 inspections, which equals **11.3%**, and the **weighted violation rate** is **11.2%**, see Form 2.

### **Non-Response Outlets**

For the year 2002, Arkansas had an initial sample size of 1166. Seventy sites were not checked. Twenty could not be located and the vending machines could not be located in an additional 10 sites. Sixty-one locations were no longer in business and 46 sites no longer sold tobacco or their vending machine was out of order. Eighty-two sites were restricted to members, employees, or adults. The remaining 877 locations were deemed eligible and inspections were conducted using the retail outlet protocol. Of the retail inspections, 97 were violations, 765 were attempted buys refused by merchants. Inspections were not attempted at the remaining 15 locations for reasons given in Form 2. The proportion of eligible sites in the sample was 75.2%, very close to the value of 75% used in the sample size calculations. Because of the accommodation of ineligibles in the sample size calculations, there was no need for a reserve supplemental sample.

### **Calculating SE and CI.**

The standard error was calculated using formulae S5.3 and S5.4 of the Synar Regulation: Sample Design Guidance on the data of FORM 2.

The Confidence Limit was calculated using the following formulas.

Individual strata variances were calculated from the standard binomial formula  $p*(1-p)/n_2$ , where  $p$  is the unweighted retailer violation rate (col 7) and  $n_2$  is the number of outlets inspected (col 5).

The finite population correction  $(N'-n_2)/N'$  was applied to each stratum variance, where  $N'$  is the estimated number of eligible outlets (col 8) and  $n_2$  is the number of inspected outlets (col 5):

The total variance is then the sum of products of the square of the relative weight (col 9), the stratum variance, and the finite population correction. The standard error is the square root of the total variance. Applying these formulae to FORM 2 gives a total variance of 0.000078298, a standard error of 0.00885, and a one-sided 95-percent confidence interval of 0.01456.

The upper limit of the compliance rate is then  $11.2\% + 1.46\% = 12.7\%$ . This is well under the target compliance rate of 20%.

## **FORM 1**

Complete Form 1 to calculate the unweighted retailer violation rate using results from the current year's Synar survey inspections.

### **Instructions for Completing Form 1 for the FFY 2003 Synar report:**

1. In the top right hand corner of the form fill in the name of the State for which information being provided.
2. Provide information for each geographic sampling unit on one line across the page. Make copies of the form if needed and continue to number sequentially.
3. Column 1: Write in category of geographic sampling unit used. Indicate the percent of the total State population under 18 residing in each geographic sampling unit. The U.S. Census Bureau 2000 data was released July 2001. (For assistance call the U.S. Census Bureau's Customer Service Center at 301-457-4100). All geographic sampling units in the State must be listed in Column 1.
4. Column 2: Report number of outlets in each geographic sampling unit for both over-the-counter outlets and vending machine outlets. Vending machines must be included in the universe of outlets and the sampling frame unless: (1) previously discussed with and approved by SAMHSA in the design of the State's sampling methodology, or (2) the State verifies that no vending machines exist in the State or that vending machines are inaccessible to minors.
5. Column 3: Report in column 3 on only those geographic sampling units in which

random, unannounced inspections were conducted.

- (a) Provide the number of over-the-counter (OTC) outlets **randomly** inspected in the geographic sampling unit during the FFY.
  - (b) Provide the number of vending machines **randomly** inspected during the FY.
  - (c) Provide the total number of outlets **randomly** inspected-- columns 3(a) plus 3(b).
6. Column 4:
- (a) Enter the number of OTC outlets found in violation of the law during **random** inspections in the geographic sampling unit during the FFY.
  - (b) Enter the number of vending machines found in violation of the law during **random** inspections in the geographic sampling unit during the FFY.
  - (c) Enter the number of total OTC and vending machines found in violation of the law during **random** inspections in the geographic sampling unit during the FFY--columns 4(a) plus 4(b).
7. Row Totals:
- (a) For columns 2 and 3, provide totals on the last page after data for all geographic sampling units are entered.
  - (b) For each sub-column in 4, provide totals for the State **as a whole** on the last page.

