

ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB № 0930-0222

FFY 2016

State: Hawaii

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1. Act 122, Session Laws of Hawaii 2015
2. Synar Survey Estimation System (SSES) Tables: Tables 1, 2, 3, and 4
3. Inspection Data Collection Form

Public Burden Statement: An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this project is 0930-0222. Public reporting burden for this collection of information is estimated to average 18 hours per respondent, per year, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to SAMHSA Reports Clearance Officer, 1 Choke Cherry Road, Room 2-1057, Rockville, Maryland, 20857.

INTRODUCTION

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

How the Synar report helps the Center for Substance Abuse Prevention

In accordance with the tobacco regulations, states are required to provide detailed information on progress made in enforcing youth tobacco access laws (FFY 2015 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2016 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).

SECTION I: FFY 2015 (Compliance Progress)

YOUTH ACCESS LAWS, ACTIVITIES, AND ENFORCEMENT

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

1. Please indicate any changes or additions to the state tobacco statute(s) relating to youth access since the last reporting year. If any changes were made to the state law(s) since the last reporting year, please attach a photocopy of the law to the hard copy of the ASR and also 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

Please see attached copy of Act 122, Session Laws of Hawaii 2015.

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

Other change(s) *(Please describe.)* The protocol regarding the maximum eligible age of volunteer youth inspectors is being changed from 17 to 20 to be consistent with the change in the State law which increases the legal age to purchase tobacco products from 18 to 21, effective January 1, 2016.

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

2. Describe how the Annual Synar Report (see 45 C.F.R. 96.130(e)) and the state Plan (see 42 U.S.C. 300x-51) were 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 2016 ASR was posted to this Web address.)*

<http://health.hawaii.gov/substance-abuse/survey>. Posted 12/10 /15.

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:

Hawaii’s Governor in 1996 designated both the Department of Health (DOH) and the Department of the Attorney General to be responsible for the implementation of the requirements.

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

- Yes No

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

The DOH Alcohol and Drug Abuse Division (ADAD) is the State agency that has been responsible for the random unannounced Synar inspections. ADAD contracts with the University of Hawaii (UH) to conduct the annual inspections. The Synar inspections are conducted separately from enforcement activities, and no police are used for the Synar inspections. The program that conducts the annual Synar inspections is housed at the UH Office of Public Health Studies (OPHS).

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):

Hawaii has no State police and, as such, county police are responsible for enforcement and issuing citations to sellers of tobacco products to minors. In 1997 with initial support from the Department of the Attorney General, ADAD began a cooperative program with county police to undertake special operations to enforce the State law prohibiting tobacco sales to minors. In accordance with written agreements (Memorandum of Agreement or contract) between ADAD and each of the county police departments in Hawaii’s four counties, State funds are provided for police overtime to use plainclothes police officers to conduct “stings” using underage volunteers to buy cigarettes at retail outlets. Upon observation of a tobacco sale to an underage volunteer, the undercover police officer issues a citation to the salesclerk. ADAD contracts with the UH Office of Public Health Studies (under a contract separate from the Synar inspections) to provide the four county police departments with technical assistance that includes maintaining lists of retail outlets to be inspected, recruiting and training youth volunteers, and data collection and reporting. Hawaii’s “Exemplary Enforcement Practices,” to address illegal retailer sales of tobacco products to minors, was featured in CSAP’s “FFY

2008 Annual Synar Reports: Youth Tobacco Sales.”

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 DOH Tobacco Prevention and Education Program (TPEP) is the State’s lead office on tobacco prevention and receives National Tobacco Control Program funding from the Centers for Disease Control and Prevention. TPEP is organized separately from ADAD. TPEP is grouped with programs under the Chronic Disease Prevention and Health Promotion Division which is under the DOH Health Resources Administration, while ADAD is under the DOH Behavioral Health Administration.

- 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.) _____

- d. 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)).**

DOH Alcohol and Drug Abuse Division

- e. Has the responsible agency changed since last year’s Annual Synar Report?**

Yes No

- f. 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.)* _____

g. 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 2015 (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 federal youth tobacco access laws). Please fill in the number requested. If state law does not allow for an item, please mark “NA” (not applicable). If a response for an item is unknown, please mark “UNK.” The chart must be filled in completely.

| PENALTY | OWNERS | CLERKS | TOTAL |
|--|--------|--------|-------|
| Number of <u>citations issued</u> * | NA | 96 | 96 |
| Number of <u>finest assessed</u> | UNK | UNK | UNK |
| Number of <u>permits/licenses suspended</u> ** | 0 | | 0 |
| Number of <u>permits/licenses revoked</u> ** | 0 | | 0 |
| Other <i>(Please describe.)</i> | | | |

* During State fiscal year 2015 (July 1, 2014-June 30, 2015), 96 citations were issued to clerks, which may include mobile food vendors, who were observed selling tobacco to minors, out of a total of 1,034 enforcement stings that were completed by county police departments. Under Hawaii State law, citations are issued to salesclerks, not store owners.

