

ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB № 0930-0222

FFY 2022

State: Nevada

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Introduction

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

How the Synar report helps the Center for Substance Abuse Prevention

In accordance with the tobacco regulations, states are required to provide detailed information on progress made in enforcing youth tobacco access laws (FFY 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.

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

Getting assistance in completing the Synar report

If you have questions about programmatic issues, you may call CSAP's Division of State Programs at (240) 276-2550 and ask for your respective State Project Officer or contact your State Project Officer directly by telephone or email. If you have questions about fiscal or grants management issues, you may call the Grants Management Officer, Office of Financial Resources, Division of Grants Management, at (240) 276-1422.

Where and when to submit the Synar report

The ASR must be received by SAMHSA no later than December 31, 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.

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: Nevada	
Name of Chief Executive Officer or Designee: Lisa Sherych	
Signature of CEO or Designee: 	
Title: Administrator, DPBH	Date Signed: 12/22/2021
If signed by a designee, a copy of the designation must be attached.	

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 21.

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

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

☒ Yes ☐ No

If Yes, current minimum age: ☐ 19 ☐ 20 ☒ 21

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

☒ Yes ☐ No

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

☐ Changed to require that law enforcement conduct inspections of tobacco outlets

☐ Changed to make it illegal for youth to possess, purchase or receive tobacco

☐ Changed to require ID to purchase tobacco

☐ Changed definition of tobacco products

☒ Other change(s) (Please describe.) Following the passage of Tobacco 21,

Nevada now uses inspectors between the ages of 18 and 20 ³/₄.

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

Licensing of tobacco vendors..... ☐ Yes ☒ No

Penalties for sales to minors..... ☒ Yes ☐ No

Vending machines..... ☐ Yes ☒ No

Added product categories to youth access law..... ☒ Yes ☐ No

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

☐ Placed on file for public review

☒ Posted on a state agency Web site (Please provide exact Web address and the date when the FFY 2022 ASR was posted to this Web address.)

Web address: <https://bgas.samhsa.gov/Module/BGAS/Users>

Date published: December , 2021

☐ 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.)* The FFY 2022 ASR was distributed through the Bureau of Behavioral Health, Wellness, and Prevention Listserv. It was also posted at the Capitol Police Department at 555 E. Washington Ave. Las Vegas, NV 89101, and in the lobby of the Department of Health & Human Services, 4126 Technology Way, Carson City, NV 89706.

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:

The State of Nevada, Department of Health and Human Services (DHHS); Division of Public and Behavioral Health (DPBH); Bureau of Behavioral Health, Wellness and Prevention (BBHWP); Substance Abuse Prevention and Treatment Agency.

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

☐ Yes ☒ No

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

State of Nevada Office of the Attorney General (OAG)

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

☐ Yes ☒ No

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

The OAG is responsible for the enforcement of the state tobacco laws governing the sale of tobacco to underage consumers. Attorney General staff assigned to these enforcement activities includes two Deputy Attorneys General (part time) in the Tobacco Enforcement Unit, up to two investigators (full time), and up to six part time underage inspectors.

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).

The Nevada Department of Health and Human Services; Division of Public and

Behavioral Health; Chronic Disease Prevention and Health Promotion; Tobacco Control Program is responsible for tobacco prevention/health promotion activities and is the agency that receives the Centers for Disease Control and Prevention's (CDC) National Tobacco Control Program funding.

The agency responsible for oversight and implementation of the Synar program is the Bureau of Behavioral Health, Wellness, and Prevention. The two agencies are located in buildings within 100 yards of one another and meet twice every month to discuss tobacco prevention related activities, interventions, and policy within the State as well as ways to collaborate to improve outcomes, including funding projects focused on tobacco prevention.

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.)*

The Bureau of Behavioral Health, Wellness, and Prevention has an inter-local agreement with the Office of the Attorney General (OAG) to fund Synar inspections, which will be in effect for the next seven years. The Bureau is the SSA for the Substance Abuse Block Grant (SABG). Consequently, there is significant coordination and collaboration between the Bureau and the primary prevention programs it funds.

Additionally, the Bureau of Behavioral Health, Wellness, and Prevention works with the Tobacco Control Program and currently shares state general funds from an appropriation through Senate Bill 460 (SB 460) to address youth tobacco/vaping prevention strategies. These dollars also support the merchant/retailer education program. Promotion of the website is ongoing. An additional, larger tobacco retail education campaign is underway to begin in early 2022 to educate tobacco merchants and collect data from retailers about tobacco products sold, tobacco store density, tobacco price and promotions, tobacco advertising, and tobacco appeal to youth (e.g., tobacco products sold nearby candy, slushies, or toys). Tobacco prevention coalition partners will use an adapted survey instrument from the Standardized Tobacco Assessment in Retail Settings (STARS) to collect data about local tobacco retailers on topics such as product placement, flavored tobacco product availability, and more.