**FORM 1**

**Summary of Tobacco Inspections Results by State Geographic Unit**

**State ARKANSAS**  
**FFY 2003**

(1)			(2)			(3)			(4)		
			NO. OF TOBACCO OUTLET POPULATION			NO. OF OUTLETS RANDOMLY INSPECTED IN FFY			NO. OF OUTLETS FOUND IN VIOLATION DURING RANDOM INSPECTIONS		
No.	Geographic Sampling Unit	Percent of Youth Under 18	(a) Over-the Counter (OTC)	(b) Vending Machines (VM)	(c) Total Tobacco Outlets (2a+2b)	(a) Over-the Counter (OTC)	(b) Vending Machines (VM)	(c) Total Tobacco Outlets (3a+3b)	(a) Over-the Counter (OTC)	(b) Vending Machines (VM)	(c) Total Tobacco Outlets (4a+4b)
1	Northwest	19.1%	852	30	882	146	0	146	3	0	3
2	Northeast	18.8%	861	7	868	160	0	160	15	0	15
3	Central	17.5%	772	32	804	153	3	156	19	2	21
4	South	14.8%	907	37	944	145	0	145	19	0	19
5	Garland	2.8%	182	62	244	37	7	44	3	5	8
6	Jefferson	3.3%	180	31	211	27	2	29	2	0	2
7	Pulaski	13.5%	547	101	648	105	6	111	19	3	22
8	Sebastian	4.4%	205	36	241	34	1	35	1	1	2
9	Washington	5.8%	218	17	235	35	1	36	5	0	5
	TOTAL	100%	4724	353	5077	842	20	862	86	11	97

TOTALS (LAST PAGE ONLY)

## **FORM 2**

Complete optional Form 2, if necessary, to calculate the weighted retailer violation rate. This table is designed to assist the State in accounting for ineligible outlets and incomplete inspections encountered during the annual Synar compliance survey. If a table or method other than optional Form 2 is used, describe in detail the process and procedures used to calculate the final weighted rate, and include all formulas and calculations.

### **Instructions for Completing Form 2 (Optional) for the FFY 2003 Synar report:**

- Column 1: Write in the name of each stratum into which the sample was originally divided. This will match the category of geographic sampling unit reported in Column 1 of Form 1.
- Column 2: Report the original population estimate of outlets in each stratum (includes ineligible outlets). These should match the numbers reported in Column 2(c) of Form 1.
- Column 3: Report the original sample size (the number of outlets originally selected) for each stratum.
- Column 4: Report the number of sample outlets that are found to be eligible during the inspections (i.e. open and selling tobacco) for each stratum. Note that this number must be less than or equal to the number reported in Column 3.
- Column 5: Report the number of sample eligible outlets that were inspected in each stratum. 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 3(c) of Form 1.
- Column 6: Report the number of inspected outlets that failed inspection in each stratum. These numbers should match the numbers reported in Column 4(c) of Form 1.
- Column 7: Form 2 will automatically calculate the unweighted retailer violation rate. This is calculated by dividing the number of inspected outlets that failed inspection by the number of sample eligible outlets. The overall unweighted retailer violation rate will be indicated in the Total row of Column 7.
- Column 8: Form 2 will automatically calculate the adjusted outlet population estimate based on the number in the sample found ineligible. This calculation is made by multiplying the original population estimate of outlets times the number of eligible outlets divided by the original sample size. Note that these numbers will be less than or equal to the numbers in Column 2.
- Column 9: Form 2 will automatically calculate the relative stratum weight by dividing the adjusted outlet population estimate by the total of the values in Column 8.
- Column 10: Form 2 will automatically calculate the weighted retailer violation rate by multiplying the unweighted retailer violation rate by the relative stratum weight. The overall weighted retailer violation rate will be shown in the last row of Column 10.