** The Department of Taxation is the State agency that issues and may suspend or revoke retail tobacco permits in accordance with Hawaii Revised Statutes, provisions under Chapter 245 and Hawaii Administrative Rules, provisions under

§18-245-2.5. Violation(s) of the State law that prohibits the sale of tobacco products to minors may be considered, but does not automatically result, in the suspension or revocation of a retail tobacco permit.

c. **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.

d. **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

e. **What additional activities are conducted in your state to support enforcement and compliance with state youth tobacco access law(s)?** (*Check all that apply.*)

- Merchant education and/or training
- 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)
- Community education regarding youth access laws
- Media use to publicize compliance inspection results
- Community mobilization to increase support for retailer compliance with youth access laws
- Other activities (*Please list.*) _____

Briefly describe all checked activities:

The DOH Tobacco Prevention and Education Program (TPEP) conducts the State's major educational and informational activities on tobacco prevention and control, including merchant and community education. In carrying out its merchant education program, TPEP works closely with retail trade associations, large retail chains, as well as individual merchants, to increase awareness and understanding of the problems of underage smoking and increase compliance with current laws. TPEP provides legal signage and a limited program for training, consultation, and technical assistance to individual companies, retail merchants and their clerks on: State and county tobacco and smoking-related laws; ways to verify the age of purchasers by checking for and calculating the age on IDs; and techniques on refusing sales to underage purchasers. TPEP convenes an interagency workgroup to update organizational partners on activities, develop new initiatives, and develop policy and programs to train cashiers to consistently check IDs and verify age. TPEP also develops and disseminates a variety of training and informational materials for merchants.

In June 2015, Hawaii became the first state to pass a State law increasing the legal age to purchase tobacco or electronic cigarette products to age 21. The law becomes effective January 1, 2016. Educational materials to promote compliance for this law will be distributed statewide to tobacco retailers including new legal signage to post at point of sale. TPEP will hold community briefings for merchants and place ads in business publications including the Hawaii Retail Grocers magazine to prepare merchants for the new Age 21 tobacco law. Merchant education materials and information about the law are available at the TPEP website: www.health.hawaii.gov/tobacco/retail

TPEP collaborates with the Hawaii State Department of Taxation which, under a State law, is responsible for issuing licenses to tobacco wholesalers and permits to retail tobacco sellers annually. TPEP works with the Attorney General's Tobacco Enforcement Unit, responsible for ensuring compliance with Hawaii's cigarette tax stamp law.

TPEP conducts and funds a variety of tobacco prevention activities to create greater awareness in reducing youth access to tobacco and discouraging teen and young adult smoking. Major efforts include conducting statewide media and counter-marketing activities using print media ads located at public venues such as shopping malls, parking lots and theaters. TPEP's community education and information activities also address youth access laws through the development and dissemination of comprehensive brochures on State and County laws on smoking and tobacco use including youth access laws. TPEP's merchant education activities also incorporate materials on Hawaii's youth access laws.

Beginning in February 2002, TPEP, in collaboration with ADAD and the UH Cancer Center, placed large advertisements in newspapers across the State that listed the monthly results of the police enforcement checks. In August 2002, responsibility for the newspaper ads was transferred to the UH Cancer Center in collaboration with ADAD. Both the retailers who sold tobacco products to minors and those who did not sell were listed. As a result of these ads, some of the merchants who committed violations contacted TPEP to request merchant education and training. However, due to past severe budget cuts and continued budget constraints, the print newspaper ads were discontinued. TPEP continues to advertise in retail merchant trade publications. To help compensate for the loss of the print ads, ADAD has included on its website <http://health.hawaii.gov/substance-abuse/survey/tobacco/> the lists of retailers that have passed and failed enforcement checks.

f. 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 5f, 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:

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 2015 (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.

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, attach SSES summary tables 1, 2, 3, and 4 to the hard copy of the ASR and upload a copy of SSES tables 1–5 (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 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 frame coverage study: 2013

b. Percent coverage from the latest frame coverage study: 90.3%

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: 2018

In April 2014, ADAD received CSAP's approval to conduct Hawaii's next coverage study at the 5-year interval in calendar year 2018 instead of the 3-year interval in calendar year 2016. Hawaii met CSAP's conditions which require conducting at least two coverage studies that showed a coverage rate of 90% or higher, and the sampling and canvassing methods were approved by SAMHSA.

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.

For this FFY 2016 Annual Synar Report, ADAD submitted an updated Synar Survey Inspection Protocol (Appendix C) to CSAP for review and received CSAP's approval on November 19, 2015. The approved Appendix C is included in this FFY 2016 Annual Synar Report.

a. Provide the inspection period: From 03/07/15 to 03/23/15
MM/DD/YY MM/DD/YY

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

7

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.

b. 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 2016 (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.

As noted above, the updated Synar Survey Inspection Protocol (Appendix C) was approved by CSAP on November 19, 2015, and is included in this FFY 2016 Annual Synar Report. In the upcoming year, the anticipated change would be increasing the maximum eligible age of volunteer youth inspectors from 17 to 20 to be consistent with the change in the State law which increases the legal age to purchase tobacco products from 18 to 21, effective January 1, 2016. For further information, please see description under question #2 below.