As part of a targeted approach, the Tobacco Control Program awards a portion of the appropriation from SB 460 to Southern Nevada Health District (SNHD) where the majority of tobacco retailers operate, and the highest proportion of

underage tobacco sales occur. SNHD works on strategies to engage tobacco retailers through outreach and by providing signage and educational materials with a focus on reaching noncompliant retailers in Clark County.

The Bureau, prevention coalitions, and the Tobacco Control Program also engage the Nevada Tobacco Prevention Coalition (NTPC) to collaborate on tobacco control issues. NTPC is a coalition of agencies and individuals whose purpose is to decrease the prevalence of tobacco use in Nevada. The organization holds quarterly general membership meetings for advocates and community members interested in ensuring engagement and participation in tobacco retail education and efforts to change the tobacco control landscape in Nevada. Subcommittees also meet regularly on communication, policy, and other topics. Currently NTPC is working to incorporate the Tobacco Endgame into strategic planning efforts for the state's trajectory to end tobacco use in the state. NTPC does this by raising awareness to Nevada's decision makers and citizens about issues related to tobacco use and industry marketing.

☐ No relationship

- d. Does a state agency contract with the Food and Drug Administration's Center for Tobacco Products (FDA/CTP) to enforce the youth access and advertising restrictions in the Family Smoking Prevention and Tobacco Control Act?

☐ Yes ☒ No (if no, go to Question 5)

- e. If yes, identify the state agency responsible for enforcing the youth access and advertising restrictions in the Family Smoking Prevention and Tobacco Control Act (the agency that is under contract to the Food and Drug Administration's Center for Tobacco Products (FDA/CTP)).

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

☐ Yes ☐ No

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

☐ Are the same

☐ Have a formal written memorandum of agreement

☐ Have an informal partnership

☐ Conduct joint planning activities

☐ Combine resources

☐ Have other collaborative arrangement(s) (Please describe.) _____

☐ No relationship

- h. Does the state use data from the FDA enforcement inspections for Synar

survey reporting?

☐ Yes ☐ No

5. Please answer the following questions regarding the state's activities to enforce the state's youth access to tobacco law(s) in FFY 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.

☒ Enforcement is conducted exclusively by state agency(ies).

☐ Enforcement is conducted by both local and state agencies.

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

PENALTY	OWNERS	CLERKS	TOTAL
Number of citations issued	0	56	56
Number of fines assessed	0	56	56
Number of permits/licenses suspended	0		0
Number of permits/licenses revoked	0		0
Other (Please describe.) Beginning January 1, 2020, the retail licensee of the business that sold to an underage consumer receives a written warning relating to the sale, in addition to the action taken against the clerk. Additionally, four warnings were given to clerks during the initial week of inspections. This section also includes notifications given to businesses after a vending machine sale was completed, but where no fine was levied against a specific clerk.	65	4	69

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:

Nevada ordinarily conducts inspections of retailers throughout the year and throughout the state. Although the COVID pandemic has caused this year to be an

exception, typically because the State inspects throughout the year their presence in Nevada's communities is commonplace and does not bias the survey. The Investigators who conduct inspections have not observed anything to suggest that retailers alert one another to the team's presence in an area.

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

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

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

- ☐ Yes ☒ No

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

- ☒ Merchant education and/or training

Under Nevada Revised Statutes (NRS) 370.521, within a reasonable time after an inspection, a business must be notified of the inspection and the results. Nevada's investigators notify the clerk involved immediately after the inspection, and either issue a citation or provide a congratulatory postcard to the clerk for enforcing Nevada's age restriction law. Additionally, if a sale of tobacco product is made, the retail licensee will receive a written warning for the first and second violations within a 24-months, and a civil penalty for three or more sales in that same time period.

Immediately following inspections, the Investigator provides materials linking the merchant to an online training to help the business be successful in not selling to underage consumers. Nevada's online training can be located at: <https://responsibletoabacconv.com/about/>. Merchant education handouts are also given to businesses to post in places including employee lounges and break rooms. In addition to providing helpful reminders about enforcing age-restriction laws and tips on checking ID, use of the handouts by licensees and management contribute to a workplace culture of abiding by and enforcing the age restrictions relating to the sales of tobacco products.

