

ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB № 0930-0222

FFY 2023

State: WV

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INTRODUCTION

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

How the Synar report helps the Center for Substance Abuse Prevention

In accordance with the tobacco regulations, states are required to provide detailed information on progress made in enforcing youth and young adult tobacco access laws (FFY 2022 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth and young adult tobacco access rates (FFY 2023 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 and young adult tobacco access laws when aggregated statistical data from state Synar reports can demonstrate to the Secretary the national progress in reducing youth and young adult 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

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

with youth and young adult tobacco access laws.

Getting assistance in completing the Synar report

If you have questions about programmatic issues, you may call CSAP's Division of Primary Prevention 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 your Grants Management Specialist in the 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, 2022 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 2023 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 2023 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 2023: FUNDING AGREEMENTS/CERTIFICATIONS

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

| |
|--|
| PUBLIC HEALTH SERVICES ACT AND SYNAR AMENDMENT |
| 42 U.S.C. 300x-26 requires each state to submit an annual report of its progress in meeting the requirements of the Synar Amendment and its implementing regulation (45 C.F.R. 96.130) to the Secretary of the Department of Health and Human Services. By signing below, the chief executive officer (or an authorized designee) of the applicant organization certifies that the state has complied with these reporting requirements and the certifications as set forth below. |
| SYNAR SURVEY SAMPLING METHODOLOGY |
| The state certifies that the Synar survey sampling methodology on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2023 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 2023 is up-to-date and approved by the Center for Substance Abuse Prevention. |
| State: WV |
| Name of Chief Executive Officer or Designee: |
| Signature of CEO or Designee: |
| Title: _____ Date Signed: _____ |
| If signed by a designee, a copy of the designation must be attached. |

SECTION I: FFY 2022 (Compliance Progress)

YOUTH AND YOUNG ADULT 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 21.

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

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

Yes No

If Yes, current minimum age: 19 20 21

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

Yes No

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

Changed to require that law enforcement conduct inspections of tobacco outlets

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

Changed to require ID to purchase tobacco

Changed definition of tobacco products

Other change(s) *(Please describe.)* _____

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

Licensing of tobacco vendors Yes No

Penalties for sales to minors Yes No

Vending machines Yes No

Added product categories to youth and young adult access law Yes No

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

Placed on file for public review

Posted on a state agency Web site *(Please provide exact Web address and the date when the FFY 2023 ASR was posted to this Web address.)*

Web address:

<https://dhhr.wv.gov/BBH/about/Children%2cYouthandFamilies/Pages/Synar-Program-and-Retailer-Education-Material.aspx>

Date published: December 2023

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

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

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

West Virginia Department of Health and Human Resources/Bureau for Behavioral Health.

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

Yes No

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

West Virginia Department of Health and Human Resources, Bureau for Behavioral Health. The West Virginia State Police serve as the enforcement arm for Synar inspections and issue citations for violations.

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

Yes No

c. The state agency(ies) responsible for enforcing youth and young adult tobacco access law(s):

The West Virginia State Police.

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

Yes No

4. Identify the following agencies and describe their relationship with the agency responsible for the oversight of the Synar requirements.

a. Identify the state agency responsible for tobacco prevention activities (the agency that receives the Centers for Disease Control and Prevention's National Tobacco Control Program funding).

West Virginia Department of Health and Human Resources, Bureau for Public Health, Division of Tobacco Prevention (DTP).

- b. Has the responsible agency changed since last year's Annual Synar Report?**
 Yes No
- c. Describe the coordination and collaboration that occur between the agency responsible for tobacco prevention and the agency responsible for oversight of the Synar requirements. (Check all that apply.) The two agencies**
- Are the same
 Have a formal written memorandum of agreement
 Have an informal partnership
 Conduct joint planning activities
 Combine resources
 Have other collaborative arrangement(s) (Please describe.) _____
 No relationship
- d. Does a state agency contract with the Food and Drug Administration's Center for Tobacco Products (FDA/CTP) to enforce the youth and young adult access and advertising restrictions in the Family Smoking Prevention and Tobacco Control Act?**
 Yes No (if no, go to Question 5)
- e. If yes, identify the state agency responsible for enforcing the youth and young adult 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)).**
West Virginia Department of Health and Human Resources, Bureau for Behavioral Health and the West Virginia State Police.
- f. Has the responsible agency changed since last year's Annual Synar Report?**
 Yes No
- g. Describe the coordination and collaboration that occur between the agency contracted with the FDA to enforce federal youth and young adult tobacco access laws and the agency responsible for oversight of the Synar requirements. (Check all that apply.) The two agencies:**
- Are the same
 Have a formal written memorandum of agreement
 Have an informal partnership
 Conduct joint planning activities
 Combine resources
 Have other collaborative arrangement(s) (Please describe.) _____
 No relationship