**FORM 2 (OPTIONAL)**

**Calculation of Weighted Retailer Violation Rate**

**State ARKANSAS**  
**FFY 2003 2003**

(1) Stratum (Geographic Sampling Unit)	(2) N Original Estimate of Outlet Population in Stratum	(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) $p=x/n2$ Unweighted Retailer Violation	(8) $N=N(n1/n)$ Adjusted Outlet Population Based on Number in Sample Found Ineligible	(9) $w=N=Total$ <b>Column 8</b> Relative Stratum Weight	(10) <b>pw</b> Weighted Retailer Violation Rate
Northwest	882	200	146	146	3	0.021	643.9	0.169	0.003
Northeast	868	200	161	160	15	0.094	698.7	0.183	0.017
Central	804	200	158	156	21	0.135	635.2	0.166	0.022
South	944	200	151	145	19	0.131	712.7	0.187	0.024
Garland	244	58	45	44	8	0.182	189.3	0.050	0.009
Jefferson	211	49	32	29	2	0.069	137.8	0.036	0.002
Pulaski	648	149	112	111	22	0.198	487.1	0.128	0.025
Sebastian	241	56	36	35	2	0.057	154.9	0.041	0.002
Washington	235	54	36	36	5	0.139	156.7	0.041	0.006
<b>Total</b>	<b>5077</b>	<b>1166</b>	<b>877</b>	<b>862</b>	<b>97</b>	<b>0.113</b>	<b>3818.6</b>	<b>1.000</b>	<b>0.112</b>

- N - original population estimate of outlets in stratum (includes ineligible outlets)
- n - original sample size (number of outlets in sample)
- n1 - number of sample outlets that are found to be eligible (i.e. open and selling tobacco) (n1#n)

- n2 - number of sample eligible outlets that were inspected ( $n2 \neq n1$ )
- x - number of inspected outlets that failed inspection ( $x \neq n2$ )
- p - unweighted retailer violation rate ( $p = x/n2$ )
- N= - adjusted population estimate based on number in sample found ineligible ( $N = N * n1/n$ ,  $N \neq N$ )
- w - relative stratum weight ( $w = N = / \text{Total Column 8}$ )
- pw - weighted retailer violation rate

**FORM 3**

Complete Form 3 to show the distribution of outlet inspection results of attempted and successful buys by age and gender.

Complete the appropriate columns in Form 3 ensuring that the numbers match the totals reported in Form 1, optional Form 2, and the retailer violation rate reported in the text. If the totals do not match, explain any discrepancies among data presented in Form 1, Form 2 (Optional), Form 3, and the weighted retailer violation rate reported in the text. Also note that the categories for reporting the age of the youth inspectors have changed from previous SAPT BG applications.

Using the following form, enter the number of Attempted Buys conducted by buyer age and gender, in column a and the number of “Successful Buys” in column b. If the age and/or gender of the buyer is not known, then include those inspections in the “Other” category in row 3.

<b>Synar Survey Inspections</b>		
		State <u>ARKANSAS</u>
		FFY <u>2003</u>
Male	a. Attempted Buys	b. Successful Buys
14 yrs	93	5
15 yrs	352	31
16 yrs	105	22
17 yrs	4	0
18 yrs	0	0
<b>1. Subtotal</b>	<b>554</b>	<b>58</b>
Female	Attempted Buys	Successful Buys
14 yrs	3	0
15 yrs	209	28
16 yrs	96	11
17 yrs	0	0
18 yrs	0	0
<b>2. Subtotal</b>	<b>308</b>	<b>39</b>
<b>3. Other</b>		
<b>4. Total</b>	<b>862</b>	<b>97</b>

8. Describe the protocol for conducting random, unannounced inspections. Ensure the following specific items are addressed in your description.
- Have any changes been made in the inspection protocol from the previous year?
  - Indicate the start and end dates of the Synar inspections conducted during the current reporting period and whether the dates are different from previous years.
  - Describe the methods used to recruit, select, and train youth inspectors and adult supervisors.
  - Describe the inspection methodology used. (e.g., consummated or unconsummated buys, instructions for carrying and showing identification, team composition and whether an adult monitor enters the outlet with the youth inspector, time of day inspections are conducted, compensation for the minors, data collection procedures, etc).
  - Besides what is specified in the State youth access tobacco law, explain whether the State has other legal or procedural requirements regarding how inspections are to be conducted (i.e., age of minor, time of inspections, training that must occur)?
  - Describe specific legal or procedural requirements the State has instituted to address the issue of minors immunity when conducting inspections.
  - Describe specific legal or procedural requirements the State has instituted to address the issue of child safety.