Leveraging the coverage study for 2022, the STARS will be conducted in conjunction with "canvassing to find tobacco retail stores" to randomize the retail sample. Other STARS surveys are conducted using a convenience sample with youth, young adults, and coalition partner leaders at nearby retailers in communities where they frequent. STARS can be utilized by the state, coalitions, and local partners to better inform tobacco retail licensing

requirements. Both the maintenance of the online merchant education training and the promotion of the training are supported with state funding direct by the Tobacco Control Program. Previously, the agencies collaborated on the development of the online merchant education training which was supported by SABG Primary Prevention set-aside funding. The goals of the Tobacco Control Program are as follows: to prevent the initiation of tobacco use among youth and young adults; to promote quitting among youth and adults; to eliminate nonsmokers' exposure to secondhand smoke; and to identify and eliminate the disparities related to tobacco use and its effects among priority population groups. Nevada's goals match national tobacco control goals.

- ☒ 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)

The Investigator provides congratulatory postcards to all clerks that do not sell to underage consumers during compliance checks.

In addition, the OAG provides many corporate entities with a regular report of stores which had clerks warned or cited for illegal tobacco sales. The reports appear to be used to terminate employees and create additional training at the clerk and management levels, although some corporate entities have indicated they use the report to provide bonuses to clerks who do not sell.

- ☒ Community education regarding youth access laws

Nevada has 10 different coalitions that collectively cover all seventeen counties in the state. The coalitions educate people in their service areas on youth access laws, provide materials for educating merchants, and host in-person or virtual trainings as needed. Considering the rising sales rate seen in the state, multiple coalitions contacted businesses in their area by mail to highlight the importance of restricting the sale of tobacco to minors and urge further employee training. Additionally, they organize alternative activities, such as the national Kick Butts events, and reach the community through their youth to affect social norms. In the coming year, several of the prevention coalitions will participate in retailer education through coverage study activities and STARS data collection and reporting.

During the previous fiscal year, both health districts in Nevada conducted mass mailings to retailers with information about Tobacco 21 and legal sales education. Also, most noncompliant retailers were concentrated in Clark County, where health district staff provided complimentary point-of-sale signage for retailers. In October 2020, Southern Nevada Health District resumed in-person outreach to retailers to promote the online merchant education training and resumed conducting retailer assessments to surveil stores tobacco product placement and marketing.

- ☐ Media use to publicize compliance inspection results

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

The Tobacco Control Program and Bureau of Behavioral Health, Wellness, and Prevention (BBHWP) staff attended NTPC strategic planning sessions, board and general membership meetings, and prevention coalition meetings to educate state and community partners regarding retailer violation rate proportions and Annual Synar Report findings. Several prevention coalitions are members of the NTPC and support their moving target goals through prevention education. Through NTPC, non-profits and community partners participate in activities to address issues related to youth access laws and increase awareness among decision makers and the public. NTPC is actively involved in coordinating prevention activities with state and community agencies, hospitals, schools, and community-based organizations. The NTPC's strategic plan encompasses the belief that a tobacco-free environment and a focus on youth will produce a healthier Nevada.

Additionally, in 2021, the Nevada Public Health Association has added the issues of sustainable funding for evidence-based tobacco and e-cigarette prevention and control, and support for model Tobacco 21 legislation and policy, increases in tobacco and other-tobacco-product taxes, and comprehensive smoke-free workplace laws to its advocacy agenda and is working to mobilize organizations concerned with public health across the state.

- ☐ Other activities (*Please list.*)

Synar Survey Methods and Results

The following questions pertain to the survey methodology and results of the Synar survey used by the state to 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?

☐ Yes ☒ No

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

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

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

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

☒ Yes ☐ No

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

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

Unweighted RVR _____

Weighted RVR _____

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

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

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

Accuracy rate _____

Completion rate _____

- c. Fill out Form 1 in Appendix A (Forms 1–5). (Required regardless of the sample design.)
- d. How were the (weighted) RVR estimate and its standard error obtained? (Check the one that applies.)

☐ Form 2 (Optional) in Appendix A (Forms 1–5) (Attach completed Form 2.)

☐ Other (Please specify. Provide formulas and calculations or attach and explain the program code and output with description of all variable names.)

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

☐ Yes ☐ No ☐ 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.

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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: 88.03%

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: 2022

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**

The State amended Appendix C to allow underage inspectors to purchase vapor products during Synar inspections. The revised Appendix C was approved by Chris O'Connell on December 1, 2020.

b. **Provide the inspection period: From** 10/01/2020 **to** 09/30/2021
MM/DD/YY MM/DD/YY

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

3

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.

