



ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB No 0930-0222

FFY 2022

December 2021

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OMB No. 0930-0222
Expiration Date: 06/30/2022

Public Burden Statement: An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this project is 0930-0222. Public reporting burden for this collection of information is estimated to average 18 hours per respondent, per year, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to SAMHSA Reports Clearance Officer, 5600 Fishers Lane, Rockville, MD 20857.

INTRODUCTION

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

How the Synar report helps the Center for Substance Abuse Prevention

In accordance with the tobacco regulations, states are required to provide detailed information on progress made in enforcing youth tobacco access laws (FFY 2021 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2022 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.

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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, 2021 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 2022 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, in the FFY 2022 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 2022: 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.

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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 2022 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 2022 is up-to-date and approved by the Center for Substance Abuse Prevention.
State: Arizona
Name of Chief Executive Officer or Designee: Kristen Challacombe
Signature of CEO or Designee: 
Title: SSA, Deputy Director for Business Operations Date Signed: 12/23/2021
If signed by a designee, a copy of the designation must be attached.

FFY: 2022 State: Arizona

SECTION I: FFY 2021 (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?
No
*Note that at least five cities in Arizona have raised the age of sale to 21.
 - b. Have there been any changes in state law that impact the state's protocol for conducting Synar inspections? No

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

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

*As of January 1, 2020, the City of Tucson has a tobacco retail licensing program. Enforcement was set to begin in March 2020, but was delayed due to the pandemic.

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**
Web address: <https://www.azahcccs.gov/AHCCCS/PublicNotices/>
Date published: December 27, 2021
- Posted on a state agency Web site (Please provide exact Web address and the date when the FFY 2022 ASR was posted to this Web address.)**
Web address: <https://www.azahcccs.gov/AHCCCS/PublicNotices/>
Date published: December 27, 2021
- Notice published in a newspaper or newsletter** N/A
- Public hearing** N/A
- Announced in a news release, a press conference, or discussed in a media interview** N/A
- Distributed for review as part of the SABG application process** N/A
- Distributed through the public library system** N/A
- Published in an annual register** N/A
- Other (Please describe.)** N/A

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:** Arizona Health Care Cost Containment System (AHCCCS)

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

- b. **The state agency(ies) responsible for conducting random, unannounced Synar inspections:** Arizona Department of Health Services/ Bureau of Tobacco and Chronic Disease and Arizona Attorney General's Office

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

- c. **The state agency(ies) responsible for enforcing youth tobacco access law(s):** Arizona Attorney General's Office (AGO)

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

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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). Arizona Department of Health Services/ Bureau of Chronic Disease and Health Promotion (ADHS/BCDHP)
 - b. Has the responsible agency changed since last year's Annual Synar Report? 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 N/A
 - Have a formal written memorandum of agreement Yes
 - Have an informal partnership N/A
 - Conduct joint planning activities Yes
 - Combine resources Yes
 - Have other collaborative arrangement(s) *(Please describe.)* AHCCCS has an Interagency Services Agreement (ISA) with Arizona Department of Health Services / Bureau of Tobacco and Chronic Disease, and a Memorandum of Understanding (MOU) with the Arizona Attorney General's Office.
 - 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
 - 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)). Arizona Department of Health Services/ Bureau of Chronic Disease & Health Promotion (BCDHP).
 - f. Has the responsible agency changed since last year's Annual Synar Report? 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 N/A
 - Have a formal written memorandum of agreement Yes
 - Have an informal partnership N/A
 - Conduct joint planning activities Yes
 - Combine resources Yes
 - Have other collaborative arrangement(s) *(Please describe.)* AHCCCS has an Interagency Service Agreement with Arizona Department of Health Services / Bureau of Tobacco and Chronic Disease

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- No relationship N/A

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

5. Please answer the following questions regarding the state’s activities to enforce the state’s youth access to tobacco law(s) in FFY 2021 (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. N/A
- Enforcement is conducted exclusively by state agency(ies). N/A
- Enforcement is conducted by both local *and* state agencies. Yes

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>	214	215	429
Number of <u>fin es assessed</u>	2	2	4
Number of <u>permits/licenses suspended</u>	N/A		N/A
Number of <u>permits/licenses revoked</u>	N/A		N/A
Other (Please describe.)			
• Diversion training	83	84	167
• Warrants issued	N/A	2	2
• Disposition Pending*	124	125	249
• Dismissed by Court	5	2	7

- Citations are generally taking longer to process through the Justice Courts due to delays in setting hearing dates, delays in holding diversion classes, and other logistical challenges in the court system as a result of the pandemic.

