

# **ANNUAL SYNAR REPORT**

**42 U.S.C. 300x-26**

OMB № 0930-0222

**FFY 2024**

**State: MA**

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## **INTRODUCTION**

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

### **How the Synar report helps the Center for Substance Abuse Prevention**

In accordance with the tobacco regulations, states are required to provide detailed information on progress made in enforcing youth and young adult tobacco access laws (FFY 2023 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth and young adult tobacco access rates (FFY 2024 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<sup>1</sup> by supporting Synar activities and providing technical assistance helpful in determining the type of enforcement measures and control strategies that are most effective. This information is helpful to CSAP in improving technical assistance resources and expertise on enforcement efforts and tobacco control program support activities, including state Synar program support services, through an enhanced technical assistance program involving conferences and workshops, development of training materials and guidance documents, and onsite technical assistance consultation.

### **How the Synar report can help states**

The information gathered for the Synar report can help states describe and analyze substate needs for program enhancements. These data can also be used to report to the state legislature and other state and local organizations on progress made to date in enforcing youth and young adult tobacco access laws when aggregated statistical data from state Synar reports can demonstrate to the Secretary the national progress in reducing youth and young adult tobacco access problems.

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<sup>1</sup>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).

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 and young adult tobacco access laws.

### **Getting assistance in completing the Synar report**

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

### **Where and when to submit the Synar report**

The ASR must be received by SAMHSA no later than December 31, 2023 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 2024 Synar Survey Results: States that use the Synar Survey Estimation System (SSES) must upload one copy of *SSES Tables 1–8* (in Excel) to WebBGAS. **Please note that, in the FFY 2024 ASR, SSES will generate Tables 6, 7, and 8, which are based on the optional microdata on product type, retail outlet type, and whether identification was requested. If your state does not submit these optional data, Tables 6, 7, and 8 will be blank. Tables 6, 7, and 8 are generated for the convenience of the state, and states are not required to submit completed versions of Tables 6, 7, or 8.** States that do not use SSES must upload one copy of ASR Forms 1, 4, and 5, and Forms 2 and 3, if applicable, (in Excel), as well as a database with the raw inspection data to WebBGAS.
- Synar Inspection Form: States must upload one blank copy of the inspection form used to record the result of each Synar inspection.
- Synar Inspection Protocol: States must upload a copy of the protocol used to train inspection teams on conducting and reporting the results of the Synar inspections. This document should be different than the Appendix C attached to the Annual Synar Report.
- A scanned copy of the signed Funding Agreements/Certifications

Each state SSA Director has been emailed a login ID and password to log onto the Synar section of the WebBGAS site.

**SECTION I: FFY 2023 (Compliance Progress)**

**YOUTH AND YOUNG ADULT ACCESS LAWS, ACTIVITIES, AND ENFORCEMENT**

42 U.S.C. 300x-26 requires the states to report information regarding the sale/distribution of tobacco products to individuals under age 21.

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

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

Yes  No

*If Yes, current minimum age:*  19  20  21

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

Yes  No

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

- Changed to require that law enforcement conduct inspections of tobacco outlets
- Changed to make it illegal for youth and young adults to possess, purchase or receive tobacco
- Changed to require ID to purchase tobacco
- Changed definition of tobacco products
- Other change(s) *(Please describe.)* \_\_\_\_\_

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

Licensing of tobacco vendors  Yes  No

Penalties for sales to minors  Yes  No

Vending machines  Yes  No

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

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

Placed on file for public review

Posted on a state agency Web site *(Please provide exact Web address and the date when the FFY 2024 ASR was posted to this Web address.)*

*Web address:* <https://www.mass.gov/info-details/local-state-and-federal-laws-related-to-tobacco>

*Date published:* December 15, 2023

- Notice published in a newspaper or newsletter
- Public hearing
- Announced in a news release, a press conference, or discussed in a media interview
- Distributed for review as part of the SABG application process
- Distributed through the public library system
- Published in an annual register
- Other *(Please describe.) Initial data from the FFY 2024 Annual Synar Report was presented to local boards of health program partners meeting held on December 13, 2023. Attendees at this meeting represent our board of health enforcement partners and technical assistance providers funded by the Massachusetts Tobacco Cessation and Prevention Program (MTCP). These program partners use this data in hearings and presentations to stakeholders. The Synar data was also shared at the Tobacco Free Mass (a statewide tobacco coalition) meeting that took place on December 7, 2023.*\_\_\_\_\_