Three youth inspectors were used. However, SSES shows four because one of those youth had a birthday during the inspection period.

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 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 ☒ 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 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.

Nevada will continue to employ two full time investigators and supporting underage investigators for the purpose of conducting compliance checks at tobacco retail outlets. Because Nevada's population is largely centralized in the Las Vegas Metropolitan Area in Clark County, both investigators are based in Las Vegas; however, the investigators will spend a portion of their time traveling to northern and rural Nevada to ensure retail tobacco access laws are being complied with and enforced statewide. Retail establishments and clerks will be reminded of the importance of checking identification and being diligent in their efforts to comply with legal age minimums each time they are visited by the investigators.

During the 2021 Legislative Session the minimum sales age for all tobacco and nicotine products was raised from 18 to 21.

Nevada continues to promote our online tobacco merchant training program that is available, free of charge, to any vendor in the state, and which was expanded to the Spanish language in 2019. Nevada retailers will continue to be provided information on this training through ongoing activities of the OAG and community partners. Community partners working on tobacco control received handouts to hand-deliver to stores and will focus on delivering these to non-compliant stores. The Investigators also received these same handouts to leave with stores at the end of a compliance check.

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

☐ Limited resources for law enforcement of youth access laws

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

- ☐ Limitations in the state youth tobacco access laws

- ☐ Limited public support for enforcement of youth tobacco access laws

- ☒ Limitations on completeness/accuracy of list of tobacco outlets

- ☐ Limited expertise in survey methodology

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

- ☒ Difficulties recruiting youth inspectors

Because the two full-time investigators conducting compliance checks work a traditional Monday-Friday schedule, qualified temporary aide applicants are somewhat difficult to recruit as their schedules are limited by school hours and extra-curricular activities. To overcome these obstacles, the OAG has tried to recruit aides with more flexible schedules. The OAG must consider the long-term availability of aides when making hiring decisions. Schedule availability due to other jobs, school and extra-curricular commitments is the primary consideration determining the qualifications of applicants. During 2021, Nevada faced the same issues as many other employers nationwide faced related to the shortage of people to fill entry level positions. Because of this difficulty, the State may likely expand the age of inspectors from 18-20.75 to 16-20.75 in the coming year. If this occurs, Nevada will update wording in Appendix C regarding the age of inspectors.

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

- ☒ Issues regarding the balance of inspections conducted by one gender of youth inspectors

Unlike many states, aides s who assist with Synar inspections in Nevada are recruited and hired through the State's Department of Human Resources Management in accordance with standard state employment procedures. As an equal opportunity employer, the State of Nevada cannot hire an individual based purely on gender or refuse to hire a qualified individual based on gender alone. However, as the State transitions to a T21 model, we anticipate more qualified candidates will apply for the job without the scheduling restrictions that effect high

school students. This will enable the State to have more flexibility to schedule investigators in a way that achieves a closer gender balance.

☒ Geographic, demographic, and logistical considerations in conducting inspections

Because Nevada is mostly rural, it is costly and time consuming to travel to remote areas for very few compliance checks. The State has created a new methodology that will reduce the amount of time spent on outlets in frontier geographical areas, while ensuring that an accurate sample of all outlets in the State is still completed.

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

☒ Issues regarding sources of tobacco under tribal jurisdiction

Nevada has numerous Indian tribes that sell tobacco products on their reservations. Due to the sovereignty afforded the tribes and the related jurisdictional issues, the State's enforcement agents are precluded from engaging in tobacco compliance checks on tribal property. Nine of the ten current prevention coalitions in Nevada work collaboratively with tribal entities on tobacco and other drug prevention on a regular basis. Coalition staff attend and present to the Nevada Tribal Council every quarter, sharing stories and events with Native American/Alaskan Indian communities within each coalition service area.

☒ Other challenges (*Please list:*)

During FFY 2021, the State of Nevada's Synar inspections were completely stopped from October 1, 2020, through July 1, 2021, due to the COVID-19 pandemic. The State reviewed federal and state social distancing guidelines and safety protocols and determined that the Investigators were unable to safely perform any Synar inspections prior to July 1, 2021.

This resulted in many Synar stores that were unable to be checked due to health and safety concerns, including many of our rural outlets that require 2+ hours of driving time to inspect. The stores in the Synar sample that the State was unable to inspect due to COVID-19 have been coded as I-10, representing Ineligible – Other (Coronavirus global health pandemic), in the SSES Table.