### **ARKANSAS RESPONSE:**

No changes have been made to the over-the-counter inspection protocol since the last application. Due to new Alcohol Tobacco Control Board regulations this is the first year to know actual locations of vending machines. The inspection protocol for vending machines changed to the following:

#### **2002 Arkansas Vending Machine Inspection Protocol**

1. The adult volunteer will locate and drive the youth volunteer to the retail outlet designated for vending machine inspections.
2. Youth volunteer is to enter establishment and seek out vending machine. If cannot find vending machine, youth volunteer is to ask attendant where vending machine is located.
3. Upon encountering vending machine, youth volunteer is to purchase tobacco from the vending machine unless attendant questions the youth volunteer.
  - If asked about his/her age, the youth volunteer will respond with his/her actual age and unless told by the attendant that they cannot purchase, the youth volunteer will proceed to purchase the tobacco from the vending machine.
  - If told they cannot purchase, the youth will leave the outlet.
4. Once the youth volunteer has completed the purchase, the youth volunteer

will exit the outlet, return to the car, give the cigarettes and provide necessary information to the adult volunteer to complete the inspection form.

The Regional Prevention Resource Centers (PRC's) were trained on May 14, 2002 at ADAP. The compliance checks began immediately after the PRC's trained youth inspectors and adult supervisors. The compliance checks were to be completed and submitted to Office of Tobacco Prevention & Education no later than July 3, 2002. The training and compliance checks were conducted approximately in the same time frame as the previous year.

The PRC's recruit youth inspectors and adults from each of their Regions at the county and local level. Also, they recruit and obtain youth from ADAP grant funded programs located in their regions. Many of our grantees have youth ages 15 and 16 available to assist with conducting the compliance checks. Once the appropriate number of youth and adult supervisors are selected, the PRC's train all the youth inspectors and adult supervisors on the inspection methodology and protocol for conducting the compliance checks.

All minors must have a parent/legal guardian sign a consent release form authorizing their participation in the compliance checks. All youth inspectors and adult supervisors sign a form indicating they have received training to conduct the random, unannounced inspections. The PRC's maintain the training signature and parental authorization forms on file. ADAP provides each accompanying adult a letter authorizing their involvement with the Synar compliance checks during the specified period of time for Synar.

The adult supervisors and youth were given a list of outlets (including the addresses and phone numbers) to inspect in their region along with an ample supply of data collection forms. Adult drivers drove minors to selected outlets where minors entered the store and asked the clerk or merchant for a pack of cigarettes or spit/chew tobacco. For vending machines, youth attempted to purchase without asking for change from the clerk or merchant. After the attempted purchase, the minor returned to the car and provided the adult with the information for the data collection form. If tobacco was purchased, that evidence was marked with the store name and date/time of the purchase. After completing all surveys in their areas, adults returned all forms and tobacco products to the PRC who, in turn, delivered this to the office of Office of Tobacco Prevention and Education. Monitoring was not done with the purpose of citing stores that violate the law, although results were made available to the ATCB, who placed these merchants on a priority list for official inspection. A letter from ADAP/TPE is sent to all outlets who were inspected. The outlets that did not sell tobacco to minor were sent a letter commending them for being in compliance with the tobacco laws and refusing to sale tobacco to minors. Outlets that sold tobacco to a minor were sent regret letters informing them of being out of

compliance with the laws and reminding them of the tobacco laws.

Minors were instructed not to carry their I.D.s into the store with them and to state their actual age if asked. No adults conducted the in-store/over-the-counter or vending machine purchase attempt portion of any survey. Adults recruited, trained, drove and completed the necessary paperwork.

The PRC's do not have adequate resources in their budget to compensate the youth for their time. The PRC does provide lunch, snacks and other incentives that an individual PRC may be able to obtain from the community. ADAP purchased and distributed t-shirts to the PRC's for the youth and adult volunteers for the FFY 2002 year.

Arkansas does not have any legal or procedural requirements regarding how inspections are conducted; however, the state law does limit who can conduct inspections (Arkansas Tobacco Control Board, an authorized agent of the Arkansas Department of Health, Arkansas State Police, and local law enforcement officials). ADAP provides adults accompanying the youth with a letter authorizing their involvement in these inspections during the specified period of time for Synar.

Arkansas does not have any legal or procedural requirements regarding minor's immunity when conducting inspections. The procedure has been a parental decision on whether or not they will allow and authorization their child to testify in future administrative or court proceedings concerning these operations. To date, there have not been any cases in which administrative or court hearing or court proceeding have been held as a result of Synar inspections.