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

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

*The Massachusetts Department of Public Health*\_\_\_\_\_

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

Yes  No

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

*The Massachusetts Department of Public Health in conjunction with Local Boards of Health.*

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

Yes  No

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

*Massachusetts Attorney General's Office, Massachusetts Department of Public Health in conjunction with Local Boards of Health*\_\_\_\_\_

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).**

Massachusetts Department of Public Health, Massachusetts Tobacco Cessation and Prevention Program. (MTCP)

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

- Have other collaborative arrangement(s) *(Please describe.)* \_\_\_\_\_
- No relationship

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

- Yes    No

**5. Please answer the following questions regarding the state’s activities to enforce the state’s youth and young adult access to tobacco law(s) in FFY 2023 (see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130(e)).**

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

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

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

| PENALTY                                     | OWNERS | CLERKS | TOTAL |
|---|--------|--------|-------|
| Number of <u>citations issued</u>           | 479    | 0      | 479   |
| Number of <u>finest assessed</u>            | 472    |        | 472   |
| Number of <u>permits/licenses suspended</u> | 12     |        | 12    |
| Number of <u>permits/licenses revoked</u>   | UNK    |        |       |
| Other <i>(Please describe.)</i>             |        |        | 39    |
| <i>Referred to another agency (38)</i>      | 38     |        |       |
| <i>Warning Letter (1)</i>                   | 1      |        |       |

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

- Yes    No

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

Depending on the municipality, citations or warnings may be issued to retailers that sell during Synar inspections. To minimize the risk of bias to survey results, it is MTCP



protocol that fines and tickets be issued at the end of the round of compliance checks either later the same day of the check or the next day after the check instead of immediately after the sale. This protocol reduces the risk of “phone trees” that could potentially bias subsequent checks. This protocol also helps protect the safety and anonymity of the youth buyer. For Synar checks that are completed by FDA Inspectors, the FDA handles all aspects of citations/warnings with their own process for warning letters, Civil Money Penalties, and the No Tobacco Sales Orders.

Many of our local board of health (BOH) collaboratives cover multiple cities/towns within a region of Massachusetts. At times, the inspectors that are out conducting the compliance checks are not “deputized” in that municipality to issue the ticket/fine. Referral to another agency is used when the local BOH administrative functions are needed.

A warning letter for a failed compliance check was sent out once this past year as a mistake. We have addressed this, and this person was retrained.

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

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

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

- Yes  No

**f. What additional activities are conducted in your state to support enforcement and compliance with state youth and young adult tobacco access law(s)?**

*(Check all that apply and briefly describe each activity in the text boxes below each activity.)*

- Merchant education and/or training

For Synar FFY23, 196 municipalities received Board of Health (BOH) funding to provide merchant education and/or retail visits at each permitted retailer at least once during the fiscal year. Merchant education visits include checks for state required signage, sales of loose cigarettes, sales of restricted products, illegal self-service displays, and for current state and local permits. These visits served to educate store managers and clerks about tobacco sales laws and regulations that apply to tobacco products and ENDS, FDA regulations, and local regulations that may be stronger than the state law.

The Retailer Education is now an online training tool. It is being offered in both English and Spanish. This is a free retailer online training tool that can be shared with clerks and staff. In the spring of 2023, MTCP conducted a retailer outreach campaign that included mailing

reminders about the minimum legal sales age of 21 and resources for retailer education. This postcard was sent out to all the current retailers in Massachusetts at the time. The mailing contained a “QR” code the retailer could use to connect to the training directly on their chosen device. Additional printed postcards are available at the Massachusetts Health Promotion Clearinghouse for local programs to order and hand to retailers during their education visits. This Synar fiscal year, the online retailer training was taken 88 times in English. The retailer training was taken in Spanish 2 times. The Massachusetts Health Officers Association Tobacco Program, funded by MTCP, is the entity that provides the online retailer training as well as regional in-person trainings for tobacco retail owners interested in receiving in-person retailer training.