Beginning July 1, 2021, the State was able to complete inspections at a small percentage of Synar stores. The State is hopeful that for the fiscal year running October 1, 2021, through September 30, 2022, all Synar inspections can be completed.

Nevada also encountered issues when processing the inspections results through SSES, since conducting inspections outside of the first stratum (STR100) was not possible due to COVID-19. Due to the circumstances, Nevada had to accommodate this issue by creating a single variance stratum (VSTR100) with a single variance unit (cluster VCLST101) that grouped all clusters selected in the sample at the beginning of the year into one large cluster. Due to this adjustment the total variance units in the stratum ended up totaling 1, with the total outlets in the variance unit adding up to the total outlets combined (2842) from the strata and

clusters originally selected in our starting random sample. The sampling weight was left with the original calculations that were generated using the original stratification and clustering as there was no impact on the final statistical results using SSES. Also, due to COVID and its impact on inspections, Nevada was neither able to meet the precision requirement nor conduct enough inspections to create an accurate picture of the current RVR within our State. This will also impact Nevada's ability to accurately calculate the new stratum table required by the state calculator used with the optimum sample size for the 2021-2022 state calculator results. Thus, Nevada will reuse the same RVR calculations used in the 2020-2021 stratum table.

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 2022). 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 2022).

- 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: 2022
(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) $w=N'/\text{Total Column 8}$ Relative Stratum Weight	(10) pw Stratum Contribution to State Weighted RVR	(11) s.e. Standard Error of Stratum RVR
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 ($w=N'/\text{Total Column 8}$)
- 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 2022).

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: 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)

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 2022).

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 <div style="text-align: right;"> State: _____ FFY: 2022 </div>			
(1) INELIGIBLE		(2) ELIGIBLE	
Reason for Ineligibility	(a) Counts	Reason for Noncompletion	(a) Counts
Out of business		In operation but closed at time of visit	
Does not sell tobacco products		Unsafe to access	
Inaccessible by youth		Presence of police	
Private club or private residence		Youth inspector knows salesperson	
Temporary closure		Moved to new location	
Unlocatable		Drive-thru only/youth inspector has no driver's license	
Wholesale only/Carton sale only		Tobacco out of stock	
Vending machine broken		Ran out of time	
Duplicate		Other noncompletion reason(s) <i>(Describe.)</i>	
Other ineligibility reason(s) <i>(Describe.)</i>			
Total		Total	

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

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

Instructions for Completing Form 5: In the top right-hand corner of the form, provide the state name and reporting federal fiscal year (FFY 2022).

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

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

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

Synar Survey Inspector Characteristics		
		State: _____
		FFY: 2022
	(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 2021.

Appendix B: Synar Survey Sampling Methodology

State: Nevada

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 |

Name of Frame Source	Type of Source	Description	Updating Method and Cycle
Synar KPS3 Database	6	Electronic database containing all tobacco outlets in the State, including the Synar sample.	While conducting inspections throughout the state, Office of the Attorney General Investigators identify and inspect any new business they observe that sells tobacco products. Investigators then provide information regarding the business to the Tobacco Enforcement Unit's attorneys, who continuously update the Synar KPS3 electronic database. Ongoing additions and deletions are also made to the KPS3 system following the Nevada Department of Taxation's monthly updates to the tobacco retail dealer list of licensees, as discussed further below.
Nevada Licensed Tobacco Retail Account	3	The Nevada Department of Taxation maintains a list of entities with active tobacco retail licenses throughout the state.	Nevada law requires tobacco retailers to be licensed. The Nevada Department of Taxation adds newly licensed tobacco retailers to a list on an ongoing basis, which is published to its website. Cancelled licenses are also removed from the list. The Office of the Attorney General compares the Department of Taxation's list to the Synar Database to add any new retail establishments that are accessible to youth and to follow up with outlets that cancelled their license to determine whether or not they may still be a source of tobacco for youth, albeit unlicensed.

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

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

☐ Yes ☐ No

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

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

☒ Yes ☐ No

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

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

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

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

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

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

Unstratified statewide sample:

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

Stratified sample:

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

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

--

7. Provide the following information about stratification.

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

Nevada has divided eligible tobacco outlets into four mutually exclusive and exhaustive strata. The strata are classified as urban, semi-urban, rural and rural frontier, making the outlets within each stratum largely homogenous and enhancing the sampling efficiency.

URBAN STRATUM:

Cities in Nevada that have more than 80 tobacco outlets are classified as urban. Of note, the six cities that comprise the urban stratum combine geographically to create the only two metropolitan areas in the State: Las Vegas, North Las Vegas and Henderson in the South and Reno, Sparks and Carson City in the North. The urban stratum includes more than 80% of the tobacco outlets in the State.