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

Yes No

5. Please answer the following questions regarding the state’s activities to enforce the state’s youth and young adult access to tobacco law(s) in FFY 2022 (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 and young adult access to tobacco laws carried out in your state? (Check one category only.)

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

b. The following items concern penalties imposed for all violations of state youth and young adult access to tobacco laws by LOCAL AND/OR STATE LAW ENFORCEMENT AGENCIES (this does not include enforcement of local laws or federal youth and young adult 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> | 9 | 37 | 48 |
| Number of <u>finest assessed</u> | 4 | 28 | 32 |
| Number of <u>permits/licenses suspended</u> | 0 | | 0 |
| Number of <u>permits/licenses revoked</u> | 0 | | 0 |
| Other (Please describe.) | | | |
| Dismissed | 3 | 3 | 6 |
| Pending-No Information | 33 | 9 | 42 |

c. Are citations or warnings issued to retailers or clerks who sell tobacco to minors for inspections that are part of the Synar survey?

Yes No

If “Yes” to 5c, please describe the state’s procedure for minimizing risk of bias to the survey results from retailers alerting each other to the presence of the survey teams:

Under the annual contract with the WV State Police (WVSP), the issue of bias has been part of the annual contract. Retailers/clerks document that the WVSP inspection team member will not in any way forward any information regarding inspection schedules to an individual retailer or business associate during the entire inspection period. The WVSP Superintendent signs the Agreement, and each

WVSP Trooper, Youth Inspector and Adult Coordinator is provided a copy of their respective protocols. Additionally, the Youth Inspector signs a Participant Agreement that states that they understand that any information they collect or observe while completing the inspections will be kept confidential to the extent that the law allows.

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

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

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

- Yes No

f. What additional activities are conducted in your state to support enforcement and compliance with state youth and young adult 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

West Virginia Department of Health and Human Resources (DHHR), Bureau for Behavioral Health (BBH), through its six regional grantees and their sub-grantees, utilized retailer merchant-education material for its purpose. DHHR/BBH disseminated material to all eligible (for Synar inspection) retailers throughout the state. The material was revised relative to changes to the driver's license and the photo IDs of youth under 18 and under 21, adding FDA requirement information and information relative to W. Va. State Code §16-9A-2(c) as amended (the "C" was added to further clarify issuance to corporations/owners). The material was disseminated to retailers in our 55 counties.

This will need to be revised when the law changes to 21. Until then, BBH will continue to utilize the merchant education as needed per state and federal law requirements.

- 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 and young adult access laws)

While WV does not implement non-enforcement compliance inspections, compliant Synar-inspected retailers receive a signed congratulatory certificate from DHHR/BBH Commissioner, Christina Mullins. Compliant Synar-inspected retailers are also listed on the website. Regional grantees may also send congratulatory letters/certificates, etc. for those retailers who did not sell to underage customers.

- Community education regarding youth and young adult access laws

The Synar Coordinator annually provides BBH's six regional grantees with information on the retailer education material, as well as information on the WV State Code §16-9A-2(c) and information on the Family Smoking Prevention and Tobacco Control Act/FDA to publish in any of their media outreach initiatives. The information also appears on the BBH website. Point-of-sale stickers are mailed out to all eligible-for-inspection retailers, including "ID" required stickers for the door or register "point of sale" area for all customers to see. Additional "Check ID" material is provided for exhibit purposes should the retailer wish to display them and use them as training material for their employees.

- Media use to publicize compliance inspection results

The FFY 2022 Annual Synar Report (ASR) has been made available on the DHHR website <https://dhhr.wv.gov/BBH/about/Children%2cYouthandFamilies/Pages/Synar-Program-and-Retailer-Education-Material.aspx> for public comment. The ASR will continue to be made available for view on the website. Media information has been made available for grantees' use should they want to publish names of compliant retailers in their respective newspaper, send thank you letters, etc. and is also available on the DHHR website. The Synar Compliance Specialist has not been given authorization to publish names of non-compliant retailers.