In June 2023, MDPH/MTCP contracted with JSI to conduct interviews with key informants (KIIs) and focus groups (FGs) with retailers to better understand the reasons behind the latest growth in our Synar trajectory. With this understanding, the MDPH/MTCP will be in a position to refine and expand our education and training efforts with tobacco retailers of Massachusetts.

Three focus group were held with independent retailers. These owners were from a cross-section of independent convenience stores, liquor stores, vape/smoke shops and those who owned single and/or multiple establishments. MTCP will work internally and with our external partners to analyze and develop a workplan in the upcoming fiscal year along with next steps.

- Incentives for merchants who are in compliance (e.g., nonenforcement compliance checks in which compliant retailers are given positive reinforcement and noncompliant retailers are warned about youth and young adult access laws)

- Community education regarding youth and young adult access laws

Community education regarding youth access laws/local regulations is provided on a regular basis in the communities that currently have MTCP funded BOH. Technical assistance regarding youth access laws and regulations is provided to any interested board of health through the Massachusetts Association of Health Boards, the Massachusetts Municipal Association, and the Massachusetts Health Officers Association, all funded by MTCP.

Further, our website, <https://www.mass.gov/info-details/community-statistics-and-tobacco-policies-data> now hosts an interactive Tableau map where users can select their city or town from the drop-down box to obtain information on their local tobacco regulations such as permit capping and cigar packaging. Users can also use the interactive maps to view smoking rates in their community relative to others across the state as well as other health data on smoking related chronic disease and number of referrals to the MA Quitline.

- Media use to publicize compliance inspection results

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

Strong support for retailer compliance and enforcement of youth access laws exists in MA communities. BOHs funded by MTCP have continuous work plan activities that support increasing support for retailer compliance with youth and young adult access laws. In cities/towns without MTCP funding, BOH, can request assistance in developing a plan for retailer compliance and enforcement checks. Several of these municipalities have worked with the Massachusetts Health Officers Association and MTCP to determine free and low-cost ways that they can address compliance and enforcement of youth access to tobacco in their communities, such as creating a revolving fund using local tobacco permit fees and fines for violations. MTCP's Community Partnership Programs and The 84 Movement (youth engagement program) also help to increase community mobilization and support for youth prevention activities and regulations in communities across the Commonwealth.

- Other activities *(Please list.)* \_\_\_\_\_

This past year, meetings and coordination increased with inspectors at the Department of Revenue (DOR). This collaboration has led to an increased understanding of what each agency does in the tobacco retail environment. MTCP and DOR staff now coordinate notification of inspection activity so that local boards of health can follow up on any violations found by DOR and the DOR can follow up on any tax violations found by local BOH. A great outcome of this relationship has been increased retailer compliance to laws. DOR notifications of revocations, suspensions, and warning letters are uploaded into MTCP's database for our boards of health programs to reference.

Jacqueline Doane, Acting Director of MTCP is the Department of Public Health's appointed member of the Commonwealth's Illegal Tobacco Task Force. The Illegal Tobacco Task Force is a multi-agency task force created to combat illegal tobacco distribution and the resulting loss of revenue to the Commonwealth of Massachusetts. The co-chairs of the Task Force are representatives from DOR and the MA State Police. The Task Force meets regularly and coordinates enforcement activity regarding illegal sale of untaxed tobacco products in the Commonwealth.

## 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 2023 (see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).

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

Yes  No

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

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

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

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

Yes  No

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

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

**Unweighted RVR** \_\_\_\_\_

**Weighted RVR** \_\_\_\_\_

**Standard error (s.e.) of the (weighted) RVR** \_\_\_\_\_

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

$$\text{RVR Estimate} + (1.645 \times \text{Standard Error}) = \text{Right Limit}$$

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

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

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

Yes  No

*If Yes, answer the following questions about its coverage.*

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

b. Percent coverage from the latest Sampling frame coverage study: \_\_\_\_\_

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: \_\_\_\_\_

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.*

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

i. Provide the inspection period: From 10/01/2022 to 9/30/2023

MM/DD/YY MM/DD/YY

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

77

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.