SEMI-URBAN STRATUM:

Another approximately 14% of the tobacco outlets in the State make up the semi-urban stratum. The cities in this stratum all have less than 80 stores but are not geographically isolated in the same manner as the rural and rural frontier strata. This stratum includes all cities with between 18-80 stores, but also those cities with less than 18 stores that are within approximately a 30-minute drive to a city with at least 18 stores. The tobacco outlets in this stratum are rarely a consumer's only reasonable option, based on proximity from which to purchase tobacco products, as is the case in the rural and rural frontier strata. Outlets that sell tobacco in the following cities make up the semi-urban stratum: Elko, Wells, Spring Creek, Carlin, Jiggs, Pahrump, Blue Diamond, Jean, Primm, Sandy Valley, Fallon, Dayton, Stagecoach, Silver Springs, Fernley, Lovelock, Winnemucca, Mill City, Imlay, Lockwood, Laughlin, Boulder City, Searchlight, Cal Nev Ari, Palm Gardens, Mesquite, Overton, Logandale, Moapa Valley, Gardnerville, Zephyr Cove, Genoa, Stateline, Minden, Walker Lake, Yerington, Hawthorne, Mound House, Virginia City, Sun Valley, Incline Village, Crystal Bay, Verdi and Washoe Valley.

RURAL STRATUM:

Nevada's third stratum is the rural stratum. Because there are so few stores in the cities comprising this stratum, the 16 cities included combine to contain only approximately 2.5% of the tobacco outlets in the State. The cities in this stratum have 17 or fewer stores and are generally more than an hour drive from a city with more than 17 stores. This makes these towns distinct from the smaller cities in the semi-urban stratum in that traveling to a larger city to purchase consumables, such as tobacco, would not be an easily accomplished, potentially daily outing. In some instances, cities in this stratum are in close proximity to other small cities, but they are not located near an urban area. Tobacco outlets in the following cities are considered rural: Battle Mountain, Valmy, West Wendover, Wendover, Ely, East Ely, Tonopah, Goldfield, Beatty, Amargosa Valley, Indian Springs, Alamo, Caliente, Pioche, Panaca and Hiko.

RURAL FRONTIER STRATUM:

The last stratum is made up of extremely rural Nevada cities, referred to as rural frontier cities. There are 18 of these cities peppering the vast largely unpopulated regions of the State. On average, these cities contain only 2.1 tobacco outlets and are isolated not only from large cities but from each other. Visiting these small rural towns from either the Las Vegas Metropolitan area or the Reno Metropolitan area would require driving, on average, 7.2 hours round-trip. These 18 cities combine to account for just over 1% of Nevada's tobacco outlets. Tobacco outlets in the following cities are considered rural frontier: Jackpot, Eureka, McGill, Round Mountain, Dyer, Gerlach, Jarbidge, McDermitt, Montello, Orovada, Wellington, Austin, Baker, Coyote Springs, Crescent Valley, Denio, Gabbs and Smith.

Because investigators are based in the urban metropolitan areas, and because rural Nevada spans extreme distances, there is a very significant cost variance between conducting inspections in an urban city and conducting inspections in a rural frontier city. As such, the State of Nevada will use the SSES calculator to determine the per stratum sample size using the optimum allocation. This requires the State to calculate a cost weight and RVR per stratum.

Accepting that a typical workday consists of approximately two hours of administrative time (preparing routes, picking up and dropping off youth inspectors, organizing buy money, etc.), in the urban stratum six hours can be devoted to conducting inspections. On average, four stores can be inspected each hour. Therefore, in the urban stratum 24 stores can be inspected, on average, each day. This is the least expensive stratum to survey, so the cost weight is 1.

Using the same inspection period of 6 hours each day, and again assuming that four stores can be inspected each hour, but this time accounting for the drive time necessary to reach each semi-urban city, an inspector will be able to inspect 13.9 stores, on average, each day. This stratum has a cost weight of 1.7.

The six clusters that make up the rural stratum are, on average, 3.6 hours away from the urban cities in which investigation teams are based. Still accepting that 4 stores can be inspected each hour once the rural destination is reached, it will take the investigation teams 3.4 hours to inspect the, on average, 13.7 stores in each rural cluster. Attributing the same 2 hours of administrative time as contemplated in the other strata, plus the drive time (an average of 7.2 hours round trip) and inspection time, the investigation teams will put in a 12.6-hour day to inspect 13.7 stores. In that same time period in the urban stratum (the cheapest stratum), 42.4 inspections could be done. Therefore, the cost weight of inspections in the rural stratum is 3.1.

