ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB № 0930-0222

FFY 2016

State: DE

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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 states[1] 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.

[1]The term "state" is used to refer to all the states and territories required to comply with Synar as part of the Substance Abuse Prevention and Treatment Block Grant Program requirements (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, 2015 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 2016 Synar Survey Results: States that use the Synar Survey Estimation System (SSES) must upload one copy of SSES Tables 1–5 (in Excel) to WebBGAS. 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) 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.
- 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.

Additionally, the state must submit one signed original of the report (including the signed Funding Agreements/Certifications), as well as one additional copy of the signed Funding Agreements/Certifications, to the Grants Management Officer at the address below:

Grants Management Officer
Division of Grants Management
Office of Financial Resources
Substance Abuse and Mental Health Services Administration

Regular Mail:	**Overnight Mail:**
1 Choke Cherry Road, Rm.7-1091 Rockville, Maryland 20857	1 Choke Cherry Road, Rm.7-1091 Rockville, Maryland 20850

FFY 2016: 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 2016 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 2016 is up-to-date and approved by the Center for Substance Abuse Prevention.
State: Delaware
Name of Chief Executive Officer or Designee: Michael Barbieri
Signature of CEO or Designee:
Title: Division Director, Division of Substance Abuse and Mental Health **Date Signed:**
If signed by a designee, a copy of the designation must be attached.

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

   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.)* _____

   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.)* December 15, 2015. http://dhss.delaware.gov/dsamh/.
   ☒ 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.)* *Notice published in newspaper: Delaware News Journal*

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:***

   Delaware Health and Social Services (DHSS) / Division of Substance Abuse and Mental Health (DSAMH)

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

   ☐ **Yes** ☒ **No**

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

   Department of Safety and Homeland Security / Division of Alcohol and Tobacco Enforcement

   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):***

   Department of Safety and Homeland Security / Division of Alcohol and Tobacco Enforcement

   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).**
   Delaware Health and Social Services (DHSS) / Division of Public Health (DPH)

   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)).
Currently, there is no contract to implement the FDA/CTP program. The Department of Safety and Homeland Security (DSHS) / Division of Alcohol & Tobacco Enforcement (DATE) was responsible for the FDA/CTP program; however, the three year contract concluded in FY2015. _____

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.) DATE had a 3 year contract with the FDA inspection and compliance testing which concluded in FY2015. DATE still maintains a formal memorandum of agreement with DSAMH to conduct compliance checks with regards to the Synar requirements*

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 citations issued	0	88	88
Number of fines assessed	0	27	27
Number of permits/licenses suspended	0		0
Number of permits/licenses revoked	0		0
Other *(Please describe.)* *Items listed in this section are people who have been charged but have not gone to court yet.*	0	19	19

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:

Merchant Education Activities: Delaware continues to support enforcement and compliance efforts through an on-going merchant education process. State-specific merchant education packages are regularly distributed to each of Delaware's

licensed tobacco retailers. The packages include copies of the State law, state mandated stickers, tips to prevent sale of tobacco to youth, sample merchant policy and sample employee training materials, sample employee acknowledgement forms and letters from State Officials. The information also includes the compliance data from the previous year showing the number of clerks and owners cited. Materials that are disseminated are available in 6 languages: Arabic, Hindi, Mandarin Chinese, Korean, Spanish and English.

From a list provided by Division of Revenue (DOR) to DATE, agents hand deliver the merchant education packet to the owner or manager of each business licensed by DOR. The personal visit is also provided to every new merchant purchasing a license during the year. On a quarterly basis, DOR provides a list of new licenses to DATE. A direct line of communication between the two divisions ensures all merchants are educated on the law and the consequences. During the visit, the enforcement agent reviews all the material in the packet, discusses the laws in detail, and answers any questions on legal issues or youth access to tobacco sales prevention that arise. The store owner or manager signs a release that he or she received the packet and the training. The store owner or manager trains store employees, as required by statute. The acknowledgement signed by the owner/manager is maintained at DATE's headquarters. Information regarding the merchant education program is entered onsite into the DATE online system. DATE performs a follow up visit to any business found noncompliant with Division of Revenue licensing requirements on the first visit.

DATE has also designed and distributed educational posters for retailers. These posters were created to familiarize retailers with government issued identification in Delaware.

Incentives for Merchants: DATE continues to support and experiment with various merchant incentive programs. The clerk that participates in, and successfully passes, the compliance check is congratulated with a recognition card and keychain that says "I PASSED" at the time of the compliance inspection. DATE sent congratulatory letters to all retailers that were in compliance in 2014.

Community Education Activities: The main method to educate the community is provided by the Department of Public Health (DPH) tobacco control prevention program. DPH provides education about Synar regulations and describe how community members can remain in compliance with those regulations on their website. DATE maintains Synar information on their website as well to make it readily accessible to parents, public, and merchants. In addition, DATE conducts community education activities during their recruitment efforts and outreach to organizations that serve youth and their families

Media use to publicize compliance inspection results: The main methods used to publicize compliance inspection results is through the state websites. After the compliance season has concluded, DATE posts the results on the agency website, http://date.delaware.gov/ATE/tobacco_statistics.shtml. In addition, DSAMH uploads the Annual Synar Report, inclusive of the compliance inspection results, on the agency website for public review and comment, http://dhss.delaware.gov/dsamh

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:

A citation can be issued after the criminal act, as defined by state laws, as a consummated purchase. A citation is issued only after the clerk sells the tobacco product(s) to the cooperating under age witness and accepts money in exchange for the tobacco product(s) from the underage witness. The DATE agent who is present and witnesses the consummated purchase during the inspection issues the citation to the clerk or store manager that engaged in the purchase.

Some ways that DATE attempts to reduce this bias is to conduct these inspections in as random an approach as possible. The ability to move in a less predictable manner will vary by the size of the zip code area boundaries encompassing the inspection team.

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 <u>right limit</u> 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:** **Not applicable; the State of Delaware received a waiver from SAMHSA from completing the coverage study. The State of Delaware completes compliance checks on all tobacco retail outlets in the state, regardless of Synar status.**

b. **Percent coverage from the latest frame coverage study:** **Not applicable. The State of Delaware completes compliance checks on all tobacco retail outlets in the state, regardless of Synar status.**

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:** **Not applicable; the State of Delaware received a waiver from SAMHSA from completing the coverage study. The State of Delaware completes compliance checks on all tobacco retail outlets in the state, regardless of Synar status.**

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. **Provide the inspection period: From** 04/01/2015 **to** 09/30/2015
MM/DD/YY MM/DD/YY

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

28

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.

There were 28 youth inspectors used for the current inspection year. There were 14 Females and 14 Males.

To maintain the integrity and anonymity of the Synar sites and ensure officers enforced the standard protocol for all tobacco inspections, the police officers and youth inspectors are not made aware of which tobacco outlets are, or are not Synar sites. The state continues their efforts to ensure age and gender balance are obtained in the State's enforcement inspections overall which may improve age and gender balance in the subset of inspections included in the Synar sample.