2. Please describe the state's plans to maintain and/or reduce the target rate for Synar inspections to be completed in FFY 2016. 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.

To maintain the retailer violation rate below the 20% maximum target rate, the State plans to continue the law enforcement efforts described in Section I under question 3c. These efforts include continuing the cooperative program with county police to undertake special operations to enforce the State law prohibiting tobacco sales to minors. In accordance with written agreements (Memorandum of Agreement or contract) between ADAD and each of Hawaii's four county police departments, State funds will be provided for police overtime to use plainclothes police officers to conduct "stings" using underage volunteers to buy cigarettes at retail outlets. Upon observation of a tobacco sale to an underage volunteer, the undercover police officer issues a citation to the salesclerk. ADAD will continue to contract the UH Office of Public Health Studies to provide technical assistance to the county police departments. This includes maintaining lists of retail outlets to be inspected, recruiting and training youth volunteers, and data collection and reporting.

Older volunteer youth inspectors up to age 20 may be used to enforce the State's youth tobacco access law, consistent with the change in the State law which increases the legal age to purchase tobacco products from 18 to 21, effective January 1, 2016. For the Synar inspections, ADAD received approval from CSAP to also use older youth inspectors up to age 20, consistent with the change in the State law. Other current guidance from CSAP regarding the age distribution of youth inspectors to be used for the Synar inspections will continue to be followed.

As described under question 3b, ADAD also contracts the UH Office of Public Health Studies (using a separate contract) to conduct the annual Synar inspections. The Synar inspections are conducted separately from the police stings, and no police are used for the Synar inspections.

The activities that support law enforcement efforts described in Section I under question 5e are expected to continue. These activities include the merchant education and training and community education activities conducted by the DOH Tobacco Prevention and Education Program (TPEP) which is the State's lead office on tobacco prevention.

There are no anticipated changes in youth tobacco access legislation or regulation that is being proposed by ADAD. As Hawaii's State Legislature does not convene until the third Wednesday in January of each year, ADAD is unable to currently determine if any youth tobacco access legislation will be introduced by other public or private sector organizations.

3. Describe any challenges the state faces in complying with the Synar regulation. (Check all that apply.)

- 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
- Issues regarding the age balance of youth inspectors
- Issues regarding the gender balance of youth inspectors
- 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.*) _____

Briefly describe all checked challenges and propose a plan for each, or indicate the state's need for technical assistance related to each relevant challenge.

Limited resources for law enforcement of youth access laws: Synar requirements constitute an unfunded mandate. Synar regulations prohibit States from using SAPT Block Grant funds for enforcement activities, except for primary prevention set aside funds which may be used to carry out administrative aspects such as developing the sample design and conducting the annual Synar inspections. Hawaii's four county police departments have limited resources and often focus their efforts in reducing serious criminal behavior within their communities. Due to limited county resources, State funds have been used to contract with the county police departments to enforce Hawaii's youth tobacco access law. The Department of Health (DOH) Chronic Disease Prevention and Health Promotion Division (CDPHPD), also known as the Tobacco Settlement Project, has been making Tobacco Settlement funds available to ADAD on a year-to-year basis to support the enforcement of Hawaii's youth tobacco access law. These funds enable

plainclothes police officers to conduct the tobacco enforcement stings on an overtime basis. These funds have also been used to enable the UH Office of Public Health Studies to provide essential technical assistance, i.e., maintaining lists of retail outlets to be inspected, recruiting and training youth volunteers, and data collection and reporting. However, during the 2015 Hawaii State Legislative Session, the Legislature eliminated Tobacco Settlement funds to CDPHPD and instead appropriated general fund revenues for CDPHPD's operations. ADAD continues to work with CDPHPD/TPEP, UH Office of Public Health Studies and county police departments to explore ways of supporting enforcement of youth access laws in the face of budget constraints and changing State laws.

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 2016). 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.

RECORD COLUMN TOTALS ON LAST LINE (LAST PAGE ONLY IF MULTIPLE PAGES ARE NEEDED).

FORM 2 (Optional)

Appropriate for stratified simple or systematic random sampling designs.

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

Instructions for Completing Form 2: In the top right-hand corner of the form, provide the state name and reporting federal fiscal year (FFY 2016).

- 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: 2016 |
| (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 2016).

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: 2016 _____ | | | | |
| (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 2016).

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: 2016 | |
| (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 2016).

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 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: 2016 _____ |
| | (1) Attempted Buys | (2) Successful Buys |
| Male | | |
| 15 years | | |
| 16 years | | |
| 17 years | | |
| 18 years | | |
| Male Subtotal | | |
| Female | | |
| 15 years | | |
| 16 years | | |
| 17 years | | |
| 18 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).