The rural frontier cities are substantially more expensive to inspect, primarily because a round trip drive of 7.2 hours will net the inspection team only 2.1 inspections, on average. Including two hours of administrative time plus an average of 7.2 hours of drive time and 30 minutes of inspection time, a 9.7-hour day will be required to complete only 2.1 inspections. If the investigation team worked a 9.7 hour day in the cheapest stratum, 30.8 stores could be inspected, versus the 2.1 conducted in the rural frontier stratum. Therefore, the cost weight of inspections in the rural frontier stratum is 14.7.

Prior to utilizing the SSES calculator, the State will calculate the retailer violation rate (RVR) for each stratum from the prior year's Synar inspections. However, for inspections beginning October 1, 2020, the State intends to use the Synar RVR for each stratum based on inspections conducted between October 1, 2018, and September 30, 2019. Due to the coronavirus public-health crisis, the State was unable to conduct inspections throughout the state between October 1, 2019, and September 30, 2020, sufficient to calculate a meaningful RVR for multiple strata. As such, for inspections beginning October 1, 2020, the State will look backwards two years to calculate the per stratum RVR. Similarly, for inspections beginning October 1, 2020, the State will use the Accuracy Rate and Completion Rate from the inspections completed September 30, 2019.

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 urban stratum is not clustered and tobacco outlets will be selected from that stratum using a simple random sample (SRS).

The semi-urban stratum consists of cities that have between 18 and 80 stores, or those smaller cities that are within an approximately 30-minute drive to a city containing at least 18 stores. The 44 cities in this stratum were divided into 9 distinct and exhaustive clusters. Cities were clustered based on both their geographic proximity to one another and their proximity to a metropolitan area. While efforts were made to make the clusters as close in size as possible, geographic constraints resulted in some variance. The clusters in this stratum presently have between 30 and 66 stores.

The rural stratum consists of cities that have less than 17 stores that are not in close proximity to a city with more than 17 stores. Each cluster consists of cities that are all small but in close geographic proximity to one another or small cities that share a common primary highway. For example, Ely and East Ely combine to create one cluster because they are minutes away from one another. However, Amargosa Valley and Beatty are in the same cluster despite being more than an hour away from each other because, in order to get to Beatty from Las Vegas, a visitor must drive through Amargosa Valley. The cities in this stratum have been combined to make 6 clusters each consisting of between 10 and 18 stores.

The rural frontier stratum consists of 18 tiny clusters. Each cluster contains the tobacco outlets in one highly isolated Nevada city. These rural cities are not geographically located such that they can logically be combined with any other city to form a larger cluster. On average, the cities in this stratum contain just 2.1 tobacco outlets.

- 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.**

Nevada uses the SSES sample size calculator, using the optimum allocation, to determine the per stratum sample size. With regard to the urban stratum, which includes more than 80% of Nevada's tobacco outlets, an SRS is used to select the number of stores required by the SSES sample size calculator. Each tobacco outlet in the urban stratum is contained in an Excel spreadsheet and, using the randomize function, assigned a random number. The stores are then sorted from smallest random number to largest and are assigned a whole, incremental number. The stores are then selected from one up to the required stratum sample size as the urban stratum SRS for Synar inspections.

Within the semi-urban stratum, where stores are separated into nine clusters, a multi-stage SRS is conducted. First, within an Excel sheet, the clusters are assigned a number between 1 and 9 using the randomize function. The State will then similarly randomize each outlet within each cluster using the randomize function and select an SRS of 50% of the stores within each cluster. If there is an odd number of tobacco outlets in a cluster, one more outlet is included in the SRS from that cluster. The Synar sample will be compiled by adding the 50% SRS from each cluster in the order the individual outlets were randomized, in the order of the cluster-level SRS, until the number of outlets selected equals the number required by the SSES sample size calculator for the semi-urban stratum.

The Synar sample for the rural stratum will be selected in a similar manner except that, because there are so few outlets in each cluster, a census of the selected clusters will be conducted. The six clusters will be randomized using Excel. All stores in the first cluster will be added to the Synar inspection list. If the SSES sample size calculator determined more stores from this stratum need to be inspected than are included in the random cluster assigned number 1, then all tobacco outlets in the cluster randomly assigned the number 2 will be added to the Synar sample inspection list. This process will continue until the number of stores on the Synar sample inspection list equals or exceeds the required sample size for the rural stratum.

