

NEW YORK STATE  
1996 SYNAR COMPLIANCE ACTIVITIES



**FALL 1996**

## INTRODUCTION

### ■ Legislative History and Impact of Synar

In 1992, the Congress of the United States passed the Synar Amendment (named after its sponsor, Representative Mike Synar of Oklahoma), as part of the legislation which created the Substance Abuse Prevention and Treatment (SAPT) Block Grant. The amendment requires states to enact and enforce laws prohibiting the sale and distribution of tobacco products to minors. All 50 states are required to achieve the goal of having 80 percent of their retail establishments in compliance with the Synar Amendment by the year 2000 in order to avoid reductions in the SAPT Block Grant.

In July 1992, the New York State Legislature passed the Adolescent Tobacco Use Prevention Act (ATUPA) establishing penalties for selling tobacco products to minors, restricting youth access to vending machines, and creating an enforcement mechanism managed by county health departments and district offices of the Department of Health (DOH) in the 21 rural counties that do not have their own health departments.

The final regulations implementing the Synar Amendment were published by the federal government in January 1996. In order to meet other provisions of the amendment, New York State is required to conduct, on an annual basis, random, unannounced inspections to monitor compliance with the law.

During 1996, the New York State Office of Alcoholism and Substance Abuse Services (OASAS) and the New York State Department of Health (DOH) coordinated the design and conduct of random, unannounced inspections of outlets that represent a probability sample of outlets accessible to youth.

## DESIGN/METHODOLOGY

In late February 1996, staff from OASAS and DOH attended the Center for Substance Abuse Prevention (CSAP) Tobacco Regulation Technical Assistance Workshop in Baltimore. The purpose of the Workshop was to familiarize the states with the requirements of the Synar Amendment as they relate to the SAPT Block Grant and to assist the states in complying with those requirements. CSAP made it clear that over the next five years, each state must conduct approximately 600 annual compliance checks of tobacco retail outlets. All 50 states are required to achieve the goal of having 80% of its retail establishments in compliance with the Synar Amendment by the year 2000.

The compliance checks, per federal requirements, had to be conducted by adolescents who would attempt to purchase cigarettes over-the-counter or through the use of a vending machine. The procedure for conducting the compliance checks had to be scientifically sound based on a random sample. In addition, the geographic areas sampled had to be weighted by the percent of the population in those areas between the ages of 12-17. Prior to initiating compliance checks, each state's plan had to be reviewed and approved by CSAP.

To meet the SAPT Block Grant Synar requirements, OASAS and DOH developed the Tobacco Outlet Random Inspection Survey (TORIS). To conduct the TORIS, the survey had to meet federal requirements for state compliance activities. It was necessary that the sample be random and proportionate, representing the various geographic and demographic areas of a large and very diverse state. The goal of the TORIS was to identify 25 geographic areas in the State, within which 25 compliance checks would be conducted. The State initiated the following procedures to identify the geographic areas and the specific retail establishments for the 1996 TORIS compliance checks:

1. A database was acquired which contained all zip codes in New York State and the county(ies) they occupy. Census data (1994 projections) were also obtained by county, by total population and by target population (12-17 year olds);
2. The density of the target population (i.e., percent of total population between the ages of 12 and 17) was computed for each county. These computations produced density patterns that were quite different from that of the general population density. Some counties had a high proportion of 12-17 year olds, while others had much lower proportions. The resulting densities were then empirically divided into three stratified levels (high, medium and low) based on trends or natural break points in the density rates.

The selection of 25 geographic areas for compliance check activities was then made based on these population parameters. Zip codes were used as the sampling unit for the TORIS as they consist of relatively small and definitive areas. The zip codes selected had to be representative of the overall population living in each stratification. The percentage of the total State population residing in each stratification was then computed. Subsequently, the 25 zip codes were selected in

a computerized random sampling process with the number of zip codes selected in each stratification proportionate to the relative concentration of the total State population. For example, the low density group consisted of counties with less than 7% density of the target population. Although there were only six counties in this stratum, most of these had large overall populations and they accounted for nearly a quarter of New York State residents. Therefore, 25% of the 20 zip codes (5) were selected from the counties in this group:

3. Although geographic sampling provided the framework for the IORIS, tobacco retail outlets were to be the primary units of analysis. The New York State Department of Taxation and Finance (DTP) provided OASAS with a database of businesses in the State licensed to sell tobacco products:
4. Utilizing a computerized, randomized sampling process, a total of 44 (22 primary and 22 alternate) retail outlets were selected for compliance checks within each zip code. In those zip codes where fewer than 44 existed, outlets in contiguous zip codes were utilized to fill out the sample.

The teams performing the compliance checks were also asked to locate any three vending machines in the targeted zip codes and conduct compliance checks at those locations.