As a result of the site anonymity, only 22 of the youth inspectors completed Synar locations compliance checks, 11 Male and 11 Female (as indicated in SSES Table 4).

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.

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.**

Despite successes, Delaware is continuing to refine and improve Synar practices. Incentives were only given to retailers who passed the SYNAR inspection on the initial inspection. DATE continues to request different types of tobacco products every 4th or 5th mission which reduces the chances that a retailer can predict the type of product that will be requested during an inspection.

In an effort to maintain retailer awareness on the requirement to ask for identification DATE will continue to include the educational posters designed to familiarize employees with Delaware's state issued identification. This poster is now included in the educational packets that the Agents annually hand deliver to all tobacco retailers. During this educational visit, Agents review the information contained in the packets and answer any questions the retailers may have.

DATE has continued their partnership with Rserving.com to provide additional on-line training to all licensed retailers and their employee's at no cost to them. This course covers DE State Law, FDA Regulations, how to check/read ID's, recognize fake ID's and offers practical scenarios to learn how to refuse a sale. Retailer participation was low, the feedback from the retailers who have utilized it has been very positive. In 2016, DATE plans to again provide the on-line training at no cost to the retailers and continue to include the flyer about the free on-line training in all 2016 Retailer Educational Packets. Agents will encourage retailers to utilize the free training program during their visit.

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.

No identified challenges at this time.

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.

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

Summary of Synar Inspection Results by Stratum

State: _____

FFY: 2016

(1)		(2)			(3)			(4)			(5)		
STRATUM		NUMBER OF OUTLETS IN SAMPLING FRAME			ESTIMATED NUMBER OF ELIGIBLE OUTLETS IN POPULATION			NUMBER OF OUTLETS INSPECTED			NO. OF OUTLETS FOUND IN VIOLATION DURING INSPECTIONS		
(a) Row #	(b) Stratum Name	(a) Over-the-Counter (OTC)	(b) Vending Machines (VM)	(c) Total Outlets (2a+2b)	(a) Over-the-Counter (OTC)	(b) Vending Machines (VM)	(c) Total Outlets (3a+3b)	(a) Over-the-Counter (OTC)	(b) Vending Machines (VM)	(c) Total Outlets (4a+4b)	(a) Over-the-Counter (OTC)	(b) Vending Machines (VM)	(c) Total Outlets (5a+5b)

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
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
	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) *(Describe.)*	
Other ineligibility reason(s) *(Describe.)*			
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 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: Delaware
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
   2 – Local commercial business list
   3 – Statewide tobacco license/permit list
   4 – Statewide retail license/permit list
   5 – Statewide liquor license/permit list
   6 – Other

Name of Frame Source	Type of Source	Description	Updating Method and Cycle
Department of Finance/Division of Revenue	3	The list contains retail tobacco licenses	The list is updated quarterly by the Department of Finance/Division of Revenue. The accuracy of the sampling data is checked by: (1) tobacco enforcement officers during regular Synar or State checks; (2) tobacco enforcement officers during routine checks for other businesses, (3) Any updates by Division of Alcohol and Tobacco Enforcement are forwarded to the Division of Revenue for the annual update.

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.)*

7. **Provide the following information about stratification.**

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

   b. **Is clustering used within the stratified sample?**

   ☐ **Yes** *(Go to Question 8.)*
   ☐ **No** *(Go to Question 9.)*

8. **Provide the following information about clustering.**

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

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

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

   a. **Was the Synar Survey Estimation System (SSES) used to calculate the sample size?**
   ☒ **Yes** *(Respond to part b.)*
   ☐ **No** *(Respond to part c and Question 10c.)*

   b. **SSES Sample Size Calculator used?**
   ☒ **State Level** *(Respond to Question 10a.)*
   ☐ **Stratum Level** *(Respond to Question 10a and 10b.)*

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

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. 8%
    Frame Size: 1206

    Input for Target Sample Size:
    Design Effect: 1

    Inputs for Original Sample Size:
    Safety Margin: 20
    Accuracy (Eligibility) Rate: 89. 3%
    Completion Rate: 99. 2%

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: Delaware
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:)
   ☐ 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): **Department of Safety and Homeland Security / Division of Alcohol and Tobacco Enforcement**

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.**

Agents tell the youth inspectors what type and brand of product to request during an inspection. Agents base this decision on a variety of information obtained in the field and the type of store they are testing. Typically they have youth inspectors request items that are appealing to a youthful smoker and/or are known to be popular in the area where the compliance test is conducted. Agents have the youth inspectors request cigars, cigarillos, smokeless tobacco and e-cigarettes during 20% of their compliance tests.

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

The Division of Alcohol & Tobacco Enforcement has adopted an official training program for the Cooperating Underage Witness program. This training program must be attended by Agents when first hired and on an annual basis and all CUW's must attend this free training in order for them to be considered active and thereby available for use.

Training Outline for new agents:

The Tobacco Coordinator (with assistance from an Agent III) will conduct the training.

The training will begin with an overview of the Division's involvement in the State of Delaware's efforts to reduce youth access to tobacco products.

The Policy Directive will be used as the course material and the information contained will be the trainer's guide.

The trainer will ensure that they have completely discussed this directive with the agent being trained and that they understand its content and intent.

Additionally the trainer will discuss the following:

Results of Past Investigations

Enforcement Strategies

The proper conduct when dealing with retailers.

Conducting the Check

Conducting Follow-up Checks

Compliance Check Forms

Evidence Handling

Enforcement Actions

The Role of the Minor

The training must end with a Question & Answer Session.

Training Outline for annual agent training:

The Tobacco Coordinator (with assistance from an Agent III) will conduct the training.

The training will begin with an overview of the Division's involvement in the State of Delaware's efforts to reduce youth access to tobacco products.

The Policy Directive will be used as the course material and the information contained will be the trainer's guide.

The trainer will ensure that they have completely discussed the directive with the agents being trained and that they understand its content and intent

Additionally the trainer will discuss the following:

Results of Past Investigations.

The proper conduct when dealing with retailers.

Conducting the Check

Conducting Follow-up Checks

Compliance Check Forms

The Role of the Minor

The training must end with a Question & Answer Session.Training

Outline for Cooperating Underage Witnesses:

The Tobacco Coordinator will conduct the training.

The Training will begin with an overview of the Division's involvement in the State of Delaware's efforts to reduce youth access to tobacco products and includes subjects such as the following:

The importance and role of the CUW.

The proper conduct when making a purchase.

How the check will be conducted.

What type of tobacco products they are to attempt to purchase

What to do if they are out of what the CUW asks for.

What to do if they do not feel safe.

How to fill out their forms and paperwork.