APPENDIX B: SYNAR SURVEY SAMPLING METHODOLOGY

State: Hawaii
 FFY: 2016

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 |
|-------------------------------|----------------|---|--|
| R.L. Polk Business Directory | 1 | Business directory based on Standard Industrial Classification (SIC) codes | Used to create original list |
| FDA List | 1 | List of outlets from the FDA for enforcement of FDA tobacco regulations that are no longer in effect since the U.S. Supreme Court ruled in March 2000 that the FDA lacks jurisdiction over cigarettes and smokeless tobacco | Used to create original list |
| Yellow Pages | 6 | Annual Yellow Pages phone book | All grocery, liquor, variety, service station, sundry and convenience listings are checked to update and add new outlets to the list annually |
| Police Enforcement Operations | 6 | Information on tobacco outlets obtained from police enforcement stings conducted in all four counties throughout the year | Outlet status information obtained from police enforcement stings is used to update the list 1-3 times a month. |
| Synar Inspections | 6 | Information on tobacco outlets from annual Synar inspections conducted in all four counties | Outlet status information obtained from Synar inspections is used to update the list annually. |
| Tobacco Permit List | 3 | Hawaii State Dept. of Taxation retail tobacco permit list | Tobacco permit lists are obtained from the Dept. of Taxation, then analyzed, compared with the list frame, and used to update the list frame 1-4 times a year. |

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.) _____

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.)

The outlets in the sampling frame are grouped by county and sorted in the following order prior to selection: zip code, city, street name, and then street number. Every nth outlet is selected using a random start point generated by using MS Excel. Outlets in each county are selected proportional to the statewide sampling frame.

7. Provide the following information about stratification.

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

The strata are the four counties of Hawaii: City and County of Honolulu (Island of Oahu), County of Hawaii (Big Island), County of Maui, and County of Kauai. As described above, the outlets in the sampling frame are sorted in the following order prior to selection: county, zip code, city, street name, and then street number.

b. Is clustering used within the stratified sample?

Yes (Go to Question 8.)

No (Go to Question 9.)

8. Provide the following information about clustering.

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

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

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

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

Yes (Respond to part b.)

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

b. SSES Sample Size Calculator used?

State Level (Respond to Question 10a.)

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

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

10. Provide the following information about sample size calculations for the current FFY Synar survey.

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: 4.87%

Frame Size: 1,103

Input for Target Sample Size:

Design Effect: 1

Inputs for Original Sample Size:

Safety Margin: 20%

Accuracy (Eligibility) Rate: 85%

Completion Rate: 85%

- 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

State: Hawaii

FFY: 2016

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: Adult supervisors are permitted to enter the outlet to assess the situation and ensure the safety of the youth inspector. If there are two adult supervisors at an outlet, one adult supervisor will accompany the youth inspector to the outlet while the other adult supervisor remains in the vehicle. However, if the adult supervisor feels their presence may compromise the undercover nature of the inspection, the adult supervisor will not enter the outlet.)
 Not permitted

d. Youth inspectors to be compensated?

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

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

- Law enforcement agency(ies)
 State or local government agency(ies) other than law enforcement

Private contractor(s)

Other

List the agency name(s): University of Hawaii Office of Public Health Studies

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
- Other

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

During the year, establishments are identified in the database by which tobacco products they sell. If an establishment is known to not carry cigarettes and instead sells other tobacco products such as cigars, small cigars/cigarillos, smokeless tobacco, or other tobacco products other than cigarettes, prior to entering the store, the adult staff will notify the youth inspector to ask for the tobacco product that is known to be sold at that particular establishment. Youth inspectors are also asked to quickly scan the store to identify which tobacco products are being offered for sale before making an attempt to purchase. Youth inspectors are also asked to request for popular brand name items such as Kool and Marlboro. Should either of the two brands not be available, the youth inspector is told to choose a different brand that they are able to identify as a brand of cigarette.

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

Underage youth volunteers are recruited from local schools, mostly through youth clubs. The University of Hawaii Office of Public Health Studies (OPHS) gives a presentation on the Synar project and signs up volunteers for training. Those that complete the training are added to the OPHS database of eligible volunteers. The composition of the database changes due to voluntary withdrawals, adding new volunteers, and eliminating youth who exceed the minimum sale age for tobacco products pursuant to State law. Youth volunteers undergo a training session that may last from 20-60 minutes, depending on the number of participants and the amount of questions asked in any one session. The average time is about 45 minutes for group sessions and about 20 minutes for one-on-one training sessions. The training includes: an overview of the purpose of the compliance monitoring program; review of Hawaii State law regarding tobacco sales to minors; role-playing of tobacco buying procedures; review and description of the need to avoid misrepresentation of age, to maintain confidentiality, and to observe safety procedures; and review and description of the consent

and data collection forms and procedures. The selection of youth inspectors depends on the availability of volunteers for the scheduled inspection days and communities. For the adult supervisors, only OPHS staff are used.

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

a. Legal

Yes No

(If Yes, please describe.)

In 1997, a State law was enacted to exempt minors from prosecution for the purchase of tobacco products as part of a law enforcement activity or a study authorized by the Department of Health and supervised by law enforcement to determine the level of incidence of tobacco sales to minors.

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.)