Much like the rural stratum, the 18 clusters in the rural frontier stratum will be randomized using Excel and, in the order the clusters are selected, all outlets in that cluster will be added to the State's Synar sample inspection list. Full clusters will be added until the number of stores on the Synar sample inspection list equals or exceeds the required sample size for the rural frontier stratum.

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: 551

RVR: 30.4%

Frame Size: 3225

Input for Target Sample Size: 551

Design Effect: 1.0

Inputs for Original Sample Size:

Safety Margin: 20%

Accuracy (Eligibility) Rate: 88%

Completion Rate: 99.7%

- 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:

Stratum ID	Stratum Size	RVR	Cost Weight	Sample Size
1	2657	30.6	1	657
2	447	27.7	1.7	82
3	81	44.4	3.1	12
4	40	33.3	12.1	3

- 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: Nevada

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:) The adult inspectors enter the outlet with the underage inspectors, before a purchase attempt is made, if it is feasible to do so without drawing attention to the inspection. If the location is too small, or there are other factors that would draw attention to the inspection, the adult inspectors will keep the underage inspector within line of sight, to the extent possible, but will enter the store after the inspection attempt is completed

☐ Not permitted

d. Youth inspectors to be compensated?

☐ Required

☒ Permitted under specified circumstances (Describe:) Nevada has six part-time paid positions assigned to underage inspectors for the purpose of conducting tobacco and nicotine age-restriction compliance checks, including Synar inspections. However, Nevada is also exploring the possibility of using underage volunteers throughout the state to conduct compliance checks.

☐ 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): _____

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

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

When conducting Synar inspections, underage inspectors are instructed to ask for cigarettes, small cigars, cigarillos, smokeless tobacco, e-liquid, or ENDS products. The underage inspectors train by using a prepared "Tobacco Menu" that is located in the Investigator's vehicle. The "Tobacco Menu" includes brands and styles of cigarettes, small cigars, cigarillos, smokeless tobacco, e-liquid, and ENDS products and also offers suggested language of how underage inspectors can ask for each specific product. During an actual inspection, the brand and style are selected by the underage inspector based on what products are available in the store.

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

The Nevada Office of the Attorney General employs up to two full time investigators who supervise the underage inspectors conducting the compliance checks. The investigators are Nevada POST certified law enforcement officers, hired through the State recruitment system. Applicants are interviewed and selected following State hiring procedures for classified employees. The Investigators have a training manual and are trained in-person by other Investigators.

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

The Nevada Attorney General's Office employs up to six underage inspectors at a time. The underage inspectors are recruited through various means including school counselors, law enforcement scouting groups, the State hiring website, and word of mouth. The underage inspectors are interviewed and selected based on their general availability and age, to ensure they will not age out of the program too quickly. The OAG has created an underage inspector training manual that is provided to each inspector, and newly hired underage inspectors accompany an experienced underage inspector, under supervision of a law enforcement officer, before conducting compliance checks on their own.

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

a. Legal

☒ Yes ☐ No

(If Yes, please describe.)

To the extent a local ordinance exists criminalizing underage possession, 244.3572(2)(a) specifically provides for immunity when an underage inspector is "assisting in an inspection pursuant to NRS 202.2496."

b. Procedural

☐ Yes ☒ No

(If Yes, please describe.)

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

a. Legal

☐ Yes ☒ No

(If Yes, please describe.)

b. Procedural

☒ Yes ☐ No

(If Yes, please describe.)

Each underage inspector is issued a manual with procedures designed to ensure they remain safe throughout each compliance check. When possible, the adult investigator accompanies the underage inspector into the store where tobacco is sold. Underage inspectors are instructed not to conduct a compliance check if they observe any situation that makes them feel uncomfortable, and the adult

investigator is advised not to conduct a compliance check if they observe active law enforcement activity or any activity that may jeopardize the safety of the underage inspector.

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

a. Legal

☐ Yes ☒ No

(If Yes, please describe.)

b. Procedural

☒ Yes ☐ No

(If Yes, please describe.)

The State typically uses underage inspectors that are up to two years younger than the legal age to purchase tobacco and vapor products. The underage inspectors typically "retire" 90 days before the age in which a person can legally sell them tobacco and vapor products. The inspections are conducted during the workweek. Before going out, both adult investigators and underage inspectors received training manuals for review and are trained by other state employees who currently perform those job duties.

Appendix D: List Sampling Frame Coverage Study
(LIST FRAME ONLY)

State: _____
FFY: 2022 _____

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.

- 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).