A discussion of the Division's pay and meal policies for CUW's

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.)*

   Delaware State Law grants immunity to youth inspectors

   b. **Procedural**

   ☒ **Yes** ☐ **No**

   *(If **Yes,** please describe.)*

   Delaware State Law grants immunity to youth inspectors

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.)*

   1. The safety and welfare of the CUW will be of utmost importance to all agency personnel participating in this program. CUW's will not be exposed to any unusual, unnecessary, or unreasonable risk of harm or personal injury.

   2. CUW's shall be closely supervised at all times and the Agent in charge of the operation must be on-site at all times.

   3. CUW's are not permitted under any circumstance to carry, possess, conceal or use any weapon.

4. CUW's will not wear, exhibit, or carry any DATE or law enforcement identification at any time, and will not falsely represent themselves as members of a law enforcement unit while participating as CUW's.

5. The Agent shall insure that the parents of the CUW are aware of the times and locations that the CUW is to be picked up and dropped off.

6. No CUW shall be picked up or dropped off at a location or a time that the CUW's parent/guardian has not personally given the Agent their approval of.

7. At no time when a CUW is in the vehicle shall an Agent take any type of police action unless the Agent is convinced that the CUW will not be put at risk and that the action is being taken as the only means of preventing the CUW, Agent or some other person from injury or death.

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.)*

Informational packets are provided to each prospective Cooperating Underage Witness. The forms contained in this packet must be completed and signed by the appropriate persons. They must then be returned to the Tobacco Coordinator. The list of CUW's who have fulfilled all the requirements will then be presented to the Director or his/her designee for approval. The perspective CUW may not be utilized until approval of the Director or his/her designee has been granted and the CUW has completed all of their paperwork, passed a pre-employment background investigation, and completed the training program.

TOBACCO CUW AGE REQUIREMENTS:

- All tobacco CUW's shall be sixteen (16) to seventeen (17) years of age.

- A person younger than sixteen (16) years of age, or a person who has reached their eighteenth (18th) birthday may not participate in the Tobacco CUW program.

- All tobacco CUW's must appear by a reasonable person's standard to be under eighteen (18) years of age.

Minors 16-17 years of age:

•May not work more than twelve (12) hours in a combination of school hours and work hours per day.

•May not work more than twelve (12) hours in a combination of school and work hours per day.

•Must have at least eight (8) consecutive hours of non-work, non-school time in each 24-hour period.

•May not work more than five (5) hours continuously without a non-work period of at least 30 consecutive minutes.

The Division has adopted an official training program for Cooperating Underage Witnesses. This training program must be attended by all CUW's in order for them to be considered active and thereby available for use. No tobacco CUW will be permitted to participate in the tobacco program unless they have first completed the mandatory Tobacco CUW Training Program.

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).**

SSES Table 1 (Synar Survey Estimates and Sample Sizes)

CSAP-SYNAR REPORT

State	DE
Federal Fiscal Year (FFY)	2016
Date	12/14/2015 12:58
Data	SYNAR Info for DHSS 2015 12012015 ECM Edit.xls
Analysis Option	Stratified SRS with FPC

Estimates

Unweighted Retailer Violation Rate	6.7%
Weighted Retailer Violation Rate	6.7%
Standard Error	1.7%
Is SAMHSA Precision Requirement met?	YES
Right-sided 95% Confidence Interval	[0.0%, 9.5%]
Two-sided 95% Confidence Interval	[3.5%, 10.0%]
Design Effect	1.0
Accuracy Rate (unweighted)	98.0%
Accuracy Rate (weighted)	98.0%
Completion Rate (unweighted)	98.5%

Sample Size for Current Year

Effective Sample Size	124
Target (Minimum) Sample Size	168
Original Sample Size	200
Eligible Sample Size	196
Final Sample Size	193
Overall Sampling Rate	16.6%

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

STATE: DE
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											
1	1	1,187	1,163	N/A	N/A	200	196	193	13	6.7%	
Total		1,187	1,163			200	196	193	13	6.7%	1.7%
Over the Counter Outlets											
1	1	1,187	1,163	N/A	N/A	196	196	193	13	6.7%	
Total		1,187	1,163			196	196	193	13	6.7%	1.7%
Vending Machines											
1	1	0	0	N/A	N/A	0	0	0	0	0.0%	
Total		0	0			0	0	0	0	0.0%	0.0%

Note: There are some records with unknown outlet type. Therefore the overall counts may not equal the sum of OTC and VM counts.

SSES Table 3 (Synar Survey Sample Tally Summary)

STATE: DE
FFY: 2016

Disposition Code	Description	Count	Subtotal
EC	Eligible and inspection complete outlet	193	
Total (Eligible Completes)			193
N1	In operation but closed at time of visit	0	
N2	Unsafe to access	0	
N3	Presence of police	0	
N4	Youth inspector knows salesperson	0	
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	0	
N8	Run out of time	3	
N9	Other noncompletion	0	
Total (Eligible Noncompletes)			3
I1	Out of Business	0	
I2	Does not sell tobacco products	0	
I3	Inaccessible by youth	3	
I4	Private club or private residence	1	
I5	Temporary closure	0	
I6	Can't be located	0	
I7	Wholesale only/Carton sale only	0	
I8	Vending machine broken	0	
I9	Duplicate	0	
I10	Other ineligibility	0	
Total (Ineligibles)			4
Grand Total			200

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

STATE: DE
FFY: 2016

Frequency Distribution

Gender	Age	Number of Inspectors	Attempted Buys	Successful Buys
Male	14	0	0	0
	15	0	0	0
	16	5	32	2
	17	6	53	3
	18	0	0	0
	Subtotal	11	85	5
Female	14	0	0	0
	15	0	0	0
	16	3	37	0
	17	8	71	8
	18	0	0	0
	Subtotal	11	108	8
Other		0	0	0
Grand Total		22	193	13

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	6.3%	0.0%	2.9%
17	5.7%	11.3%	8.9%
18	0.0%	0.0%	0.0%
Other			0.0%
Total	5.9%	7.4%	6.7%