OPHS has instituted procedures to address the issue of safety for youth inspectors. Prior to being hired, all project staff are required to pass a criminal background check conducted by the Research Corporation of the University of Hawaii. Prior to the inspections, each adult driver must show OPHS a valid driver's license, motor vehicle registration, and no-fault insurance card, and sign a statement that says, "All drivers must not have received a moving violation in the past three years or have any problem with his or her car." During the inspections, adult supervisors conduct all driving, youth inspectors ride in the backseat, and everyone in the vehicle must wear seat belts. All inspections are made during the day (before dark). If any team member feels that it is unsafe to enter a store, the inspection for that outlet will not be conducted. The adult driver must observe the store from his/her vehicle and alert the minor if any suspicious

activity is occurring outside the store. For safety purposes, an additional adult supervisor, if available, will accompany the youth inspector to the outlets.

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.)

Consistent with previous years' Synar inspections, the consummated buy protocol is used. The inspection team consists of a youth inspector and an adult supervisor from the OPHS staff. For safety purposes, an additional adult supervisor, if available, will accompany the youth inspector to the outlets. Each team is provided with an information packet that includes "buy money," a map of the area to be surveyed, a list of outlets to be inspected, a mobile device that contains the data collection form to record the data and results for each outlet, mileage claim forms, and a cash expenditure form.

The adult supervisor drives the youth inspector to each outlet and an attempt to purchase is made. The youth inspector enters the outlet alone while the adult remains outside the outlet. However, if there are two adult supervisors, one adult supervisor will accompany the youth inspector to the outlet while the other adult supervisor remains in the vehicle. Youth inspectors are instructed not to carry identification. If a salesclerk asks a youth for identification, the youth is to reply that he or she is not carrying any identification. If a salesclerk asks the youth for his or her age, the youth is to reply honestly. After each attempt, the youth inspector completes the data collection form on the mobile device to record if a purchase was made or not made and other information about the outlet. If a purchase was made, the adult immediately takes possession of the tobacco purchased and records the expenditure. Inspections are conducted during general business daylight hours. At the end of the inspections, the tobacco products, information packets, and cash are returned to OPHS staff. The data on the mobile devices are imported to a computer at the OPHS office. The data are verified for accuracy and entered into a database.

Since the youth inspectors are volunteers, they are not paid. During the inspections, they receive lunch and are allowed to purchase snacks. In addition, they receive small incentives such as movie tickets or gift certificates for participating in the inspections. Upon request, OPHS verifies for youth inspectors their community service hours for school and extracurricular organizations. The adult supervisors (OPHS staff) are reimbursed for mileage accumulated using their vehicle and for any parking fees paid during the inspections.

APPENDIX D: LIST SAMPLING FRAME COVERAGE STUDY

(LIST FRAME ONLY)

State: _____
FFY: 2016 _____

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).



GOV. MSG. NO. 1222

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 19, 2015

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Eighth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Eighth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 19, 2015, the following bill was signed into law:

SB1030 SD1 HD2

RELATING TO HEALTH
ACT 122 (15)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the use of
2 electronic smoking devices is prevalent among adolescents in
3 Hawaii. According to recent figures from six Hawaii high
4 schools, among the ninth and tenth grade students, twenty-nine
5 percent have used electronic smoking devices at least once and
6 eighteen percent use them regularly. This sample's rate of
7 electronic smoking device use by adolescents is considerably
8 higher than rates in current studies of adolescents in other
9 areas of the United States.

10 The legislature further finds that electronic smoking
11 devices are popular among adolescents and the majority regard
12 electronic smoking devices as healthier than cigarettes.
13 However, using electronic smoking devices in most instances
14 exposes adolescents to nicotine, which is a highly addictive
15 substance. Therefore, in addition to preventing electronic
16 smoking device use by adolescents, more research is needed to
17 test why electronic smoking devices appeal to adolescents and



1 whether using electronic smoking devices carries more benefits
2 than risks.

3 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
4 amended by adding a new part to be appropriately designated and
5 to read as follows:

6 "PART . TOBACCO PRODUCTS

7 §321-A Definitions. As used in this part:

8 "Electronic smoking device" means any electronic product
9 that can be used to aerosolize and deliver nicotine or other
10 substances to the person inhaling the device, an electronic
11 cigarette, electronic cigar, electronic cigarillo, or electronic
12 pipe, and any cartridge or other component of the device or
13 related product.

14 "Possession" means knowingly having direct physical control
15 at a given time or knowingly having the power and the intention,
16 at a given time, to exercise dominion or control, including the
17 actual use of the tobacco product.

18 "Tobacco product" means tobacco in any form, including an
19 electronic smoking device, cigarettes, cigars, snuff, and
20 chewing tobacco, that is prepared or intended for consumption
21 by, or the personal use of, humans.



1 **§321-B Tobacco products; possession or consumption**
2 prohibited. Possession or consumption of a tobacco product by a
3 person under twenty-one years of age in a public place shall be
4 prohibited.