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- 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**

All Synar inspections were conducted using Food and Drug Administration (FDA) inspections protocols (with the addition of 15-year-old inspectors in some AGO-only inspections). As part of ongoing tobacco enforcement activities, some Synar survey inspections were conducted jointly with AGO inspection teams, and some were conducted by AGO-only teams. These joint and AGO-only inspections include citations to clerks and businesses at the time of inspection. However, ongoing joint tobacco inspections have resulted in consistent Retailer Violation Rates (RVR) between joint inspections with citations issued, Food and Drug Administration-only inspections with no state citations issued, and AGO-only inspections with state citations issued, indicating that any bias to results from citing at the time of inspection versus not citing at the time of inspection is minimal.

- 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. N/A**
- Enforcement is conducted only at a subset of outlets not randomly selected for the Synar survey. N/A**
- Enforcement is conducted at a combination of outlets randomly selected for the Synar survey and outlets not randomly selected for the Synar survey. Yes**

- 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? 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**

State enforcement can be combined with educational opportunities, including the state diversion tobacco education program called the Arizona Retail Tobacco Training (ARTT). The AGO, ADHS/BCDHP, and county health partners developed the ARTT curriculum and the AGO continues to update the program to reflect changing tobacco laws and available health data. AGO works closely with all 15 Arizona counties to train ARTT instructors, educate courts and prosecutors about the availability of ARTT, and provide ongoing technical assistance to all partners as necessary. Maricopa County, the largest county in Arizona by population, began offering the ARTT program in April of 2013.

Class attendance has gone from one or two defendants per class with classes held every other month to completely full classes with up to 30 attendees per class and two classes per month. ARTT is designed to serve both as a diversion option for clerks and businesses who fail inspections and as a free training resource for all Arizona tobacco retailers. County health partners in several counties have provided classes to larger groups of employees from one store or chain at the request of a local business.

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Several smaller, local chains have indicated to trainers that they send all of their new employees to ARTT as part of their new employee training. In approximately May of 2020, Maricopa County declined to continue providing the ARTT class. The Maricopa County Attorney's Office (MCAO), the prosecuting agency for the majority of youth tobacco citations, is highly supportive of the ARTT program. MCAO reached an agreement with their existing diversion services provider to provide the ARTT class on an emergency basis, and ADHS/BCDHP entered into an MOU with MCAO to continue the service through the contractor for the 2021 State Fiscal Year. Following the COVID-19 pandemic, county partners, including the MCAO contractor, have been giving ARTT presentation virtually via Zoom or similar platforms. ADHS and AGO continue to work with MCAO to develop a sustainable, effective implementation plan for ARTT in Maricopa County. ADHS and AGO collaborate to present a monthly, live, online ARTT class for voluntary participation by retailers in Maricopa County or any other Arizona retailer. To date, participants in the voluntary class have included both large chains such as 7-11 and Circle K and small businesses with a single location. Counties outside Maricopa have resumed ARTT instruction in calendar year 2021.

- **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) N/A**
- **Community education regarding youth access laws**

Tobacco inspection results are available on the public page of the Tobacco Enforcement System (TES), available at <https://mapping.countertools.org/aztes>. This webpage is shared with law enforcement, schools, parents, public health partners and others. Arizona Department of Health Services (ADHS) also has implemented digital and print media efforts to promote the statewide youth coalition efforts, Arizona Retail Tobacco Training, and the youth tobacco inspection program. i.e., <http://www.standaz.com/>. AGO now offers a class on vaping to both youth and adults as part of their education Outreach program.
- **Media use to publicize compliance inspection results**

See response above under Community Education.
- **Community mobilization to increase support for retailer compliance with youth access laws**

Youth coalitions in every county are working to establish local policies that restrict tobacco sales to youth, including engaging in community outreach and education. Since COVID-19 came into Arizona, coalitions are continuing their work, to the extent possible, via virtual means such as video conferencing, social media posts, and social media challenge participation.
- **Other activities (Please list.)**