Names of compliant retailers during Synar inspections are listed by county on the DHHR website, <https://dhhr.wv.gov/BBH/about/Children%2cYouthandFamilies/Pages/Synar-Program-and-Retailer-Education-Material.aspx>.

- Community mobilization to increase support for retailer compliance with youth and young adult access laws

Some of BBH's grantees shared summary legal information for their newsletters and newspapers.

Other activities (*Please list.*) _____

Once Synar Inspections have been completed and court proceedings held, the Synar Compliance Specialist Staff personally visit all retailers who were out of compliance and provide on-site face-to-face Technical Assistance so that those retailers are less likely to be in violation in the future. Additionally, the Synar Compliance Specialist continues to reach out to corporate entities to provide Technical Assistance and education.

Every three years the Synar Compliance Specialist and BBH staff visit at least three retailers (mom and pop, corporate) in each of the 55 counties in the state, asking for feedback on the merchant education as well as what might be added in the future that would be helpful. This information helps determine what to include in the updated merchant education for T-21. Additionally, BBH will review the merchant education efforts of other states/jurisdictions to see their materials might be helpful in WV.

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 2022 (see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).

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

Yes No

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

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

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

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

Yes No

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

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

Unweighted RVR _____

Weighted RVR _____

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

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

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

Accuracy rate _____

Completion rate _____

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

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

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

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

- Yes No No stratification

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

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

- Yes No

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

If No, go to Question 7g.

Were any certainty primary sampling units selected this year?

- Yes No

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

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

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

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

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

Yes No

If Yes, answer the following questions about its coverage.

a. The calendar year of the latest Sampling frame coverage study: 2019

b. Percent coverage from the latest Sampling frame coverage study: 96.3%

c. Was a new study conducted in this reporting period?

Yes No

If Yes, please complete Appendix D (List Sampling Frame Coverage Study) and submit it with the Annual Synar Report.

d. The calendar year of the next coverage study planned: 2024

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

Yes No

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

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

b. Provide the inspection period: From 5/1/2022 to 8/31/2022
MM/DD/YY MM/DD/YY

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

43

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

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

SECTION II: FFY 2023 (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 and young adult tobacco access.

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

- Synar sampling methodology Yes No
Synar inspection protocol Yes No

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

2. Please describe the state's plans to maintain and/or reduce the target rate for Synar inspections to be completed in FFY 2023. Include a brief description of plans for law enforcement efforts to enforce youth and young adult tobacco access laws, activities that support law enforcement efforts to enforce youth and young adult tobacco access laws, and any anticipated changes in youth and young adult tobacco access legislation or regulation in the state.

While the State of West Virginia has a good merchant education effort, BBH will develop an online program to be used by retailers in addition to their respective training programs; however, this is on hold now until T-21 legislation is passed. Until then, the State's approach will remain the same, with the Retailer information citing both state and federal laws. Also, when BBH staff physically visit stores to educate retailers, all information is discussed while focusing primarily on federal requirements. Additionally, corporate efforts will be enhanced by addressing the WV Retailers Association to make training available to all corporate employees who sell tobacco products.

Relative to WV law, the enforcement protocol has been written based on W. Va. State Code 16-9A-2(c). W. Va. State Code states that both the clerk and store owner/corporation are cited should a sale occur. However, while WVSP Troopers have a strict protocol to follow should an underage buy occur, some county magistrates and prosecuting attorneys choose not to cite the store owner/corporations stating that doing so would be bad for business. Efforts will be made to address the annual training conference for Magistrates, which is sponsored by the WV Supreme Court, in order to underline the ramifications should WV fall out of compliance. Letters will also be sent to Prosecuting Attorneys explaining the importance of tobacco compliance inspections and the ramifications of non-compliance. At this time, no changes have been made in the W. Va. State Code. Should there be a change in W. Va. State Code requiring customers to be 21 to buy tobacco/nicotine products, BBH's education efforts will be changed accordingly.

3. Describe any challenges the state faces in complying with the Synar regulation. (Check all that apply and describe each challenge in the text box below it.)