5 **§321-C Exemptions.** This part shall not apply to:

- 6 (1) Any person under twenty-one years of age, with
7 parental authorization, who is participating in a
8 controlled purchase as part of a law enforcement
9 activity or a study authorized by the department of
10 health under the supervision of law enforcement to
11 determine the level of incidence of tobacco sales to
12 persons under twenty-one years of age; or
13 (2) Possession of tobacco products by a person under
14 twenty-one years of age in the course of delivery,
15 pursuant to the direction of the person's employer
16 lawfully engaged in business necessitating the
17 delivery.

18 **§321-D Enforcement; rules.** Any person under twenty-one
19 years of age who violates section 321-B shall be fined \$10 for
20 the first offense. Any subsequent offense shall subject the
21 violator to a fine of \$50, no part of which shall be suspended,



1 or the person shall be required to perform not less than forty-
2 eight hours nor more than seventy-two hours of community service
3 during hours when the person is not employed and is not
4 attending school."

5 SECTION 3. Section 709-908, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "§709-908 Tobacco products and electronic smoking devices
8 [prohibited; minors]; persons under twenty-one years of age.

9 (1) [It] Effective January 1, 2016, it shall be unlawful
10 to sell or furnish a tobacco product in any shape or form[
11 including chewing tobacco and snuff,] or an electronic smoking
12 device to a [minor] person under [eighteen] twenty-one years of
13 age.

14 (2) [Signs] Effective January 1, 2016, signs using the
15 statement, "The sale of tobacco products or electronic smoking
16 devices to persons under [eighteen] twenty-one is prohibited",
17 shall be posted on or near any vending machine in letters at
18 least one-half inch high and at or near the point of sale of any
19 other location where tobacco products or electronic smoking
20 devices are sold in letters at least one-half inch high.



1 (3) It shall be unlawful for a [~~minor~~] person under
2 [~~eighteen~~] twenty-one years of age to purchase any tobacco
3 product [~~, as described under subsection (1),~~] or [an] electronic
4 smoking device, as [~~described under~~] those terms are defined in
5 subsection (5). This provision does not apply if a person under
6 the age of [~~eighteen,~~] twenty-one, with parental authorization,
7 is participating in a controlled purchase as part of a law
8 enforcement activity or a study authorized by the department of
9 health under the supervision of law enforcement to determine the
10 level of incidence of tobacco or electronic smoking devices
11 sales to [~~minors.~~] persons under twenty-one years of age.

12 (4) Any person who violates subsection (1) or (2), or
13 both, shall be fined \$500 for the first offense. Any subsequent
14 offenses shall subject the person to a fine not less than \$500
15 nor more than \$2,000. Any [~~minor~~] person under [~~eighteen~~]
16 twenty-one years of age who violates subsection (3) shall be
17 fined \$10 for the first offense. Any subsequent offense shall
18 subject the violator to a fine of \$50, no part of which shall be
19 suspended, or the person shall be required to perform not less
20 than forty-eight hours nor more than seventy-two hours of



1 community service during hours when the person is not employed
2 and is not attending school.

3 (5) For the purposes of this section:

4 "Electronic smoking device" means any electronic product
5 that can be used to [~~simulate smoking in the delivery of~~]
6 aerosolize and deliver nicotine or other substances to the
7 person inhaling from the device, including but not limited to an
8 electronic cigarette, electronic cigar, electronic cigarillo, or
9 electronic pipe, and any cartridge or other component of the
10 device or related product.

11 "Tobacco product" means any product made or derived from
12 tobacco that contains nicotine or other substances and is
13 intended for human consumption or is likely to be consumed,
14 whether smoked, heated, chewed, absorbed, dissolved, inhaled, or
15 ingested by other means. "Tobacco product" includes but is not
16 limited to a cigarette, cigar, pipe tobacco, chewing tobacco,
17 snuff, snus, or an electronic smoking device. "Tobacco product"
18 does not include drugs, devices, or combination products
19 approved for sale by the United States Food and Drug
20 Administration, as those terms are defined in the Federal Food,
21 Drug and Cosmetic Act."



1 SECTION 4. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 5. In codifying the new sections added by section
5 2 of this Act, the revisor of statutes shall substitute
6 appropriate section numbers for the letters used in designating
7 the new sections in this Act.

8 SECTION 6. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 7. This Act shall take effect on January 1, 2016.

APPROVED this 19 day of JUN, 2015



GOVERNOR OF THE STATE OF HAWAII

SSES Table 1 (Synar Survey Estimates and Sample Sizes)

CSAP-SYNAR REPORT

| | |
|---------------------------|----------------------------------|
| State | HI |
| Federal Fiscal Year (FFY) | 2016 |
| Date | 2/3/2016 12:40 |
| Data | SSES Data 2016-rev2016.02.03.xls |
| Analysis Option | Stratified SRS with FPC |