Notifications of non-compliance are sent to the ATCB after the compliance checks are conducted. The ATCB gives priority consideration of conducting official inspections on those outlets that are reported from Synar as being out of compliance with the tobacco laws. Due to their limited resources to enforce the law throughout the entire state, this information assists their agents to target outlets who are reportedly not complying with the tobacco laws.

Arkansas does not have any legal requirements regarding issue of child safety. The procedural requirement is that if the selected location is unsafe and/or youth under the age of eighteen (18) or twenty-one (21) are not permitted to enter the location then the check should not be conducted. In such cases, the reason the location was not inspected is noted on the survey form.

## **SECTION II**

### **FFY 2003 (Intended Use):**

In 2-5 pages, describe the State's plans to achieve the interim target rate for FFY 2003 (Part 96.130 (e) (4)). Ensure the following specific items are addressed in your description of activities and/or changes that are planned.

- Sampling methodology.
- Inspection protocol.
- Legislative actions and/or regulatory changes.
- Law enforcement.
- Activities that support law enforcement such as, merchant education, community education, media use, community mobilization.

### **ARKANSAS RESPONSE**

#### **Sampling methodology/Inspection Protocol:**

The sampling methodology and protocol for FFY 2002 did not change from the previous year although there was a necessary "adjustment" relative to vending machines. Because of a new regulation effective July 1, 2001, the Arkansas Tobacco Control Board (ATCB) now requires the permit holder to identify the location of the vending machine. This allowed us to include vending machines in our sampling plan rather than having to rely on a sampling of over-the-counters (OTC) to use as a "start point" from which to search for vending machines.

Staff turnover occurred during this FY. The staff assigned the Synar responsibility drew the sample and delivered the training and inspection assignments to the PRCs prior to leaving the agency. The inspections were completed by the PRCs as planned. ADAP attempted to rehire, but was not successful and as a result ADAP sought assistance from ADH's Health Statistics to analyze the data. In order to complete this task, they consulted with the prior staff about the sampling plan, etc. Their having to pick up in the middle of a project was challenging and as a result Health Statistics has suggested making an adjustment to how the Primary Sampling Units (PSU) are organized for the next year's sampling plan. We will need to discuss this with and get approval from our Project Officer prior to beginning plans for next year's effort.

#### **Legislative actions and/or regulatory changes:**

The Arkansas Board of Health was not successful in last year's attempt to pass regulations that would ban smoking in restaurants.

ATCB is working with other state and federal agencies to solve the problems relating to Internet/Media Sales. While they have no answers, this issue will be put forth in the next legislative session. Internet/Media Sales not only result in lost revenues to the State, businesses in AR are complaining about losing sales to these unregistered and unlicensed entities selling illegally into our State. In addition, Internet/Media sales allow for easier access to cigarette and tobacco products by under age minors. Without a face to face transaction there is not way to ensure only adults are purchasing and receiving these products.

### **Law Enforcement:**

Strategies for enforcing the state tobacco law include continuing to (1) report violations to the ATCB and urge civil penalties and suspension of license; (2) report violations to the City of Little Rock if the outlet is located within the city; (3) encourage media to print the results of violations and inspections; (4) encourage local action to stop sales; and (5) give recognition to those businesses which are in compliance.

Funds from the MSA are providing the ATCB with resources to support positions responsible for enforcing the underage sales of tobacco. ATCB hired two agents in June 2002 which meant they were only active for one month of that SFY. They plan to hire additional agents who should be active by March 2003. This will give them a total of nine agents addressing underage sales issues. As a result, we anticipate an increase in law enforcement efforts at the State level.

### **Activities that support law enforcement such as, merchant education, community education, media use, community mobilization.**

Merchant education conducted by the Regional Prevention Resource Centers and the AR Department of Health's Office of Tobacco Prevention and Education (TPE) will continue to be on going throughout the year. Media use has increased dramatically due to the funds appropriated from the MSA and will continue to be a vehicle for public awareness and education. In addition, the MSA funds are supporting community-level grants resulting in tobacco prevention programs and development of community tobacco coalitions throughout the state.

Describe the State's strengths and challenges it faces in complying with the Synar requirements.