- Limited resources for law enforcement of youth and young adult access laws

[Empty text box]

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

[Empty text box]

- Limitations in the state youth and young adult tobacco access laws

As stated above, WV state law is still 18, while Federal law is 21.

[Empty text box]

- Limited public support for enforcement of youth and young adult tobacco access laws

[Empty text box]

- Limitations on completeness/accuracy of list of tobacco outlets

[Empty text box]

- Limited expertise in survey methodology

[Empty text box]

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

[Empty text box]

- Difficulties recruiting youth and young adult inspectors

[Empty text box]

- Issues regarding the balance of inspections conducted by youth inspectors age 15 and under

[Empty text box]

- Issues regarding the balance of inspections conducted by one gender of youth and young adult inspectors

Information regarding age/gender balance is indicated in the protocols and is provided by the Synar Coordinator when meeting with the grantees/sub-grantees to go through the applicable protocol prior to Synar inspections. However, additional effort will be made prior to each county's inspection to address gender/age balance. One problem that has arisen is when a Youth Inspector is not available, and another is substituted since BBH works around the WVSP Trooper/Adult Coordinator/Youth Inspector schedules.

[Empty text box]

Geographic, demographic, and logistical considerations in conducting inspections

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

Issues regarding sources of tobacco under tribal jurisdiction

Other challenges (*Please list.*) _____

WV continues to have an issue with several Magistrates/prosecuting attorneys not wanting to cite owners/corporations. DHHR/ BBH has addressed the issue with the WVSP to see if there is a better way to cite the owner/corporation under W. Va. State Code 16-9A-2(c).

DHHR/BBH serves as the oversight agency for tobacco compliance inspections along with securing the ability to levy administrative fines. The appropriate individuals to make the needed changes in order to better enforce **W. Va. State Code 16-9A-2**. This then would have to be voted on and passed by the WV Legislature.

APPENDIX A: FORMS 1–5

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

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

Instructions for Completing Form 1: In the top right-hand corner of the form, provide the state name and reporting federal fiscal year (FFY 2023). Provide the remaining information by stratum if stratification was used. Make copies of the form if additional rows are needed to list all the strata.

Column 1: *If stratification was used:*

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

If no stratification was used:

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

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

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

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

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

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

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

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

FORM 2 (Optional)

Appropriate for stratified simple or systematic random sampling designs.

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

Instructions for Completing Form 2: In the top right-hand corner of the form, provide the state name and reporting federal fiscal year (FFY 2023).

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

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

| Calculation of Weighted Retailer Violation Rate | | | | | | | | | | |
|--|--|-------------------------------------|--|--|---|---|---|--|--|---|
| | | | | | | | | | | State: _____ |
| | | | | | | | | | | FFY: 2023 |
| (1) Stratum Name | (2) N Number of Outlets in Sampling Frame | (3) n Original Sample Size | (4) n1 Number of Sample Outlets Found Eligible | (5) n2 Number of Outlets Inspected | (6) x Number of Outlets Found in Violation | (7) p=x/n2 Stratum Retailer Violation Rate | (8) N'=N(n1/n) Estimated Number of Eligible Outlets in Population | (9) w=N'/Total Column 8 Relative Stratum Weight | (10) pw Stratum Contribution to State Weighted RVR | (11) s.e. Standard Error of Stratum RVR |
| | | | | | | | | | | |
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| | | | | | | | | | | |
| Total | | | | | | | | | | |

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

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

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

Instructions for Completing Form 3: In the top right-hand corner of the form, provide the state name and reporting federal fiscal year (FFY 2023).

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

Column 1: Sequentially number each row.

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

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

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

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

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

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

| Summary of Clusters Created and Sampled | | | | |
|--|---------------------|----------------------------------|-----------------------------------|---|
| State: _____ | | | | |
| FFY: 2023 | | | | |
| (1) Row # | (2) Stratum Name | (3) Number of PSUs Created | (4) Number of PSUs Selected | (5) Number of PSUs in the Final Sample |
| | | | | |
| | | | | |
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| | | | | |
| | | | | |
| | | | | |
| Total | | | | |

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

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

Instructions for Completing Form 4: In the top right-hand corner of the form, provide the state name and reporting federal fiscal year (FFY 2023).