## COMPLIANCE CHECK SURVEY PROTOCOL

To implement the Synar Amendment under the SAPT Block Grant, the DCH developed a Protocol for conducting random, unannounced inspections. These inspections are referred to as compliance checks, and entail the adult supervision of youth (under the age of 18) entering a tobacco outlet and attempting to purchase cigarettes.

Youth Coalitions supported by the State Department of Health and Councils on Alcoholism and Substance Abuse were identified to carry out compliance checks. Each of the compliance check survey teams consisted of one or two adults and one or two youth. The youth entered the store and located the cigarettes. Upon locating the cigarettes, the youth either asked for or picked up a pack of cigarettes.

Once a sale was completed or refused, the youth exited the store and returned immediately to the vehicle. If cigarettes were purchased, an adult took the cigarettes, a label was completed and adhered to the package, and appropriate information recorded.

## RESULTS

### ■ Survey Form Submission

All completed Compliance Check Survey Forms were to be submitted by the Coalitions and Councils on Alcoholism and Substance Abuse, along with the paid questionnaire, by August, 1996. Results were entered into a TORIS database. Computer programming was developed to conduct analyses of possible relationships among variables (e.g., sales by business type, gender of purchaser, age of purchaser). Over 95% of the requested surveys were completed. Every Coalition and Council found it necessary to survey some of the tobacco retail outlets on the list of 22 alternate sites.

### ■ Findings

The overall 1996 New York State compliance rate for the TORIS was 61.9%. The statewide compliance rate of 63% for over-the-counter sales was higher than the compliance rate for vending machine sales (52.5%). However, the relatively small number of vending machines in the sample (61) makes statistical comparisons difficult.

The TORIS protocol restricted the age of the participating youth to those between 14 and 17 years of age. The average age of the participants was 15.53 years. Those successful in making purchases averaged 15.72 years, those unsuccessful averaged 15.42 years. It should be noted that the same youth often was able to purchase cigarettes in one retail outlet and unable to do so in another. The gender of the purchaser appeared to impact sales with 41% of females successfully purchasing cigarettes and only 34% of the males doing so.

Purchase attempts were recorded categorically by type of business. Three groupings of business were established for analysis: retail goods (238 convenience stores, 111 supermarkets, 36 drug stores, 19 discount stores, 8 tobacco stores, 61 miscellaneous (e.g., card stores, gift stores)); 90 restaurants/taverns; and services (21 gas stations, 6 hotel/motel, 6 recreation/amusement). Retail goods stores were highest in compliance at a rate of 63%, followed by services establishments at 61%. Restaurants/taverns were at 57% compliance. Although there appears little difference in the performance levels among the three categories, there were some significant variation within categories. Within the retail goods category, discount stores had a 74% compliance rate with miscellaneous stores coming in with a 54% rate and tobacco stores at a 50% rate. Taverns had a higher compliance rate (68%) than restaurants (46%).

The time of day of purchase attempts was examined to determine if it had any effect on compliance. There was virtually no difference in the average time of sale (1:29 p.m.) and the time of sale refusal (1:27 p.m.). However, these data must be viewed with caution considering that purchase attempts were not randomly spread throughout the day, that operating hours of the different outlets and types of stores were variable, and that the hours during which the surveys were conducted were most probably focused in early afternoon.

# COMPLIANCE STATUS BROKEN DOWN BY OTHER VARIABLES

		N	Not Sold	Total
Mode of Purchase:	Over-the-Counter	535	337 (63%)	198 (37%)
	Vending Machine	61	32 (52%)	29 (48%)
Youth Gender:	Male	234	155 (66%)	79 (34%)
	Female	362	214 (59%)	148 (41%)
Youth Age (Average):			15.42	15.72
Business Type:	(Retail Goods)			
	Convenience Store	238	150 (63%)	88 (37%)
	Supermarket	74 (67%)	37 (33%)	
	Drug Store	36	23 (64%)	13 (36%)
	Discount Store	19	14 (74%)	5 (26%)
	Tobacco	8	4 (50%)	4 (50%)
	Miscellaneous	61	33 (54%)	28 (46%)
	Tavern	44	30 (68%)	14 (32%)
	Restaurant	46	21 (46%)	25 (54%)
	(Services)			
	Gas Station	21	14 (67%)	7 (33%)
	Hotel/Motel	6	3 (50%)	3 (50%)
	Rec./Amusement	6	3 (50%)	3 (50%)
Comments:	(Over-the-Counter)			
	Asked for ID		107	
	Assessed Age		53	
	Asked, then Sold			10
	No Questions			44
	Retracted Sale		7	
	(Vending Machine)			
	Improper Location			4
	Easy to Access			9
	Access Prevented		5	
	(Miscellaneous)		8	10
General Time of Sale (Average):			1:27 pm	1:29 pm