The total number of minors reported in Table 4 is listed as 42 Males and, 43 Females for a total of 85 which is inaccurate. The actual number of minors used during this Synar period is 77. During this Synar year, 5 Males and 3 Females had a birthday that moved them into the next age group. Because the SSES system thinks it is an error when the minor number has 2 different ages, we had to change the minor number to reflect their birth date.

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

## SECTION II: FFY 2024 (Intended Use):

Public Law 42 U.S.C. 300x-26 of the Public Health Service Act and 45 C.F.R. 96.130 © (4, 5) require that the states provide information on future plans to ensure compliance with the Synar requirements to reduce youth and young adult tobacco access.

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

Synar sampling methodology  Yes  No

Synar inspection protocol  Yes  No

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

**2. Please describe the state's plans to maintain and/or reduce the target rate for Synar inspections to be completed in FFY 2024. Include a brief description of plans for law enforcement efforts to enforce youth and young adult tobacco access laws, activities that support law enforcement efforts to enforce youth and young adult tobacco access laws, and any anticipated changes in youth and young adult tobacco access legislation or regulation in the state.**

Massachusetts' Synar sales rate for FFY23 was 10.1% which is a decrease from 17.7% in FFY22. We were pleased with this result as we saw increases in rates over the last few years. Also, with the state starting to enforce compliance with the flavor restrictions, our boards of health (BOH) were spending more time with retailers and reminding them about the importance of asking for age verification.

MTCP's youth access efforts have historically focused heavily on funding local BOH to provide merchant education and enforcement of youth access laws. In the beginning of FFY20, MTCP funded 196 out of 351 BOH to conduct youth prevention work. In the fall of 2020, due to the vaping epidemic and EVALI emergency, MTCP was awarded additional state funds to support municipal BOH in their enforcement efforts, bringing the total number of funded BOH to 199. This past fiscal year, MTCP was able to open the RFR which allowed us to expand our funding to 209 total communities as of July 1, 2023.

Continuing the current scope of service for the funded BOH programs will include assigned Synar compliance checks that are completed using approved protocols, an additional full round of compliance checks for other tobacco products (little cigars, smokeless or e-cigarettes), and it is required that they complete the follow up checks at all locations that have violations.

Also included in the scope of service is the requirement to complete one round of merchant education visits/inspections and an MTCP Pricing Survey at each of their permitted tobacco retailers. The continued presence in the retail environment in addition to consistent compliance checks and enforcement will help to reduce the illegal sales rates to minors. Funded BOH programs conduct enforcement on violations and record the results of their enforcement actions in our Counter Tools Point of Sale Toolkit (POST) system.

In addition to local BOH efforts, the MA FDA Tobacco Enforcement Program is contracted to conduct routine FDA youth buyer/compliance checks at 100% of the retailers in the state, with an emphasis in communities that have high sales rates to minors. The FDA program, in place for over ten years, is helping to provide strong enforcement and large fines in areas of the state that may not typically have active enforcement of youth access laws. Over the years, many retailers in Massachusetts have been assessed fines of \$5,000 to \$12,000 and there have been five no-tobacco-sale-orders (NTSO) issued. Many of these fines and NTSOs are at retailers in municipalities that do not receive MTCP funding.

MTCP continues to collaborate with the DOR and AGO on enforcement issues and compliance efforts to strengthen overall compliance with tobacco laws and regulations. MTCP's core policy work continues to be done at the municipal level providing support and education for municipalities in passing comprehensive regulations – including cigar packaging restrictions and permit capping - to reduce youth exposure and access to tobacco products. To garner public and BOH support for these policies, MTCP-funded Community Partnership programs continue to work with funded and unfunded communities to help mobilize community members to attend public hearings to strengthen tobacco regulations. In FY22, youth in The 84 Movement (MTCP-funded youth program), implemented student surveys to assess availability, exposure, inequities, and access to tobacco products in their community. They used the findings to educate their peers and local decision-makers about the status of youth perceptions and significance of existing efforts. This also helped MTCP understand a point-in-time progress and potential trend of the impact of new laws and the retail landscape. Technical assistance in developing tobacco sales regulations will continue to be provided to BOH through our Community Assistance Statewide Team (CAST). MTCP will continue to maintain a database to track adopted regulations and to provide tools for community and retailer education to assist with post-enactment and effective enforcement of tobacco retail policies.