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

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

| Inspection Tallies by Reason of Ineligibility or Noncompletion | | | |
|---|---------------|--|---------------|
| | | State: _____ | |
| | | FFY: 2023 | |
| (1) INELIGIBLE | | (2) ELIGIBLE | |
| Reason for Ineligibility | (a) Counts | Reason for Noncompletion | (a) Counts |
| Out of business | | In operation but closed at time of visit | |
| Does not sell tobacco products | | Unsafe to access | |
| Inaccessible by youth or young adult | | Presence of police | |
| Private club or private residence | | Youth or young adult inspector knows salesperson | |
| Temporary closure | | Moved to new location | |
| Unlocatable | | Drive-thru only/youth or young adult inspector has no driver’s license | |
| Wholesale only/Carton sale only | | Tobacco out of stock | |
| Vending machine broken | | Ran out of time | |
| Duplicate | | Other noncompletion reason(s) <i>(Describe.)</i> | |
| Other ineligibility reason(s) <i>(Describe.)</i> | | | |
| Total | | Total | |

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

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

Instructions for Completing Form 5: In the top right-hand corner of the form, provide the state name and reporting federal fiscal year (FFY 2023).

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

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

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

| Synar Survey Inspector Characteristics | | |
|---|-----------------------|------------------------|
| | | State: _____ |
| | | FFY: 2023 |
| | (1) Attempted Buys | (2) Successful Buys |
| Male | | |
| 15 years | | |
| 16 years | | |
| 17 years | | |
| 18 years | | |
| 19 years | | |
| 20 years | | |
| Male Subtotal | | |
| Female | | |
| 15 years | | |
| 16 years | | |
| 17 years | | |
| 18 years | | |
| 19 years | | |
| 20 years | | |
| Female Subtotal | | |
| Other | | |
| Total | | |

APPENDIXES B & C: FORMS

Instructions

Appendix B (Sampling Design) and Appendix C (Inspection Protocol) are to reflect the state's CSAP-approved sampling design and inspection protocol. These appendixes, therefore, should generally describe the design and protocol and, with the exception of Question #10 of Appendix B, are not to be modified with year-specific information. Please note that any changes to either appendix must receive CSAP's advance, written approval. To facilitate the state's completion of this section, simply cut and paste the previously approved sampling design (Appendix B) and inspection protocol (Appendix C) and respond to Question #10 of Appendix B to provide the requested information about sample size calculations for the Synar survey conducted in FFY 2022.

APPENDIX B: SYNAR SURVEY SAMPLING METHODOLOGY

State: WV
 FFY: 2023

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

| Name of Frame Source | Type of Source | Description | Updating Method and Cycle |
|----------------------|----------------|--|---------------------------|
| FDA | 3 | <p>Seven years ago, the State changed its sampling methodology by enhancing the method of canvassing retailers by using the WV Tax Department list for screening the retailer lists for both FDA inspections and Synar inspections since the WV Department of Health and Human Resources (DHHR)/Bureau for Behavioral Health (BBH) is the lead agency for both the FDA and Synar programs. Initially, the Synar Coordinator would receive the retailer list annually from the WV Health Statistics Center (DHHR/BBH statistical contractor) to be screened prior to Synar Inspections (sans bars or adult businesses). Once DHHR/BBH was awarded the FDA contract, it was determined that the agency would use the same WV Tax Department list to screen/validate the canvassing of both the FDA and Synar lists, since all stores sampled for Synar inspections are contained within the entire list of retailers provided by the WV Tax Department. While the Synar Coordinator started out canvassing retailers using the old method, it was quickly realized that using the FDA spreadsheet would be better served since it was a duplication of effort. Therefore, this change in method took place a few years ago. By utilizing the</p> | Annually |

| | | | |
|--|--|--|--|
| | | <p>FDA Retailer Spreadsheet, canvassing the list of retailers is on-going. The seven FDA inspectors and two FDA Program Managers (one of whom is the Synar Compliance Specialist) either conduct inspections in or validates businesses throughout the year in all of the State's 55 counties. Changes are made in the TIMS list, which is utilized for FDA inspections. The Synar sample is pulled from the spreadsheet kept by the FDA Inspection Coordinator (deleting bars/adult businesses) thus making them eligible for Synar Inspection. This list includes retailers who sell e-cigarettes and other vapor products. Since West Virginia's FDA inspectors are continuously on the road in their respective assigned counties, even if not implementing FDA inspections, they know early on if a store has gone out of business or if there is a new store that has opened. The Program Manager validates store status and calls in any changes. In addition, should there be any further question relative to store status, phone calls are made to county/city departments or post offices to gather additional information. BBH grantees also alert the Synar Coordinator should a change in store status occur. This method of validating retailer canvassing is much more accurate and efficient since it is done on an ongoing basis throughout the year and not just once a year as had been done previously.</p> | |
| | | | |
| | | | |
| | | | |