In conjunction with many other states, Arizona has signed 13 Assurances of Voluntary Compliance with major tobacco retailers. While each Assurance of Voluntary Compliance is unique, each agreement contains certain restrictions in the retail environment and requirements for training and other practices that are designed to prevent the appeal and sales of tobacco products to minors. The Attorney General's Office (AGO), Arizona Department of Health Services (ADHS), and County partners collaborated on several efforts in FFY2021 that identified potential violations of Assurances of Voluntary Compliance that were subsequently addressed by partner businesses. The success of these interactions encourages

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county partners to increase compliance monitoring in Assurances of Voluntary Compliance locations, ultimately helping to keep tobacco enforcement at the “top of mind” for partner retailers and improving compliance with youth access laws. The Attorney General’s Office participates in several national working groups through the National Association of Attorneys General that focus on youth access to tobacco products and tobacco advertising that appeals to or targets youth. Because of this participation, Arizona is often at the forefront of identifying new concerns and developing solutions with other states, tobacco retailers and manufacturers.

AGO filed a lawsuit against JUUL in January 2020 for engaging in deceptive and unfair acts and practices. AGO alleged JUUL marketed its highly-addictive nicotine products to appeal to and target young people while misleading them on the risks associated with those products. AGO also alleged the company failed to implement appropriate protective measures to ensure its products were not sold to underage consumers. Finally, the AGO alleged that JUUL misled all consumers regarding its products’ true nicotine concentration. As part of the Consent Judgment filed in November 2021, JUUL has committed to company-wide changes to its business practices to ensure that its products will not be marketed or sold to Arizona’s youth.

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 2021 (see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).

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

If Yes, upload a copy of SSES tables 1–8 (in Excel) to WebBGAS. Then go to Question 8.

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 12.9 %

Weighted RVR 12.9 %

Standard error (s.e.) of the (weighted) RVR 1.5 %

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

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12.9	+	(1.645	×	1.5)	=	15.3%
RVR Estimate	plus	(1.645	times	Standard Error)	equals	Right Limit
Accuracy rate				86.3 %		
Completion rate				99.7 %		

- 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?**
 - **Form 2 (Optional) in Appendix A (Forms 1–5) (Attach completed Form 2.)** N/A
 - **Other (Please specify. Provide formulas and calculations or attach and explain the program code and output with description of all variable names.)** N/A
- e. **If stratification was used, did any strata in the sample contain only one outlet or cluster this year?** N/A
- f. **Was a cluster sample design used?** N/A
- g. **Report on 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)	316
Target sample size (the product of the effective sample size and the design effect)	411
Original sample size (inflated sample size of the target sample to counter the sample attrition due to ineligibility and noncompletion)	747
Eligible sample size (number of outlets found to be eligible in the sample)	645
Final sample size (number of eligible outlets in the sample for which an inspection was completed)	643

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

- 8. **Did the state’s Synar survey use a list frame?** No
- 9. **Has the Synar survey inspection protocol changed from the previous year?** 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** N/A
 - b. **Provide the inspection period:** From 06/09/2021 to 09/30/2021
 - c. **Provide the number of youth inspectors used in the current inspection year:** 27
 - 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.)*

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SECTION II: FFY 2022 (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 No
Synar inspection protocol Yes

2. Please describe the state's plans to maintain and/or reduce the target rate for Synar inspections to be completed in FFY 2022. Include a brief description of plans for law enforcement efforts to enforce youth tobacco access laws, activities that support law enforcement efforts to enforce youth tobacco access laws, and any anticipated changes in youth tobacco access legislation or regulation in the state.

The combination of the federal and state programs creates a more effective overall tobacco enforcement effort. The State of Arizona enforcement can be combined with educational opportunities, including the state diversion tobacco education program called the Arizona Retail Tobacco Training (ARTT). Federal enforcement does not include education, but penalties for repeat offenders can top \$11,000+ and can include actions such as a No Tobacco Sales Order (NTSO). Arizona had its first NTSO issued on August 19, 2020, for a Chevron in Maricopa County. A business having one violation in a joint inspection will therefore ideally obtain further education about the laws relating to the sale of tobacco products and will avoid further penalties, while businesses that continue to sell to Arizona youth will face stiff penalties that are unavailable under state statutes. This comprehensive approach to enforcement, including retailer education and holding businesses accountable for violations, is effective. The Attorney Generals' Office and FDA programs also participate in a task force aimed at improving compliance with laws regarding sales of all age-restricted products and related issues in Maricopa County. This task force assists in identifying retailers with significant compliance issues, allows for in-depth inspections of hookah lounges, and provides additional law enforcement resources to both the state and federal inspection programs. There are some early indications that there is political will for changes to youth tobacco access laws in the 2022 legislative session, though no bills have yet been proposed.