Outlet ID	Sampling S	Population	Variance St	Poplation S	Response E	Violance Fl	Outlet Typ	Youth Insp	Youth Insp	Youth Insp	VM Frame Size
1	1	1187	1	1187	EC	0	OTC	150015	M	17	
2	1	1187	1	1187	EC	0	OTC	150015	M	17	
3	1	1187	1	1187	EC	0	OTC	150012	M	16	
4	1	1187	1	1187	EC	1	OTC	150011	M	17	
5	1	1187	1	1187	EC	0	OTC	150002	F	17	
6	1	1187	1	1187	EC	0	OTC	150027	M	16	
7	1	1187	1	1187	EC	0	OTC	140014	F	17	
8	1	1187	1	1187	EC	0	OTC	140014	F	17	
9	1	1187	1	1187	EC	0	OTC	150006	F	17	
10	1	1187	1	1187	EC	0	OTC	150021	M	16	
11	1	1187	1	1187	EC	0	OTC	150020	F	16	
12	1	1187	1	1187	EC	0	OTC	150015	M	17	
13	1	1187	1	1187	EC	0	OTC	150023	F	16	
14	1	1187	1	1187	EC	0	OTC	150021	M	16	
15	1	1187	1	1187	EC	0	OTC	150009	M	16	
16	1	1187	1	1187	EC	0	OTC	150023	F	16	
17	1	1187	1	1187	EC	0	OTC	150023	F	16	
18	1	1187	1	1187	EC	0	OTC	150020	F	16	
19	1	1187	1	1187	EC	0	OTC	150023	F	16	
20	1	1187	1	1187	EC	0	OTC	150024	M	17	
21	1	1187	1	1187	N8		OTC				
22	1	1187	1	1187	EC	0	OTC	150026	F	17	
23	1	1187	1	1187	EC	0	OTC	150022	M	17	
24	1	1187	1	1187	EC	0	OTC	150020	F	16	
25	1	1187	1	1187	EC	0	OTC	150006	F	17	
26	1	1187	1	1187	EC	0	OTC	150023	F	16	
27	1	1187	1	1187	EC	0	OTC	150013	M	16	
28	1	1187	1	1187	EC	0	OTC	150022	M	17	
29	1	1187	1	1187	EC	0	OTC	150019	M	17	
30	1	1187	1	1187	EC	0	OTC	150015	M	17	
31	1	1187	1	1187	EC	0	OTC	150017	F	17	
32	1	1187	1	1187	EC	0	OTC	150015	M	17	
33	1	1187	1	1187	EC	0	OTC	150015	M	17	
34	1	1187	1	1187	EC	1	OTC	150006	F	17	
35	1	1187	1	1187	EC	0	OTC	150006	F	17	
36	1	1187	1	1187	EC	0	OTC	150023	F	16	
37	1	1187	1	1187	EC	0	OTC	150002	F	17	
38	1	1187	1	1187	EC	0	OTC	150011	M	17	
39	1	1187	1	1187	EC	0	OTC	150015	M	17	
40	1	1187	1	1187	EC	0	OTC	150022	M	17	
41	1	1187	1	1187	EC	0	OTC	150021	M	16	
42	1	1187	1	1187	EC	0	OTC	150028	F	17	
43	1	1187	1	1187	EC	0	OTC	150013	M	16	
44	1	1187	1	1187	EC	0	OTC	150014	F	16	
45	1	1187	1	1187	EC	0	OTC	150002	F	17	
46	1	1187	1	1187	EC	0	OTC	150015	M	17	
47	1	1187	1	1187	EC	0	OTC	150006	F	17	
48	1	1187	1	1187	EC	0	OTC	150015	M	17	
49	1	1187	1	1187	EC	0	OTC	150015	M	17	
50	1	1187	1	1187	EC	1	OTC	150009	M	16	
51	1	1187	1	1187	EC	0	OTC	150026	F	17	
52	1	1187	1	1187	EC	0	OTC	150014	F	16	
53	1	1187	1	1187	EC	0	OTC	150015	M	17	
54	1	1187	1	1187	EC	0	OTC	150002	F	17	
55	1	1187	1	1187	EC	0	OTC	150022	M	17	
56	1	1187	1	1187	EC	0	OTC	150022	M	17	
57	1	1187	1	1187	EC	0	OTC	150002	F	17	
58	1	1187	1	1187	EC	0	OTC	150026	F	17	
59	1	1187	1	1187	EC	0	OTC	150023	F	16	
60	1	1187	1	1187	EC	0	OTC	150026	F	17	

61	1	1187	1	1187	EC	1	OTC	150002	F	17
62	1	1187	1	1187	EC	0	OTC	150006	F	17
63	1	1187	1	1187	EC	0	OTC	150009	M	16
64	1	1187	1	1187	EC	0	OTC	150018	M	17
65	1	1187	1	1187	EC	0	OTC	150022	M	17
66	1	1187	1	1187	EC	0	OTC	150020	F	16
67	1	1187	1	1187	EC	0	OTC	150013	M	16
68	1	1187	1	1187	EC	0	OTC	150009	M	16
69	1	1187	1	1187	EC	0	OTC	150013	M	16
70	1	1187	1	1187	EC	0	OTC	140014	F	17
71	1	1187	1	1187	EC	0	OTC	150023	F	16
72	1	1187	1	1187	EC	0	OTC	150022	M	17
73	1	1187	1	1187	EC	0	OTC	150011	M	17
74	1	1187	1	1187	EC	0	OTC	150026	F	17
75	1	1187	1	1187	EC	0	OTC	150028	F	17
76	1	1187	1	1187	EC	0	OTC	150006	F	17
77	1	1187	1	1187	EC	0	OTC	140014	F	17
78	1	1187	1	1187	EC	0	OTC	140014	F	17
79	1	1187	1	1187	EC	0	OTC	150026	F	17
80	1	1187	1	1187	EC	0	OTC	150017	F	17
81	1	1187	1	1187	EC	0	OTC	150026	F	17
82	1	1187	1	1187	EC	0	OTC	150024	M	17
83	1	1187	1	1187	EC	0	OTC	150020	F	16
84	1	1187	1	1187	EC	0	OTC	150011	M	17
85	1	1187	1	1187	N8		OTC			
86	1	1187	1	1187	EC	0	OTC	150002	F	17
87	1	1187	1	1187	EC	0	OTC	150019	M	17
88	1	1187	1	1187	EC	0	OTC	150020	F	16
89	1	1187	1	1187	EC	0	OTC	150015	M	17
90	1	1187	1	1187	EC	0	OTC	150005	F	17
91	1	1187	1	1187	I3		UNK	140014	F	17
92	1	1187	1	1187	EC	0	OTC	150024	M	17
93	1	1187	1	1187	EC	0	OTC	150020	F	16
94	1	1187	1	1187	EC	0	OTC	150022	M	17
95	1	1187	1	1187	EC	0	OTC	150028	F	17
96	1	1187	1	1187	EC	0	OTC	150013	M	16
97	1	1187	1	1187	EC	0	OTC	150018	M	17
98	1	1187	1	1187	EC	0	OTC	150006	F	17
99	1	1187	1	1187	EC	0	OTC	150002	F	17
100	1	1187	1	1187	EC	0	OTC	150006	F	17
101	1	1187	1	1187	EC	0	OTC	150006	F	17
102	1	1187	1	1187	EC	0	OTC	150020	F	16
103	1	1187	1	1187	EC	0	OTC	150015	M	17
104	1	1187	1	1187	EC	0	OTC	150017	F	17
105	1	1187	1	1187	EC	0	OTC	150028	F	17
106	1	1187	1	1187	EC	1	OTC	150006	F	17
107	1	1187	1	1187	EC	0	OTC	150027	M	16
108	1	1187	1	1187	EC	0	OTC	140014	F	17
109	1	1187	1	1187	EC	0	OTC	150027	M	16
110	1	1187	1	1187	EC	0	OTC	150013	M	16
111	1	1187	1	1187	EC	0	OTC	150023	F	16
112	1	1187	1	1187	EC	0	OTC	150023	F	16
113	1	1187	1	1187	EC	0	OTC	150021	M	16
114	1	1187	1	1187	EC	0	OTC	150023	F	16
115	1	1187	1	1187	EC	0	OTC	150006	F	17
116	1	1187	1	1187	EC	0	OTC	150023	F	16
117	1	1187	1	1187	EC	0	OTC	150020	F	16
118	1	1187	1	1187	EC	0	OTC	150024	M	17
119	1	1187	1	1187	EC	0	OTC	150026	F	17
120	1	1187	1	1187	EC	0	OTC	150022	M	17
121	1	1187	1	1187	EC	0	OTC	140014	F	17