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

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

Yes No

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

_____%

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

Yes No

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

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

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

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

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

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

Unstratified statewide sample:

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

Stratified sample:

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

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

7. Provide the following information about stratification.

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

b. Is clustering used within the stratified sample?

- Yes** (Go to Question 8.)

No (Go to Question 9.)

8. Provide the following information about clustering.

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

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

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

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

Yes (Respond to part b.)

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

- b. **SSES Sample Size Calculator used?**

State Level (Respond to Question 10a.)

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

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

The SSES Sample Size Calculator was used to determine the minimum adequate sample size.

To ensure the study meets SAMHSA precision requirement, a safety margin of 40% is used

Below is the formula for calculating a sample size using a 1-tail test:

Effective sample size:

$$n_e = \frac{1}{\left(\frac{(s.e.)^2}{P(1-P)} + \frac{1}{N} \right)}$$

Where P is the previous year's RVR

$s.e. = 0.0182$ is the standard error for the estimate for 3% margin of error for one-sided confidence interval

N is the total number of outlets in the sampling frame

The target sample size (n_1) is the effective sample size for simple random sampling times the design effect from the previous year's survey.

The original sample size is determined by:

$$n_s = (1 + s) \frac{n_t}{r_e r_c}$$

Where s is a safety margin of 40%, r_e is the previous year's eligibility rate, and r_c is the previous year's completion rate.

West Virginia always samples more than the Planned Original Sample Size recommendations. Federal Fiscal Year 2023's Effective and Target (Minimum) Sample Sizes were calculated at 236 while the Planned Original Sample Size was calculated at 360. West Virginia used to round up to the next multiple of 50, which would have increased the sample size to 400, as was done during Federal Fiscal Years 2018 through 2020. Due to the effects of the COVID pandemic in Federal Fiscal Years 2021 and 2022 though, West Virginia was only able to sample 144 outlets in FFY 2021 and 226 outlets in FFY 2022.

10. Provide the following information about sample size calculations for the Synar survey conducted in FFY 2022.

- 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: 9.66%

Frame Size: 2,252

Input for Target Sample Size:

Design Effect: 1.00

Inputs for Original Sample Size:

Safety Margin: 40%

Accuracy (Eligibility) Rate: 94.69%

Completion Rate: 96.73%

- 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: WV
FFY: 2023

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 and young adult 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 and young adult inspectors to be compensated?

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

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

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

List the agency name(s): WV State Police serve as the enforcement arm. Regional grantees/sub-grantees serve as Adult Coordinators. The Synar Compliance Specialist monitors approximately 10% of the inspections for quality assurance purposes.

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 E-juice, Vape Pens/Pods

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

When using a male youth inspector, every third attempt must be smokeless tobacco since the use of smokeless tobacco is high in West Virginia. The team will decide on what brand to ask for when arriving at the retail establishment, based on seeing what brands are advertised outside of the store cigarette/ e-cigarettes, and the teams are asked to request other vapor products so that 10% of all eligible stores are inspected for paper, e-juice, e-cigarettes, or vapor products

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

DHHR/BBH has six regional grantees who provide prevention services in the state. These six grantees have oversight of a number of counties/sub-grantees within their respective region, and an Adult Coordinator for each of the counties, within a region, serves as the Adult Coordinator for Synar Inspections. They each recruit and train Youth Inspectors for their respective counties. Protocol/training is provided to grantees/Adult Coordinators by the Synar Compliance Specialist. Protocols and training information are provided for each of the Synar team members - Adult Coordinator, WVSP Trooper, and Youth Inspector

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

Once the Synar Compliance Specialist meets and provides protocols to the Adult Coordinators (grantees/sub-grantees), they recruit youth Inspectors from youth they work with within their respective prevention programs (Family Resource Networks, church groups, family members, the Raze program, SADD, Jr. ROTC, etc.). They may utilize group training for the youth Inspectors, or they may train the youth inspector on a one-to-one basis. That determination is left up to each Adult Coordinator.