MTCP Epidemiology staff have developed an evaluation plan to look at the impact of the recent tobacco sales laws on tobacco sales rates to minors and minor's perception of how easy it is to access tobacco products. MTCP's statewide contracts with the Massachusetts Health Officers Association (MHOA), Massachusetts Municipal Association (MMA), and the Massachusetts Association of Health Boards (MAHB) will continue to provide local BOH with the skills, resources and technical assistance needed to help communities institute and/or strengthen local youth access laws and effectively provide tobacco services to communities. These statewide TA providers will assist both MTCP funded and unfunded boards of health. Communities that do not have MTCP funding will be offered technical assistance to help develop a plan to provide evidence-based tobacco services with limited resources. The goal of this approach is to build the capacity of communities to have a positive effect on the social norms related to youth tobacco use with or without MTCP funding.

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

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



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

Resources to cover all cities and towns in Massachusetts continue to be limited. As of October 1, 2023, 209 of the 351 cities and towns in Massachusetts have MTCP funding for enforcement of youth access tobacco laws. In the municipalities without MTCP funding, the enforcement of state youth access laws continues to be limited, often resulting in a higher rate of illegal sales rates to minors. Additional enforcement costs are also incurred by communities when appeals, court, and/or litigation costs arise from enforcement activities. The Massachusetts FDA Enforcement Program complements our statewide efforts by providing one round of inspections at 100% of the state tobacco retailers each year.

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

- Limited public support for enforcement of youth and young adult 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 and young adult inspectors

In some areas, we have had a harder time with youth recruitment. We have made great connections with some of the vocational schools around the Commonwealth that have criminal justice programs. Also, we have found that many of the young people that enjoy this line of work are also very busy with school and extracurricular activities. We continue to brainstorm and look for additional ways to engage young people in this work.

In addition, in order to remain competitive with local part-time job opportunities, some of our partners had to offer payment of \$25/hour. We also offer an additional \$.50 per hour to help retain youth. We will analyze these recruitment and retention offers next year.

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

Issues regarding the balance of inspections conducted by one gender of youth and young adult 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.*) \_\_\_\_\_

## 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 2024). 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: 2024

| (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)<br>Row # |  |  |  |  |
|--------------|--|--|--|--|

|  |
|--|
| (b)<br>Stratum Name<br><br>(a)<br>Over-the-Counter (OTC) |
|--|

|              |                     |                               |
|--------------|---------------------|-------------------------------|
| (a)<br>Row # | (b)<br>Stratum Name | (a)<br>Over-the-Counter (OTC) |
|--------------|---------------------|-------------------------------|

(b)  
Vending Machines

| (V)(c)<br>Total Outlets (2a+2b) | (a)<br>Over-the-Counter (OTC) | (b)<br>Vending Machines (VM) | (c)<br>Total Outlets (3a+3b) | (a)<br>Over-the-Counter (OTC) | (b)<br>Vending Machines (VM) | (c)<br>Total Outlets (4a+4b) | (a)<br>Over-the-Counter (OTC) | (b)<br>Vending Machines (VM) | (c)<br>Total Outlets (5a+5b) |  |  |  |  |  |  |
|---------------------------------|-------------------------------|------------------------------|------------------------------|-------------------------------|------------------------------|------------------------------|-------------------------------|------------------------------|------------------------------|--|--|--|--|--|--|
|                                 |                               |                              |                              |                               |                              |                              |                               |                              |                              |  |  |  |  |  |  |
|                                 |                               |                              |                              |                               |                              |                              |                               |                              |                              |  |  |  |  |  |  |

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**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 2024).