122	1	1187	1	1187	EC	0	OTC	150020	F	16
123	1	1187	1	1187	EC	0	OTC	150009	M	16
124	1	1187	1	1187	EC	0	OTC	150012	M	16
125	1	1187	1	1187	EC	1	OTC	150006	F	17
126	1	1187	1	1187	EC	0	OTC	150024	M	17
127	1	1187	1	1187	EC	0	OTC	150011	M	17
128	1	1187	1	1187	EC	0	OTC	150021	M	16
129	1	1187	1	1187	EC	0	OTC	140014	F	17
130	1	1187	1	1187	EC	0	OTC	150015	M	17
131	1	1187	1	1187	EC	1	OTC	150018	M	17
132	1	1187	1	1187	EC	0	OTC	150014	F	16
133	1	1187	1	1187	EC	0	OTC	150027	M	16
134	1	1187	1	1187	EC	0	OTC	150021	M	16
135	1	1187	1	1187	EC	0	OTC	150022	M	17
136	1	1187	1	1187	EC	0	OTC	150020	F	16
137	1	1187	1	1187	EC	0	OTC	150015	M	17
138	1	1187	1	1187	EC	0	OTC	150023	F	16
139	1	1187	1	1187	EC	1	OTC	150026	F	17
140	1	1187	1	1187	I3		UNK	150027	M	16
141	1	1187	1	1187	EC	0	OTC	150018	M	17
142	1	1187	1	1187	EC	0	OTC	150002	F	17
143	1	1187	1	1187	EC	0	OTC	150028	F	17
144	1	1187	1	1187	EC	0	OTC	150023	F	16
145	1	1187	1	1187	EC	0	OTC	150027	M	16
146	1	1187	1	1187	EC	0	OTC	150004	F	17
147	1	1187	1	1187	EC	0	OTC	150022	M	17
148	1	1187	1	1187	EC	0	OTC	150026	F	17
149	1	1187	1	1187	EC	0	OTC	150006	F	17
150	1	1187	1	1187	EC	0	OTC	150013	M	16
151	1	1187	1	1187	I3		UNK	150006	F	17
152	1	1187	1	1187	I4		UNK	150013	M	16
153	1	1187	1	1187	EC	0	OTC	150020	F	16
154	1	1187	1	1187	EC	1	OTC	150005	F	17
155	1	1187	1	1187	EC	1	OTC	150028	F	17
156	1	1187	1	1187	EC	0	OTC	150028	F	17
157	1	1187	1	1187	EC	0	OTC	150023	F	16
158	1	1187	1	1187	EC	0	OTC	150022	M	17
159	1	1187	1	1187	EC	0	OTC	150028	F	17
160	1	1187	1	1187	EC	0	OTC	150020	F	16
161	1	1187	1	1187	EC	0	OTC	140014	F	17
162	1	1187	1	1187	EC	0	OTC	150023	F	16
163	1	1187	1	1187	EC	0	OTC	150020	F	16
164	1	1187	1	1187	EC	0	OTC	150009	M	16
165	1	1187	1	1187	EC	0	OTC	150023	F	16
166	1	1187	1	1187	EC	0	OTC	150028	F	17
167	1	1187	1	1187	EC	0	OTC	150026	F	17
168	1	1187	1	1187	EC	0	OTC	150019	M	17
169	1	1187	1	1187	EC	0	OTC	150004	F	17
170	1	1187	1	1187	EC	0	OTC	150026	F	17
171	1	1187	1	1187	EC	0	OTC	150002	F	17
172	1	1187	1	1187	EC	0	OTC	150023	F	16
173	1	1187	1	1187	EC	0	OTC	140014	F	17
174	1	1187	1	1187	EC	0	OTC	150021	M	16
175	1	1187	1	1187	EC	1	OTC	150026	F	17
176	1	1187	1	1187	EC	0	OTC	150019	M	17
177	1	1187	1	1187	EC	0	OTC	150023	F	16
178	1	1187	1	1187	EC	1	OTC	150019	M	17
179	1	1187	1	1187	EC	0	OTC	140014	F	17
180	1	1187	1	1187	EC	0	OTC	150012	M	16
181	1	1187	1	1187	EC	0	OTC	150002	F	17
182	1	1187	1	1187	EC	0	OTC	150028	F	17

183	1	1187	1	1187	EC	0	OTC	150019	M	17
184	1	1187	1	1187	EC	0	OTC	150004	F	17
185	1	1187	1	1187	EC	0	OTC	150019	M	17
186	1	1187	1	1187	EC	0	OTC	150026	F	17
187	1	1187	1	1187	N8		OTC			
188	1	1187	1	1187	EC	0	OTC	150009	M	16
189	1	1187	1	1187	EC	0	OTC	150002	F	17
190	1	1187	1	1187	EC	0	OTC	150026	F	17
191	1	1187	1	1187	EC	0	OTC	150004	F	17
192	1	1187	1	1187	EC	1	OTC	150009	M	16
193	1	1187	1	1187	EC	0	OTC	150009	M	16
194	1	1187	1	1187	EC	0	OTC	150024	M	17
195	1	1187	1	1187	EC	0	OTC	150022	M	17
196	1	1187	1	1187	EC	0	OTC	150022	M	17
197	1	1187	1	1187	EC	0	OTC	150012	M	16
198	1	1187	1	1187	EC	0	OTC	150015	M	17
199	1	1187	1	1187	EC	0	OTC	150020	F	16
200	1	1187	1	1187	EC	0	OTC	150019	M	17

STATE OF DELAWARE
DEPARTMENT OF SAFETY AND HOMELAND SECURITY
DIVISION OF ALCOHOL AND TOBACCO ENFORCEMENT

POLICY AND PROCEDURE DIRECTIVE

DIRECTIVE 32 - Tobacco Enforcement Policy - SYNAR

Issue date: March 1, 2015
Effective Date: March 1, 2015

Pages: 14
Approved: Director John Yeomans

I. PURPOSE:

Preventing youth access to tobacco products is one of the core missions of the Division. This directive outlines and defines the tobacco retailer education packet deliveries and compliance checks for the Division's Tobacco Retailer Education and Compliance Program.