Our best strengths are probably the working relationships and collaboration of several independent entities to make Synar happen. ADAP is an administrative body and does not have staff to conduct the inspections or the scientific capability required for sampling, analysis, etc. We would be hard pressed to conduct the Synar compliance checks if the PRC System had not already existed before Synar came

along. To assist our Synar efforts, ATCB imposed new regulations on merchants requiring that they identify the location of vending machines.

Initially, securing technical support from TPE proved to be an effective means for meeting the Synar obligation. The MOA with TPE worked well for several years, but when the MSA came through, they quickly became overwhelmed with pressing priorities and responsibilities. Not having the planning/implementation responsibilities for Synar housed within ADAP has now become problematic because Synar is not the priority for TPE that it is for ADAP.

The epidemiologist position supported by ADAP in the MOA with TPE was not filled and created pressures in getting this year's report completed. It is ADAP's intent to bring the epidemiologist position in house rather than continuing an MOA with TPE in the upcoming year.

Our primary challenge is not receiving additional funds to support the Synar requirements. Synar costs are borne from the 20% prevention set-aside which reduces the amount of funds available to support prevention services. ADAP and each PRC is responsible for all expenses associated with conducting the compliance checks.

The biggest challenge our agency continues to face is the risk each year of being out of compliance and having a reduction in the SAPT Block Grant budget. The SAPT is the only source of prevention funds in Arkansas. Our rate of non-compliance has varied over the years and is unpredictable.

Describe any administrative or legal constraints on regulation and enforcement.

Administrative constraints concerning regulation and enforcement exist. Several ATCB members are representatives from or allies of the tobacco industry. Members of the Arkansas Grocers and Retail Merchants Association, the Oil Marketers Association and several tobacco wholesale associations regularly attend ATCB meetings and urge support for additional regulatory or enforcement initiatives, some of which may produce additional constraints to conducting compliance inspections and/or enforcing the state law regarding suspending licenses or fining individuals who sell, distribute or give tobacco to minors.

Describe the level of public support for inspections, enforcement, and public policy efforts.

Demographic characteristics, which affect the difficulty of enforcement, include the fact that Arkansas is basically a rural state with large distances between some outlets. Conducting an inspection of a single outlet can take a great deal of mileage, time and effort. ATCB conducts inspections but is limited until fully staffed. Another difficulty is that youth who assist with compliance inspections are not always

available that reflect the demographics of youth in a particular community. In rural areas, strangers or people of a different race stand out and clerks/merchants are less likely to sell to a stranger in a small town.

During the past year, the level of support for inspections and enforcement of the law has increased due to the local prevention efforts supported by the MSA. In addition, by having two additional agents we have seen an increase in the number of underage sales violations and the number of hearings before the ATCB. Our challenge is for the Board to better uphold staff recommendations regarding the deposition of those cited violations.

## APPENDIX

### Synar Project Officer State Assignments

**Center for Substance Abuse Prevention (CSAP)**  
**Division of State and Community Systems Development (DSCSD)**  
**State and Community Systems Development Branch**

Synar Project Officer	State
Arias, Alejandro 301-443-4825 aarias@samhsa.gov	Alaska, Arizona, California, Oregon, Pennsylvania, Puerto Rico, New Mexico, Washington
Hills, Grant 301-443-2961 ghills@samhsa.gov	Arkansas, Connecticut, Kansas, Louisiana, Michigan, Nebraska, New Jersey, New York, North Carolina, Ohio, South Dakota, Tennessee, Vermont, Wyoming
McElravy, Steve 301-443-5190 smcelrav@samhsa.gov	Delaware, District of Columbia, Florida, Georgia, Idaho, Iowa, Maine, Maryland, Missouri, Montana, Nevada, North Dakota, Oklahoma, Utah
Spencer, Julia 301-443-1911 jspencer@samhsa.gov	Colorado, Illinois, Indiana, Minnesota, New Hampshire, Texas, Wisconsin
Stephenson, Carolyn 301-443-8881 cstephen@samhsa.gov	Alabama, American Samoa, Federated States of Micronesia, Guam, Hawaii, Kentucky, Marshall Islands, Massachusetts, Mississippi, Northern Mariana Islands, Palau, Rhode Island, South Carolina, Virginia, Virgin Islands, West Virginia

Last updated: 07/23/01