6. Are there specific legal or procedural requirements instituted by the state to address the issue of youth and young adult inspectors' immunity when conducting inspections?

a. Legal

Yes **No**

(If Yes, please describe.)

Contained within W. Va. State Code §16-9A-7, Tobacco Usage Restrictions, persons under the age of 18 years may be enlisted by such commissioner, superintendent, sheriffs or chiefs of police or employees of agents thereof to test compliance only if the testing is conducted under the direct supervision of the commissioner, superintendent, sheriffs or chiefs or police or employees in first obtained and such shall not be in violation of section three of this article and chapter when acting under the direct supervision of the commissioner.

b. Procedural

Yes **No**

(If Yes, please describe.)

The above-referenced state law provides for immunity of youth inspectors and every precaution is taken so that the youth will not have to appear in court should a citation be contested by the retailer. However, it is up to the discretion of the county magistrate, judge, or prosecuting attorney as to whether or not to require the youth to appear in court. Since the law enforcement officer is the actual witness to the attempted buy, it is seldom necessary to call the youth inspector to appear.

7. Are there specific legal or procedural requirements instituted by the state to address the issue of the safety of youth and young adult inspectors during all aspects of the Synar inspection process?

a. Legal

Yes **No**

(If Yes, please describe.)

Contained within W. Va. State Code §16-9A-7, Tobacco Usage Restrictions: a law enforcement officer is required, by law to participate on the inspection team on each inspection. Also, youth are not usually assigned to their home communities so as not to be conducting inspections in stores where they might be recognized.

b. Procedural

Yes No

(If Yes, please describe.)

Seat belts must be worn by all inspection team members. There is no use of tobacco products during inspections on the way to/from inspections by any inspection team member. In most cases, youth from adjacent counties are used to inspect counties selected for Synar Inspections, unless the county is large enough to protect their identity. Law enforcement officers (WVSP Troopers) are witnesses to all attempts/ buys of tobacco products. Law enforcement officers enter the outlet prior to the Youth Inspector. The Youth Inspector immediately leaves the outlet after the attempt to buy and returns to the vehicle, where the Adult Coordinator is waiting prior to the return of the law enforcement officer. The vehicle is parked away from the main door where owners/clerks are unable to visually observe the vehicle. If the youth feel unsafe in a situation or if the outlet is deemed to be unsafe by the law enforcement officer or other adult inspection team member, the inspection of that particular outlet is not completed at that time. The inspection of that outlet would be rescheduled if possible.

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

a. Legal

Yes No

(If Yes, please describe.)

b. Procedural

Yes No

(If Yes, please describe.)

It is advised by the State Synar Coordinator that inspections be implemented during daylight hours, if possible, for safety concerns. Youth inspectors must be 16 or 17 years of age and have a WV learner's permit, WV driver's license, or WV state-issued photo ID. The Adult Coordinator must train the Youth Inspectors regarding their protocol, as provided by the State Synar Coordinator, prior to start-up inspections.

APPENDIX D: LIST SAMPLING FRAME COVERAGE STUDY

(LIST FRAME ONLY)

State: WV
FFY: 2023

1. Calendar year of the coverage study: 2019

2. a. Unweighted percent coverage found: 96.3%
b. Weighted percent coverage found: 96.3%
c. Number of outlets found through canvassing: 190
d. Number of outlets matched on the list frame: 183

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

According to SAMHSA recommendations, West Virginia was expected to sample anywhere from 130 to 200 outlets. There were 190 tobacco-selling outlets (that minor youth can access) found in these census tracts during canvassing. Seven (7) of these outlets were determined to be missing from the State's original 2019 screened list. This gives West Virginia an overall accuracy rate of 96.3%.

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.