II. POLICY:

The Division will strive to check each and every retail location in the state at least once a year in order to ensure compliance with Delaware's youth access to tobacco laws. Divisional policy concerning the sale of tobacco to persons under the age of 18 is both simple and non-yielding. The policy is zero tolerance.

III. DEFINITIONS:

A. *Agent* - refers to a sworn member of the Division, possessing arrest authority as defined under Title 11 of the Delaware Code, who is under the supervision of a Lieutenant or their designee.

B. *Command Staff* – Refers to the Director, Deputy Director, and Lieutenant.

C. *Cooperating Underage Witness* - An underage person, male or female, who is recruited by the Division to assist agents in the investigation of illegal sales of alcoholic beverages and tobacco products to minors.

D. *Division* – refers to the Delaware Division of Alcohol and Tobacco Enforcement.

E. *Employee* – refers to any employee of the Division, sworn or non-sworn.

F. *Seasonal Location* – refers to a tobacco retailer that is open for business only during a specific time of the year.

G. *The SYNAR Amendment* – A requirement that a state have in effect a law providing that it is unlawful for any manufacturer, retailer or distributor of tobacco products to sell or

distribute any such product to any individual under the age of 18. States are required to enforce this law in a manner that can reasonably be expected to reduce the extent to which tobacco products are available to individuals under the age of 18. States are required to conduct random, unannounced inspections to ensure compliance with the law and to submit to the Secretary of Health and Human Services a report describing the State's activities to enforce the law, the extent of the success achieved by the State in reducing the availability of tobacco products to individuals under the age of 18 and the strategies to be utilized by the state to enforce the law. The objective of the SYNAR Amendment is to reduce the rate of tobacco sales violations to individuals under the age of 18 to less than 20 percent

H. *Tobacco Program Coordinator* - refers to the employee that has primary responsibility for tracking and reporting data related to the Division's Tobacco Retailer Education and Compliance Program.

I. *Tobacco Retailer Education and Compliance Program* – refers to the Division's efforts to prevent youth access to tobacco products through educational outreach to tobacco retailers and the public. It also involves the enforcement of laws related to youth access to tobacco products including unannounced SYNAR compliance checks, and preparation of the annual SYNAR report.

J. *Tobacco Retailer Education Packet* – refers to a packet of printed educational materials to be distributed to every tobacco retailer location throughout the state. The packet shall contain, but is not limited to the following: a current copy of state tobacco laws, a report of prior year's compliance rates, an education packet that includes affirmative defense guidelines, and point of sale stickers.

IV. TOBACCO RETAILER EDUCATION PACKETS:

A. Delivery Procedures

1. The Division's command staff will establish start and end dates for delivery of Tobacco Retailer Education Packets and compliance checks for regular and seasonal retail locations. Agents will be notified in writing of these dates and shall be required to complete all assigned retail locations by the due date. Failure to do so may result in disciplinary action.

2. Agents shall attempt to deliver the packet to the owner or a member of management, whenever possible.

3. Agents shall thoroughly explain the contents of the education packet to the employee receiving the packet, to include Delaware tobacco laws, affirmative defense forms, and the required point-of-sale stickers.

4. Agents shall complete the Tobacco Retailer Education Packet Delivery Form neatly and completely. Errors may be crossed out with a single line with the Agent's initials placed beside it.

5. Agents shall visually inspect the location to verify the retailer is in compliance with all state tobacco laws. The agent shall also confirm that the retailer holds a valid tobacco retailer license and that it is posted prominently.

    a) Agents shall document any locations found not to be in compliance and forward that information to the Tobacco Coordinator.

    b) The Tobacco Coordinator shall notify the Division of Revenue of any locations found not in compliance.

6. Deficiencies shall be documented and the retailer shall be educated and advised that all deficiencies must be corrected.

7. Agents shall ensure that the following information is recorded on the Tobacco Retailer Education Packet Delivery Form prior to submission to their supervisor:

    a) Correct State of Delaware Tobacco Retailer License number

    b) Correct trade name and address of the business

    c) Recipient's name, title and signature.

8. Agents that feel they are unable to complete their assigned packet deliveries by the expected due date shall notify their supervisor in writing with an explanation.

9. Agents shall document all deliveries of packets on a Field Service Reports in LEISS.

B. Delivery Guidelines

1. When delivering packets, Agents shall wear the Class D uniform.

2. Agents shall complete no less than 20 Tobacco Retailer Education Packets each month.

3. Agents may deliver packets while working day shift or on overtime, as funding permits.

    a) Agents shall not deliver packets after 6:00pm, unless unusual circumstances exist.

    b) Agents choosing to deliver packets on overtime shall be considered on-duty upon leaving their residence and off-duty upon the return to their residence.

4. Agents may also choose to complete required LEISS reports and other related paperwork on overtime, as funding permits.

    a) If completing required LEISS reports and other paperwork on overtime on a different date and time from when the packets were delivered, no overtime shall be authorized for travel to or from their residence

b) Agents shall submit the completed packet delivery forms and applicable LEISS reports to their supervisor within three working days.

c) The supervisors shall review and approve the completed packet delivery forms and immediately forward them to the Tobacco Program Coordinator.

C. New Locations

1. While delivering packets, agents should make every attempt to identify other locations within the area that are selling tobacco which do not appear on the list of licensed retailers.

2. If a new location is located, the agent shall immediately deliver a Tobacco Retailer Education Packet in accordance with this policy.

3. While delivering a packet the agent shall confirm the retailer has a license for the sale of tobacco products.

a) If the location has no license for the sale of tobacco products and is engaged in the sale of tobacco products, the agent shall advise the owner or manager to contact the Division of Revenue to immediately obtain the license.

b) If after a period of time the retailer still has not obtained a tobacco retailer license the agent may issue the owner or corporation a criminal summons under 30 Del C. § 5307.

V. TOBACCO COMPLIANCE CHECKS:

A. The Division's command staff will establish start and end dates for delivery of Tobacco Retailer Education Packets and compliance checks for regular and seasonal retail locations. Agents will be notified in writing of these dates and shall be required to complete all assigned retail locations by the due date. Failure to do so may result in disciplinary action.

B. Agent Guidelines

1. Tobacco compliances checks shall be conducted with a minimum of two agents.

2. While conducting tobacco compliance checks, agents will be in plainclothes and shall comply with the provisions of Directive 14 – Standards of Appearance, Uniforms & Equipment.

3. Agents needing investigative funds shall obtain the funds in accordance with Directive 31 – Fiscal Management.

4. Agents shall complete a minimum of 20 tobacco compliance checks each month.

5. Agents may conduct compliance checks while working day shift or on overtime, as funding permits.

    a) Agents shall not conduct compliance checks after 6:00pm, unless unusual circumstances exist.

    b) Agents should also consider the hours of operation and the risk that may exist at that business on certain days or times when making the determination to conduct a compliance check.

6. Agents choosing to conduct compliance checks on overtime shall be considered on-duty upon leaving their residence and off-duty upon return to their residence.