Estimates

| | |
|--------------------------------------|--------------|
| Unweighted Retailer Violation Rate | 3.3% |
| Weighted Retailer Violation Rate | 3.3% |
| Standard Error | 1.2% |
| Is SAMHSA Precision Requirement met? | YES |
| Right-sided 95% Confidence Interval | [0.0%, 5.3%] |
| Two-sided 95% Confidence Interval | [0.9%, 5.7%] |
| Design Effect | 1.0 |
| Accuracy Rate (unweighted) | 97.6% |
| Accuracy Rate (weighted) | 97.6% |
| Completion Rate (unweighted) | 91.5% |

Sample Size for Current Year

| | |
|------------------------------|-------|
| Effective Sample Size | 124 |
| Target (Minimum) Sample Size | 124 |
| Original Sample Size | 206 |
| Eligible Sample Size | 201 |
| Final Sample Size | 184 |
| Overall Sampling Rate | 17.1% |

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

STATE: HI
FFY: 2016

| Samp. Stratum | Var. Stratum | Outlet Frame Size | Estimated Outlet Population Size | Number of PSU Clusters Created | Number of PSU Clusters in Sample | Outlet Sample Size | Number of Eligible Outlets in Sample | Number of Sample Outlets Inspected | Number of Sample Outlets in Violation | Retailer Violation Rate(%) | Standard Error(%) |
|---------------------------------|--------------|-------------------|----------------------------------|--------------------------------|----------------------------------|--------------------|--------------------------------------|------------------------------------|---------------------------------------|----------------------------|-------------------|
| All Outlets | | | | | | | | | | | |
| Hawaii | Hawaii | 183 | 177 | N/A | N/A | 33 | 32 | 28 | 1 | 3.6% | |
| Honolulu | Honolulu | 658 | 647 | N/A | N/A | 115 | 113 | 106 | 4 | 3.8% | |
| Kauai | Kauai | 77 | 77 | N/A | N/A | 17 | 17 | 16 | 1 | 6.3% | |
| Maui | Maui | 185 | 176 | N/A | N/A | 41 | 39 | 34 | 0 | 0.0% | |
| Total | | 1,103 | 1,077 | | | 206 | 201 | 184 | 6 | 3.3% | 1.2% |
| Over the Counter Outlets | | | | | | | | | | | |
| Hawaii | Hawaii | 183 | 177 | N/A | N/A | 33 | 32 | 28 | 1 | 3.6% | |
| Honolulu | Honolulu | 658 | 647 | N/A | N/A | 115 | 113 | 106 | 4 | 3.8% | |
| Kauai | Kauai | 77 | 77 | N/A | N/A | 17 | 17 | 16 | 1 | 6.3% | |
| Maui | Maui | 185 | 176 | N/A | N/A | 41 | 39 | 34 | 0 | 0.0% | |
| Total | | 1,103 | 1,077 | | | 206 | 201 | 184 | 6 | 3.3% | 1.2% |
| Vending Machines | | | | | | | | | | | |
| Hawaii | Hawaii | 0 | 0 | N/A | N/A | 0 | 0 | 0 | 0 | 0.0% | |
| Honolulu | Honolulu | 0 | 0 | N/A | N/A | 0 | 0 | 0 | 0 | 0.0% | |
| Kauai | Kauai | 0 | 0 | N/A | N/A | 0 | 0 | 0 | 0 | 0.0% | |
| Maui | Maui | 0 | 0 | N/A | N/A | 0 | 0 | 0 | 0 | 0.0% | |
| Total | | 0 | 0 | | | 0 | 0 | 0 | 0 | 0.0% | 0.0% |

SSES Table 3 (Synar Survey Sample Tally Summary)

STATE: HI
FFY: 2016

| Disposition Code | Description | Count | Subtotal |
|-------------------------------|--|-------|----------|
| EC | Eligible and inspection complete outlet | 184 | |
| Total (Eligible Completes) | | | 184 |
| N1 | In operation but closed at time of visit | 8 | |
| N2 | Unsafe to access | 0 | |
| N3 | Presence of police | 0 | |
| N4 | Youth inspector knows salesperson | 1 | |
| N5 | Moved to new location but not inspected | 0 | |
| N6 | Drive thru only/youth inspector has no drivers license | 0 | |
| N7 | Tobacco out of stock | 2 | |
| N8 | Run out of time | 0 | |
| N9 | Other noncompletion (see below) | 6 | |
| Total (Eligible Noncompletes) | | | 17 |
| I1 | Out of Business | 3 | |
| I2 | Does not sell tobacco products | 2 | |
| I3 | Inaccessible by youth | 0 | |
| I4 | Private club or private residence | 0 | |
| I5 | Temporary closure | 0 | |
| I6 | Unlocatable | 0 | |
| I7 | Wholesale only/Carton sale only | 0 | |
| I8 | Vending machine broken | 0 | |
| I9 | Duplicate | 0 | |
| I10 | Other ineligibility | 0 | |
| Total (Ineligibles) | | | 5 |
| Grand Total | | | 206 |

Give reasons and counts for other noncompletion:

| Reason | Count |
|---|-------|
| Too costly to inspect | 4 |
| Inaccessible-Location is inside Airport and Unlocatable-Blind Vendor-unable to identify which vendor is the correct establishment | 2 |
| | |
| | |
| | |