- 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 stratum 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: 2024   |
| (1)<br>Stratum<br>Name                          | (2)<br>N<br>Number of<br>Outlets<br>in Sampling<br>Frame | (3)<br>n<br>Original<br>Sample Size | (4)<br>n1<br>Number of<br>Sample<br>Outlets<br>Found<br>Eligible | (5)<br>n2<br>Number of<br>Outlets<br>Inspected | (6)<br>x<br>Number of<br>Outlets<br>Found<br>in Violation | (7)<br>p=x/n2<br>Stratum<br>Retailer<br>Violation<br>Rate | (8)<br>N'=N(n1/n)<br>Estimated<br>Number of<br>Eligible<br>Outlets in<br>Population | (9)<br>w=N'/Total<br>Column 8<br>Relative<br>Stratum<br>Weight | (10)<br>pw<br>Stratum<br>Contribution<br>to State<br>Weighted<br>RVR | (11)<br>s.e.<br>Standard<br>Error of<br>Stratum RVR |
|   |  |                                     |  |  |   |   |   |  |  |   |
|   |  |                                     |  |  |   |   |   |  |  |   |
|   |  |                                     |  |  |   |   |   |  |  |   |
|   |  |                                     |  |  |   |   |   |  |  |   |
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|   |  |                                     |  |  |   |   |   |  |  |   |
|   |  |                                     |  |  |   |   |   |  |  |   |
|   |  |                                     |  |  |   |   |   |  |  |   |
| <b>Total</b>                                    |  |                                     |  |  |   |   |   |  |  |   |

- 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 2024).

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.

| <b>Summary of Clusters Created and Sampled</b> |                     |                                  |                                   |   |
|--|---------------------|----------------------------------|-----------------------------------|---|
| <b>State: MA</b>                               |                     |                                  |                                   |   |
| <b>FFY: 2024</b>                               |                     |                                  |                                   |   |
| (1)<br>Row #                                   | (2)<br>Stratum Name | (3)<br>Number of PSUs<br>Created | (4)<br>Number of PSUs<br>Selected | (5)<br>Number of PSUs<br>in the Final<br>Sample |
|  |                     |                                  |                                   |   |
|  |                     |                                  |                                   |   |
|  |                     |                                  |                                   |   |
|  |                     |                                  |                                   |   |
|  |                     |                                  |                                   |   |
|  |                     |                                  |                                   |   |
|  |                     |                                  |                                   |   |
|  |                     |                                  |                                   |   |
|  |                     |                                  |                                   |   |
|  |                     |                                  |                                   |   |
|  |                     |                                  |                                   |   |
| <b>Total</b>                                   |                     |                                  |                                   |   |



**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 2024).

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.”

| <b>Inspection Tallies by Reason of Ineligibility or Noncompletion</b> |               |  |               |
|---|---------------|--|---------------|
|   |               | State: _____   |               |
|   |               | FFY: 2024  |               |
| (1)<br>INELIGIBLE   |               | (2)<br>ELIGIBLE  |               |
| Reason for Ineligibility  | (a)<br>Counts | Reason for Noncompletion   | (a)<br>Counts |
| Out of business   |               | In operation but closed at time of visit                               |               |
| Does not sell tobacco products  |               | Unsafe to access   |               |
| Inaccessible by youth or young adult                                  |               | Presence of police   |               |
| Private club or private residence                                     |               | Youth or young adult inspector knows salesperson                       |               |
| Temporary closure   |               | Moved to new location  |               |
| Unlocatable   |               | Drive-thru only/youth or young adult inspector has no driver’s license |               |
| Wholesale only/Carton sale only                                       |               | Tobacco out of stock   |               |
| Vending machine broken  |               | Ran out of time  |               |
| Duplicate   |               | Other noncompletion reason(s) <i>(Describe.)</i>                       |               |
| Other ineligibility reason(s) <i>(Describe.)</i>                      |               |  |               |
| <b>Total</b>  |               | <b>Total</b>   |               |

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

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

**Instructions for Completing Form 5:** In the top right-hand corner of the form, provide the state name and reporting federal fiscal year (FFY 2024).