Thirty of West Virginia's 466 census tracts were randomly chosen to be included in the coverage study. These tracts are located in 13 different counties. When a chosen tract has fewer than seven outlets, an adjacent tract was added to compensate. Each census tract must be canvassed, and all identified tobacco retailers must be recorded. The list of retailers found in the coverage study will be compared to the final list of tobacco retailers that was used to randomly select outlets for Synar inspection. (At least 80% of the retailers identified in the coverage study must be on the final list to meet requirements). A DHHR/BBH staff person will receive a map of the census tracts in the counties that were chosen for the study. The goal is to thoroughly canvass all roads within the area shown on the map and record information about all tobacco retailers found in the area. SAMHSA guidelines do not allow the State to give out a list of the known outlets, as this may affect the validity of the study. The person implementing the coverage study received a map of the census tracts in the counties that were chosen for the study. The goal is to thoroughly canvass all roads within the area shown on the map and record information about all tobacco retailers found in the area. The Health Statistics Center (HSC) census tract map is a guide for the boundaries of the area to be canvassed. Before the canvasser began, the canvasser was to be familiar with the area and plan a route. The canvasser was to review the census tract and county maps provided. More detailed county and city maps may be helpful. Maps may be purchased or borrowed from local offices or stores, such as a Chamber of Commerce, state police/sheriff departments, emergency services offices, real estate offices, libraries, and/or retail stores. It is unsafe to drive and read maps, especially in urban areas. The canvasser was to canvass all roads found within the boundary, even if they do not appear on the map. The Canvasser highlighted or marked off roads on the map as she canvassed them. She canvassed both sides of boundary roads. If there was a question about whether a road is within the boundary, she canvassed the road. She entered all businesses that may sell tobacco. The canvasser formally introduced herself and briefly explained that she was verifying a list of tobacco retailers in the area. The canvasser wore identification and had a business card available. She showed the Retailer Information Form to the clerk/manager as she asked for information to avoid suspicion. She also provided merchant education while in the store.

Results:

There was a total of 30 randomly selected census tracts in West Virginia used for the Coverage Study. These tracts were spread throughout 13 different counties. Eight (8) of the chosen tracts were considered rural as defined by the U.S. Department of Agriculture (<http://www.ers.usda.gov/briefing/rurality/whatisrural/>) while 12 were considered urban. The remaining 10 tracts were located in a combination of rural and urban areas.

According to SAMHSA recommendations, West Virginia was expected to sample anywhere from 130 to 200 outlets. There were 190 tobacco selling outlets (that

minors can access) found in these census tracts during canvassing. Seven of these outlets were determined to be missing from the State's original 2019 screened Synar list. This gives West Virginia an overall accuracy rate of 96.3%.

Only two of these seven outlets missing from the State's original 2019 screened Synar list have been in existence even before the Synar screening process began. One is a department store located in Kanawha County and the other is a vapor product store located in Logan County. They could have not been in the FDA database and/or overlooked in the screening process.

There were four outlets not in the proper census tracts. They included a convenience store in Brooke County; a convenience store in Harrison County; a supermarket in Kanawha County; and a combination gas station/convenience store in Mercer County.

There was only one outlet found throughout the coverage study area that was found to no longer be a tobacco retailer and that outlet is out of business, which was a pharmacy in Taylor County.

As expected, there were some specific issues in completing this study. West Virginia is primarily a rural state, while homes and businesses are sparsely distributed in many of these areas. Many addresses on the Synar list frame contain only a rural route, county, or state route number. This makes it difficult to locate on a map and for inspectors to find unless they bring prior knowledge the table. Finally, in some cases excessive time, travel, and expenses were unavoidable, especially for those inspectors who canvassed the larger census tracts.

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.

The HSC census tract map is a guide for the boundaries of the areas to be canvassed. Before beginning, familiarize yourself with the area and plan a route. Review the census tract and county maps provided. More detailed county and city maps may be helpful. Maps have been purchased or borrowed from local offices or stores such as a Chamber of Commerce, state police/sheriff departments, emergency services offices, real estate offices, libraries, or retail stores.

While one canvasser implemented the Coverage Study, it is best to work in pairs. It is unsafe to drive and read maps, especially in urban areas. Canvass all roads found within the boundary, even if they do not appear on a map. You may want to highlight or mark off roads on the map as you canvass them. Canvass both sides of boundary roads. If there is a question about whether a road is within the boundary, canvass the road. Enter all businesses that may sell tobacco.

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.

When you find a tobacco retailer, complete a Retailer Information Form. Introduce yourself and briefly explain that you are verifying a list of tobacco retailers in the area. Wear identification. Have your business card available. Show the Retailer Information Form to the clerk/manager as you are asking for information, so they are not suspicious. If you like, you may also do merchant education while you are in the store.

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).