3. Describe any challenges the state faces in complying with the Synar regulation.

- **Limited resources for law enforcement of youth access laws** N/A
- **Limited resources for activities to support enforcement and compliance with youth tobacco access laws** N/A
- **Limitations in the state youth tobacco access laws**

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Arizona's Youth Access Law, A.R.S. §13-3622, sets the age for furnishing tobacco products at 18 years. The federal law changed to 21 years for lawful sale of tobacco products in December of 2019.

- **Limited public support for enforcement of youth tobacco access laws** N/A
- **Limitations on completeness/accuracy of list of tobacco outlets** N/A
Arizona does not have statewide retail licensing.
- **Limited expertise in survey methodology** N/A
- **Laws/regulations limiting the use of minors in tobacco inspections** N/A
- **Difficulties recruiting youth inspectors**
Localized issues with youth recruitment have continued to be a challenge. These issues have been addressed by transporting youth from areas with many youth inspectors to areas with fewer youth inspectors or trading youth between small towns where they may be recognized in their local retail stores.
Youth inspections were suspended in March of 2020 due to the COVID-19 pandemic. Since inspections were suspended, all inspection programs and recruitment activities through September 2020 were paused.
Once inspections resumed in June of 2021, many existing youth inspectors had turned 18 and "aged out" of participation in the program. This created a need for recruitment in every county over a very brief period of time. As a result, many of the youth inspectors were 15 years of age and gender/age balance could not be ensured.
- **Issues regarding the balance of inspections conducted by youth inspectors age 15 and under**
Due to the COVID-19 Pandemic, Synar Survey inspections could not resume until June of 2021, leaving only about three months to complete inspections that the program typically completes in approximately ten months. As a result of inspectors aging out of the program over the pandemic pause and limitations in recruitment opportunities, many of the new recruits were 15 years old. Given the shortened timeframe to complete the inspections with our small staff and large geographic area, there was not enough time to balance out any inequality in representation by younger inspectors.

Although FDA protocols allow for youth volunteers aged 18, 19, and 20, all youth inspectors were age 15, 16, or 17. Due to the shortened time frame for the completion of Synar inspections, staffing limitations, and the need to create new recruitment and on-boarding policies for inspectors aged 18 or older, no inspectors aged 18, 19, or 20 were able to be used.
- **Issues regarding the balance of inspections conducted by one gender of youth inspectors**
Due to the COVID-19 Pandemic, Synar Survey inspections could not resume until June of 2021, leaving only about three months to complete inspections that the program typically completes in approximately ten months. As a result of inspectors aging out of the program over the pandemic pause and limitations in recruitment opportunities, gender balance could not be prioritized. Given the shortened timeframe to complete the inspections with our small staff and large geographic area, there was not enough time to balance out any inequality in representation by both genders.
- **Geographic, demographic, and logistical considerations in conducting inspections**
Arizona is a large state with a lot of rural and undeveloped land. As a result, inspections

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often involve a large amount of travel time and resources for a small number of inspections. Retailers in extremely rural areas may only be inspected once every several years, leading to high localized Retailer Violation Rates (RVRs). Close coordination of Attorney General’s Office and Food and Drug Administration (FDA) is improving the consistency of inspections in more rural areas, including identifying accurately the retailers in operation in these areas.

Youth inspections were suspended until June of 2021, creating a significant logistical challenge in completing all Synar inspections before the end of September 2021.

- **Cultural factors (e.g., language barriers, young people purchasing for their elders)**
Both Attorney General’s Office and Food and Drug Administration inspectors have encountered language barriers during inspections.
- **Issues regarding sources of tobacco under tribal jurisdiction**
- **Other challenges**

Youth inspections were suspended in March of 2020, continuing through June of 2021 due to the COVID-19 pandemic, including a stop work order from FDA which began on March 19, 2020 and continued through June 2021. Once FDA inspections resumed, approved inspection locations were strictly limited to certain counties based on public health factors outside the State’s control. Synar inspections were completed in a timely manner through detailed coordination and mindful use of all available resources.

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)

Summary of Synar Inspection Results by Stratum													
State: <u>Arizona</u>													
FY: <u>2022</u>													
(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.