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

STATE: HI
FFY: 2016

Frequency Distribution

| Gender | Age | Number of Inspectors | Attempted Buys | Successful Buys |
|-------------|----------|----------------------|----------------|-----------------|
| Male | 14 | 0 | 0 | 0 |
| | 15 | 0 | 0 | 0 |
| | 16 | 0 | 0 | 0 |
| | 17 | 1 | 85 | 3 |
| | 18 | 0 | 0 | 0 |
| | Subtotal | | 1 | 85 |
| Female | 14 | 0 | 0 | 0 |
| | 15 | 0 | 0 | 0 |
| | 16 | 2 | 44 | 1 |
| | 17 | 4 | 55 | 2 |
| | 18 | 0 | 0 | 0 |
| | Subtotal | | 6 | 99 |
| Other | | 0 | 0 | 0 |
| Grand Total | | 7 | 184 | 6 |

Buy Rate in Percent by Age and Gender

| Age | Male | Female | Total |
|-------|------|--------|-------|
| 14 | 0.0% | 0.0% | 0.0% |
| 15 | 0.0% | 0.0% | 0.0% |
| 16 | 0.0% | 2.3% | 2.3% |
| 17 | 3.5% | 3.6% | 3.6% |
| 18 | 0.0% | 0.0% | 0.0% |
| Other | | | 0.0% |
| Total | 3.5% | 3.0% | 3.3% |

Reducing Minors' Access to Tobacco Data Collection Form

Fill in the circle of the correct answer. If comments are required, please write it in the boxes provided.
Thank you for your help.

Date:

| | | | | | | | |
|--|--|--|--|--|--|--|--|
| | | | | | | | |
|--|--|--|--|--|--|--|--|

Month Day Year

Time of the day (please fill AM or PM):

| | | |
|--|--|--------------------------|
| | | <input type="radio"/> AM |
| | | <input type="radio"/> PM |

Hour Minute

Youth Volunteer Number:

| | | | | | |
|--|--|--|--|--|--|
| | | | | | |
|--|--|--|--|--|--|

| | | | | | |
|---|---|---|---|---|---|
| 1 | 1 | 1 | 1 | 1 | 1 |
| 2 | 2 | 2 | 2 | 2 | 2 |
| 3 | 3 | 3 | 3 | 3 | 3 |
| 4 | 4 | 4 | 4 | 4 | 4 |
| 5 | 5 | 5 | 5 | 5 | 5 |
| 6 | 6 | 6 | 6 | 6 | 6 |
| 7 | 7 | 7 | 7 | 7 | 7 |
| 8 | 8 | 8 | 8 | 8 | 8 |
| 9 | 9 | 9 | 9 | 9 | 9 |
| 0 | 0 | 0 | 0 | 0 | 0 |

Outlet

1. Outlet Status

Eligible and inspection complete

Noncomplete but eligible for revisit

Ineligible

| | |
|--|---|
| <input type="radio"/> Out of Business <input type="radio"/> Does not sell tobacco products <input type="radio"/> Inaccessible by youth <input type="radio"/> Private club or private residence <input type="radio"/> Temporary closure <input type="radio"/> Unlocatable <input type="radio"/> Wholesale only/Carton sale only <input type="radio"/> Vending machine broken <input type="radio"/> Duplicate <input type="radio"/> Other ineligibility | <input type="radio"/> In operation but closed at time of visit <input type="radio"/> Unsafe to access <input type="radio"/> Presence of police <input type="radio"/> Youth inspector knows salesperson <input type="radio"/> Moved to new location but not inspected <input type="radio"/> Drive-thru only/Youth has no driver's license <input type="radio"/> Tobacco out of stock <input type="radio"/> Ran out of time <input type="radio"/> Other noncompletion |
|--|---|

| | | |
|---|-----------------------|-----------------------|
| | YES | NO |
| 2. Was a warning sign posted? | <input type="radio"/> | <input type="radio"/> |
| 3. Was there a sign with the correct wording? | <input type="radio"/> | <input type="radio"/> |
| 4. Were there promotional materials displayed? | <input type="radio"/> | <input type="radio"/> |
| 5. Did you purchase tobacco? | <input type="radio"/> | <input type="radio"/> |
| 6. Were you asked your age? | <input type="radio"/> | <input type="radio"/> |
| 7. Were you asked for your ID? | <input type="radio"/> | <input type="radio"/> |
| 8. Were you able to pick up cigarettes without having to talk to the clerk? | <input type="radio"/> | <input type="radio"/> |
| 9. Gender of clerk? | Male | Female |
| | <input type="radio"/> | <input type="radio"/> |
| 10. Age of clerk | | |
| <input type="radio"/> Youth (less than 18) | | |
| <input type="radio"/> Young adult (18 to 30) | | |
| <input type="radio"/> Adult (30 to 55) | | |
| <input type="radio"/> Senior (55+) | | |
| 11. Number of cash registers in the store | | |
| 1 2 3 4 5 6 7 8 9 10 or more | | |
| <input type="radio"/> | | |

Name/address change and Comments