7. The agent will maintain contact with the CUW's parent or guardian to notify and obtain their approval of the time and location that the CUW is to be picked up and dropped off.

8. Agents shall not take law enforcement action outside of the provisions of this policy when a CUW is in the vehicle except in circumstances where the risk of inaction would likely result in serious injury or death to the agent, the CUW, or another person. The CUW's safety remains the primary concern of the agent.

9. If an agent is subpoenaed to court for a tobacco related arrest, it is agent's responsibility to notify the CUW, as well as the CUW's parent or guardian, and to arrange for the CUW to be present in court.

C. Compliance Check Guidelines

1. Retail locations are eligible for a compliance check 14 days after the Tobacco Retailer Education Packet has been delivered.

2. Locations that fail the initial compliance check must be scheduled for another check a minimum of 30 days from the initial failure date.

    a) If a location fails a re-check, additional checks shall be scheduled within 30 days and shall continue to be scheduled until such time as the location is found to be in compliance.

3. Agents shall attempt to utilize two CUW's per operation. CUW's shall be closely monitored by the agent in charge at all times.

4. A CUW call log shall be utilized for each operation. At the end of the compliance check season the CUW call log shall be turned in to the Tobacco Coordinator.

5. CUW's are required to be photographed prior to every operation. A second photograph shall be taken at the end of the operation if a sale was made to the CUW.

a) Photographs of CUW's shall be labeled with the date of the operation, case number, and assigned identification number and placed into the case file.

6. The agent will thoroughly brief the CUW on the manner in which they are to conduct themselves and the proper dialogue to that is to be used when attempting to purchase tobacco products

7. Agents shall make every effort to be in the establishment to observe the transaction when the minor attempts to purchase tobacco products.

8. Attempted tobacco purchases shall be made from a variety of tobacco products known to be popular in the area with a goal of 20% of the operation tests being a smokeless tobacco and/or a tobacco substitute product.

9. A CUW may only possess the investigative funds issued by the agent in charge in order to purchase a specific type and quantity of tobacco products. No personal funds may be carried.

10. If no sale is made, the agent shall notify the clerk that they have just been the subject of a compliance check and present them with the appreciation gift.

D. Tobacco Sale and Arrest Guidelines.

1. The CUW is to immediately turn over the tobacco product purchased to the agent and return to and remain in the agent's vehicle. The agent will then issue a criminal summons to the clerk.

    a) The CUW is not permitted to actively participate in the arrest or processing of any clerk.

    b) The clerk shall also be issued a criminal summons failing to request identification under 11 Del. C. § 1116(c), if applicable.

    c) The name, address, or other identifying information about the CUW shall not be disclosed at the time of an arrest.

2. The agent shall obtain the affirmative defense documentation from the owner or manager. The affirmative defense must show that it was in place at the time of sale and must be provided to the agent at the time of the compliance check.

    a) In instances where the affirmative defense paperwork is maintained off site or inaccessible at the time of the sale, the agent shall allow the owner or manager to fax the documents to the Division within 2 business days of the sale.

3. If no affirmative defense can be provided, the agent shall issue a criminal summons for identical charges to the owner or to the corporation or to the manager.

4. In the event of a need to issue a criminal summons to a corporation the following shall apply:

    a) The agent shall conduct an online inquiry or may contact the Department of State to inquire into where the corporation's headquarters is located. If located within the State, the agent may issue the summons at the corporate headquarters.

    b) If located outside of Delaware, the agent shall conduct an online inquiry or may contact the Department of State in order to locate a name and address of someone within the State who will accept official notice for the corporation. Service shall be made at that location.

    c) The corporate name shall be listed as the defendant on the criminal summons and Crime Report.

5. In the event of a need to issue a criminal summons to a manager the following shall apply:

    a) The person must truly be a manager and have the official title on a full time basis and shall not include a person left in charge for that day.

    b) It shall not include a manager who is not working on the premises at the time that the sale was made.

    c) It shall not include managers who are district managers; area managers or a specialized manager, i.e. a Deli Manager, whose management authority would not include the supervision of persons who may sell of tobacco products. Unless in fact on the date of the sale the normally excluded manager despite their normal duties was in fact in charge of the person who made the sale or the entire establishment.

6. In the event that a custodial arrest of the clerk is necessary due to an active warrant or other circumstances, the agent shall request another police vehicle transport the clerk to the closest DSP facility or municipal police department.

    a) Under no circumstances will a prisoner and a CUW be placed in the same vehicle.

7. Any tobacco products purchased by the CUW shall be processed in accordance with Directive 16A – Property & Evidence Control.

E. Compliance Check Paperwork

1. All tobacco compliance checks with no sale to the CUW shall be documented on a Field Service Report in LEISS. Arrests for sales to the CUW will be documented on a Crime Report.

2. Retail locations that are closed, out of business, or no longer sell tobacco shall also be documented in the same manner on a Field Service Report.

3. Agents may also choose to complete required LEISS reports and other tobacco related paperwork on overtime, as funding permits.

    a) If completing required LEISS reports and other paperwork on overtime on a different date and time from when the compliance checks were completed, no overtime shall be authorized for travel to or from their residence

4. CUW's shall not be listed as witnesses in any LEISS reports. They shall only be referred to by their issued identification number, age, and gender.

5. Any photocopies of a CUW's driver's license or identification card that are placed into case files shall be redacted.

6. Agents shall submit Field Service Reports, and any Crime Reports for sales to the CUW, to their supervisor within three working days of the operation.

7. The supervisor shall review and approve the completed reports and immediately forward them to the Tobacco Program Coordinator.

8. Agents that feel they are unable to complete their paperwork within three working days shall notify their supervisor in writing with an explanation.

VI. COOPERATING UNDERAGE WITNESSES:

A. Authority

1. Pursuant to Title 11 Del. C. § 1125(b) the Division of Alcohol and Tobacco Enforcement is authorized to use persons under 18 years of age to make controlled purchases of tobacco retailers suspected of illegally selling tobacco products to underage persons.

B. Training

1. The Division has adopted an official training program for Cooperating Underage Witnesses. This training program must be attended by all CUW's along with a parent or guardian in order for them to be considered active and thereby available for use.

2. The Tobacco Program Coordinator or designee will conduct the training.

3. The Training will contain an overview of the Division's efforts to reduce youth access to tobacco products and includes the following information:

    a) The importance and role of the CUW

    b) The proper conduct when making a purchase

c) How the check will be conducted

d) What type of tobacco products they should attempt to purchase

e) What to do if they are out of what the CUW asks for

f) What to do if they do not feel safe

g) How to complete required paperwork

h) Compensation and the CUW meal policy

i) A question and answer session

C. Cooperating Underage Witness Guidelines

1. The total number of CUW's will be divided as equally as possible between the agents. The agent's will determine the date, time, and location of work of the CUW's that are assigned to them. The Division will make every effort ensure that the use of CUW's reflects the diversity of the state as well as the specific area in which the checks are to be conducted. All CUW's will be utilized equally and fairly.