Calculation of Weighted Retailer Violation Rate										
										State: <u>Arizona</u>
										FFY: <u>2022</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 Relative Stratum Weight	(10) pw Stratum Contribution to State Weighted RVR	(11) s.e. Standard Error of Stratum RVR
Total										

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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.)

Summary of Clusters Created and Sampled				
State: ARIZONA				
FFY: 2022				
(1) Row #	(2) Stratum Name	(3) Number of PSUs Created	(4) Number of PSUs Selected	(5) Number of PSUs in the Final Sample
Total				

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

Inspection Tallies by Reason of Ineligibility or Noncompletion			
State: Arizona			
FFY: 2022			
(1) INELIGIBLE		(2) ELIGIBLE	
Reason for Ineligibility	(a) Counts	Reason for Noncompletion	(a) Counts
Out of business	52	In operation but closed at time of visit	2
Does not sell tobacco products	31	Unsafe to access	0
Inaccessible by youth	1	Presence of police	0
Private club or private residence	0	Youth inspector knows salesperson	0
Temporary closure	3	Moved to new location	0
Unlocatable	0	Drive-thru only/youth inspector has no driver's license	0
Wholesale only/Carton sale only	8	Tobacco out of stock	0
Vending machine broken	0	Ran out of time	0

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Duplicate	4	Other noncompletion reason(s) (<i>Describe.</i>)	0
Other ineligibility reason(s) (<i>Describe.</i>)	3		
Total	102	Total	2

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

Synar Survey Inspector Characteristics		
State: <u>Arizona</u>		
FFY: <u>2022</u>		
	(1) Attempted Buys	(2) Successful Buys
Male		
14 years	3	1
15 years	299	38
16 years	16	1
17 years	108	15
18 years	0	0
19 years	0	0
20 years	0	0
Male Subtotal	423	55
Female		
14 years	19	1
15 years	22	0
16 years	43	5
17 years	133	22
18 years	0	0
19 years	0	0
20 years	0	0
Female Subtotal	217	28
Other	0	0

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Total	643	83
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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 2021.

APPENDIX B: SYNAR SURVEY SAMPLING METHODOLOGY

State: Arizona
FFY: 2022

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 |

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Name of Frame Source	Type of Source	Description	Updating Method and Cycle
Tobacco Enforcement System (“TES”)	1	Comprehensive list of all locations inspected by AGO, Dept. of Revenue, and FDA since 2012 plus AGO list back to 2010.	Continually updated throughout the year as inspections are conducted.
New outlets from last year’s sample	6	ADHS and AGO conduct ground truthing of all Arizona tobacco retailers included in the Synar sample.	All newly identified outlets are added to TES as they are identified, typically in the field. Outlets can also be added or edited in the office.
Attorney General’s Office (AGO) List	6	This is a list of all retail locations inspected by the AGO in the current FY and historical and is incorporated in the complete TES database list.	Continually updated throughout the year as inspections are conducted.
FDA’s List	6	This is a list of all retail locations inspected by the FDA in the current FY and historically and is incorporated in the complete TES database list.	Continually updated throughout the year as inspections are conducted.
TIMS List	6	Once clusters are identified, the list of outlets from TES will be cross-checked by the FDA program with the TIMS database to ensure that there are no additional outlets in TIMS that do not currently appear in TES.	Comparison will be made on initial selection of clusters and just before each cluster is inspected.
City of Tucson List	6	List of retail locations that have applied for a tobacco retail license with the City of Tucson.	Tucson’s licensing ordinance went into effect in 2020, their most recent licensee list was cross-checked with TES in 2021. Going forward, this list will be compared to TES at least annually.
City of Flagstaff List (pending)	6	Anticipated list of tobacco retailers that apply for a tobacco retail license with the City of Flagstaff.	Flagstaff delayed implementation of their tobacco retail license due to the pandemic. Once this ordinance is implemented, their list will be added to TES in a manner similar to the Tucson list.

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

Census tracts

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

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

_____ %

*Native American Reservations and Military Bases are not included (Actual percentage is not available).

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

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

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- 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

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.)

The Tobacco Enforcement System (TES) is the database and GIS mapping tool that is utilized in Arizona to collect tobacco retailer and inspections data. The system was designed to provide a random sample of retailers for the Synar survey. The total number of outlets required to be

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inspected for the Synar survey sample is entered into the TES clustering tool. TES randomly selects census tracts that include retail tobacco outlets until the total number plus 25 percent (to allow for locations that have closed or cannot be inspected) is selected. There are 1,526 total census tracts in Arizona, so we anticipate that a random sample of census tracts will provide a more effective sample than a selection based on zip codes.

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.

The method used was simple random sample of census tracts (single stage cluster sample). All outlets are inspected within each cluster/census tract including all new outlets found in the cluster area.

FDA and AGO teams will meet to examine and divide clusters. Clusters will be assigned to either the FDA, AGO, or joint FDA/AGO team based on best use of limited resources. For example, inspections may already be planned by one team in an outlying rural area. That team would be assigned Synar inspections in that area as opposed to duplicating efforts.

Each cluster entered for inspection must be comprehensively canvassed for all tobacco outlets, which must then be inspected along with the pre-listed outlets. All outlets inspected for Synar will appear and be tracked in TES, allowing for additional in-office quality control methods such as cross-checking the Synar survey inspections list with the outlets appearing on the TES GIS map.

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 2021.

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: **12.9%**

Frame Size: **643**

Input for Target Sample Size:

Design Effect: **1.5**

Inputs for Original Sample Size:

Safety Margin: **86.3%**

Accuracy (Eligibility) Rate: **86.3%**

Completion Rate: **99.7%**

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- 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: Arizona
FFY: 2022

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:)
 - Not permitted

- d. **Youth inspectors to be compensated?**
 - Required
 - Permitted under specified circumstances (Describe: ***Most of the youth are volunteers, but on an as needed basis, we do contract with an agency to provide youth for inspections and they are paid.***)
 - 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)

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- State or local government agency(ies) other than law enforcement
 - Private contractor(s)
 - Other
- List the agency name(s): _____

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: Hookah tobacco/shisha, e-liquid or e-cigarette components as permitted under state law, any other tobacco products that qualify as prohibited products under A.R.S. §13-3622.

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

Youth are trained on these types of products and brands of products prior to conducting inspections. The FDA has designed a program training them on protocols and products and must pass with 80 percent or higher score before conducting inspections.

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

Inspectors are Food and Drug Administration commissioned officers and Special Agents from the Attorney General's Office.

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

Youth are recruited through our statewide youth coalition and other community-based youth groups such as Police Explorers. The inspection programs are promoted by local grantees and Attorney General's Office. Youth who complete the Food and Drug Administration paperwork and training are selected to be youth inspectors for all tobacco inspection programs.

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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**

No

(If Yes, please describe.)

b. **Procedural**

Yes

(If Yes, please describe.)

AGO provides a periodic statement to the FDA indicating that AGO has no intention of prosecuting youth who participate in inspections and no county prosecutors have indicated an intent to prosecute youth volunteers for tobacco purchases completed during inspections.

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**

No

(If Yes, please describe.)

b. **Procedural**

Yes

(If Yes, please describe.)

Food and Drug Administration Officers and youth inspectors receive training in safety procedures prior to commencement of inspections. Youth are instructed to not inspect any business that they perceive to be unsafe. Businesses not inspected for these reasons are documented.

Inspections conducted by the Attorney General's Office include at least one Arizona Peace Officer Standards and Training (AZPOST) certified law enforcement officer.

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**

No

(If Yes, please describe.)

b. **Procedural**

Yes

(If Yes, please describe.)

Currently, all youth inspectors must be age 15, 16 or 17 to participate in the AGO youth tobacco inspection program. The gender balance of selected youth is 50 percent female and 50 percent male. Exceptions to gender balance take place when unexpected events arise, such as the resignation of a youth inspector. Inspections occur at a variety of times during the day and days of the week including weekends. All youth inspectors are

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required to complete the Food and Drug Administration youth inspector training. Beginning in FFY2022, FDA may incorporate Underage Purchasers who are 18, 19, and 20 years old. FDA intends to use inspectors who are representative of all ages 16-20 years of age. Upon commencement of including 18-year-old and older inspectors, FDA may implement procedures such as fingerprint and background clearance for these young adult volunteers, as required by state and/or federal protocols. If the state passes a new age of sale law that both raises the tobacco purchase age to 21 and is in effect before October 1, 2022, AGO may also choose to incorporate inspectors aged 18-20 during calendar year 2022.

APPENDIX D: LIST SAMPLING FRAME COVERAGE STUDY (LIST FRAME ONLY)

State: Arizona
FFY: 2022

Not Applicable for Arizona

1. Calendar year of the coverage study: _____
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.

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- 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).