2. All CUWs used for tobacco compliance checks shall comply with the provisions of Directive 28 – Cooperating Underage Witness Policy.

3. All CUW's shall comply with any requirements concerning child labor laws as determined by the Delaware Department of Labor

4. CUWs will not be permitted to participate in the Tobacco Retailer Education and Compliance Program unless they have attended the Division's training session for tobacco CUWs.

5. The safety and welfare of the CUW is of utmost importance to the Division. The CUW will not be exposed to any unusual, unnecessary, or unreasonable risk of harm or personal injury.

6. CUW's are not permitted to carry, possess, conceal or use any weapon.

7. CUW's will not wear, exhibit, or carry any Division or other law enforcement identification at any time, and will not falsely represent themselves as members of the Division or any other law enforcement agency.

8. The CUW shall truthfully answer all questions posed by the staff at a tobacco retailer regarding their age and shall not make statements designed to be confusing or misleading.

    a) The CUW may deny their role with the Division.

9. CUW's may not use tobacco products in any form.

D. CUW Working Hours and Compensation

1. A CUW may not work more than 12 hours in a combination of school hours and work hours per day. There can be no exceptions.

2. A CUW must have at least eight consecutive hours of non-work, non-school time in each 24-hour period. There can be no exceptions.

3. A CUW may not work more than five hours continuously without a non-work period of at least 30 consecutive minutes. This 30 minute period will be unpaid. There can be no exceptions.

4. The agent must complete a CUW payment voucher and that and obtain the CUW's signature prior to submitting the voucher to their supervisor.

5. CUW's working more than five hours shall receive a meal stipend, not to exceed $7.00, to be paid by the agent using issued investigative funds designated for the Division's Tobacco Retailer Education and Compliance Program.

    a) Agents shall retain the CUW's meal receipt that does not exceed $7.00.

    b) Agents shall complete an affidavit for any missing meal receipts.

6. Investigative funds shall be reconciled in accordance with Directive 31 – Fiscal Management.

    a) Copies of the reconciliation documents will be provided to the Tobacco Program Coordinator.

E. Removal of CUW from the Tobacco Retailer Education and Compliance Program.

1. A CUW may be removed from the program with the approval of the Director or his designee. Causes for removal from the program shall include but is not limited to the following:

    a) Failing to report to work or is consistently unavailable to work.

    b) Failure to follow directions given by the agent or another Division employee.

    c) Violation of Directive 28 – Cooperating Underage Witness Policy, or another Division policy while working as a CUW.

    d) Not being truthful.

e) Conducting themselves in a manner inconsistent with integrity and mission of the Division.

f) Having been arrested for a violation of the law, excluding a minor traffic violation, or having received negative police contact.

VII. TOBACCO PROGRAM COORDINATOR DUTIES:

A. Under an agreement between the Division and the Division of Revenue, the Tobacco Program Coordinator will on a monthly basis, receive from the Division of Revenue two reports related to the tobacco retailer list.

1. The first of these lists will be a list of tobacco retailers that were licensed during the previous month. The second list will be a copy of the entire list of licensed retailers including those newly licensed with the previous month.

2. The Tobacco Program Coordinator shall use these lists to update the Division's database of licensed locations.

3. The Tobacco Program Coordinator shall maintain a list of all locations, which agents find as a result of their inspections or routine duties as a new business, or which they find incorrect information contained on the list of licensed retailers.

   a) The Tobacco Program Coordinator will maintain and forward this information to the Division of Revenue on a monthly basis

   b) One report shall contain all locations that were found to be selling tobacco and which do not appear on the list of licensed retailers.

   c) The second report shall contain the name and location of a business which has incorrect information contained on the list of licensed retailers. The specific information that is incorrect shall be noted for each location on this list.

4. A monthly report will be sent to Department of Health and Social Services by the 10th of the month to be modified year to date and month to date.

B. In addition to the other assigned duties, the Tobacco Program Coordinator shall perform the following duties:

1. Shall be responsible for assigning to agents a number of retail locations which they are to conduct unannounced tobacco compliance checks.

2. Shall ensure that all compliance check re-checks are conducted within one year of the date in which a sale occurred.

3. Shall maintain a working relationship with all CUW's and applicants.

4. Ensure that all SYNAR and state enforcement efforts are not in conflict with each other.

5. Ensure that the Memorandum of Understanding between the Division and the Department of Health and Social Services is adhered to.

6. Ensure that all FOIA requests that are related to tobacco are properly processed and in compliance with Divisional policies.

7. Ensure that all tobacco program policies and procedures are being adhered to, modified as needed, and advise the Director when changes are needed.

8. Conduct an in-service training class as needed with all agents to ensure that they are familiar with any law changes that have occurred as well as their duties and responsibilities.

9. Serve as the Division's representative with those agencies with which the Division cooperates for the purpose of recruiting CUW's

10. Documentation preparation and submittal of the following items:

    a) CUW compensation

    b) Purchases related to the tobacco settlement funds.

11. Review, update and ensure the accuracy of the tobacco retailer list provided by the Division of Revenue to include the following:

    a) Modify the list to reflect any updates.

    b) Providing the Division of Revenue with a monthly list of businesses that the agents have found to be:

        i. No longer selling tobacco.

        ii. Out of business

        iii. Selling tobacco without a license

12. Notifying a supervisor of the need to deliver a Tobacco Retailer Education Packet to retailers identified by the Division of Revenue as a newly licensed business within 30 days of receiving such notice

13. Ensure that all CUW's have completed the employee information required by the DSHS Human Resources section.

14. Ensure that the use of CUW's represents the diversity of the state and that they reflect the ethnicity of the communities where they are being used.

15. Create and maintain a confidential file for each CUW that is properly secured and separate from other files. This file shall contain the following information:

    a) A copy of the CUW's driver's license or identification card

    b) A copy of the CUW's birth certificate

    c) A parental consent form contain the original signature

    d) A copy of the CUW application packet

    e) A current color photograph of the CUW

    f) The files shall be maintained for a period of five years.

16. Maintain a statistical database capable of producing any number of reports concerning the following:

    a) Compliance checks

        i. Number assigned statewide and by county.

        ii. Number completed statewide and by county.

        iii. Number remaining statewide and by county.

        iv. The number of sales statewide and by county.

        v. The number who refused to sell statewide and by county.

        vi. The type and number of locations checked statewide and by county along with the number of those locations that refused to sell as well as the number who sold.

        vii. The number of state locations checked statewide, by county.

        viii. The number of SYNAR locations checked statewide by county.

    b) Cooperating Underage Witnesses

        i. The total number of CUW's statewide and by county.

        ii. The gender and racial/ethnic makeup of the CUW's statewide and by county.

        iii. The number of times the CUW was used.

iv. The number of hours that the CUW has worked.

v. The amount of money that the CUW has been paid.

vi. Times that the CUW was asked to work but refused.