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

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

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

| <b>Synar Survey Inspector Characteristics</b> |                       |                        |
|---|-----------------------|------------------------|
|   |                       | <b>State:</b> _____    |
|   |                       | <b>FFY:</b> 2024 _____ |
|   | (1)<br>Attempted Buys | (2)<br>Successful Buys |
| <b>Male</b>                                   |                       |                        |
| 15 years                                      |                       |                        |
| 16 years                                      |                       |                        |
| 17 years                                      |                       |                        |
| 18 years                                      |                       |                        |
| 19 years                                      |                       |                        |
| 20 years                                      |                       |                        |
| <b>Male Subtotal</b>                          |                       |                        |
| <b>Female</b>                                 |                       |                        |
| 15 years                                      |                       |                        |
| 16 years                                      |                       |                        |
| 17 years                                      |                       |                        |
| 18 years                                      |                       |                        |
| 19 years                                      |                       |                        |
| 20 years                                      |                       |                        |
| <b>Female Subtotal</b>                        |                       |                        |
| <b>Other</b>                                  |                       |                        |
| <b>Total</b>                                  |                       |                        |

## **APPENDIXES B & C: FORMS**

### Instructions

Appendix B (Sampling Design) and Appendix C (Inspection Protocol) are to reflect the state's CSAP-approved sampling design and inspection protocol. These appendixes, therefore, should generally describe the design and protocol and, with the exception of Question #10 of Appendix B, are not to be modified with year-specific information. Please note that any changes to either appendix must receive CSAP's advance, written approval. To facilitate the state's completion of this section, simply cut and paste the previously approved sampling design (Appendix B) and inspection protocol (Appendix C) and respond to Question #10 of Appendix B to provide the requested information about sample size calculations for the Synar survey conducted in FFY 2023.

## APPENDIX B: SYNAR SURVEY SAMPLING METHODOLOGY

State: MA  
 FFY: 2024

**1. What type of sampling frame is used?**

- List frame (Go to Question 2.)
- Area frame (Go to Question 3.)
- List-assisted area frame (Go to Question 2.)

**2. List all sources of the list frame. Indicate the type of source from the list below. Provide a brief description of the frame source. Explain how the lists are updated (method), including how new outlets are identified and added to the frame. In addition, explain how often the lists are updated (cycle). (After completing this question, go to Question 4.)**

*Use the corresponding number to indicate Type of Source in the table below.*

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

| Name of Frame Source | Type of Source | Description | Updating Method and Cycle |
|----------------------|----------------|-------------|---------------------------|
|                      |                |             |                           |
|                      |                |             |                           |
|                      |                |             |                           |
|                      |                |             |                           |
|                      |                |             |                           |

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

The sampling areas are the 351 cities and towns in Massachusetts or smaller subdivided areas within the large cities. These sampling areas are the broken down into zip codes to obtain smaller clusters. Every zip code in Massachusetts is associated with one of the 351 cities and towns.

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

- Yes  No

*If Yes, what percentage of the state’s population is not covered by the area frame?*  
 \_\_\_\_\_%

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

- Yes  No

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

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

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

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

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

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

**Unstratified statewide sample:**

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

**Stratified sample:**

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

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

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

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

The 13 counties in Massachusetts were organized into five geographic regions of roughly equal size. The cities and towns in each region are further stratified into two groups according to whether or not the health department receives funding from the Massachusetts Tobacco Control Program. This funding status is updated every year thus, there are 10 strata.

**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.)**

Clusters at the first stage are the sampling areas formed by the 351 cities and towns in Massachusetts. Before the random selection of sampling areas occurs, the 351 Massachusetts cities and towns are broken into applicable zip codes to obtain smaller sampling clusters.

**f. 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.**

There are 10 fixed strata used in the Massachusetts sampling. These strata are based on geographic region and funding status for the Board of Health (BOH) Tobacco Programs. All 351 cities and towns in Massachusetts fall into one of the 10 strata and have an equal chance of being selected. Each city or town is grouped into the appropriate strata and broken into all applicable zip codes. The zip code is the final unit of sampling. Each zip code is assigned a random number, the zip codes within the strata are chosen sequentially until the estimated number of vendors represented by those zip codes exceeds the target number needed for the stratum. Thus, the number of clusters used within each stratum changes every year based on the number of retailers in each zip code that is selected. The data included for each outlet is from the most recent inspection completed during the inspection period. All zip codes within a stratum are eligible to be selected in the sample each year. Every outlet within a selected zip code is inspected. In both the funded and unfunded stratum included in the sample, the whole area covered by the zip code is completely canvassed and every outlet is inspected. Massachusetts refers to lists contained in the POST data systems. BOH program receives the local tobacco permit lists from their partner cities and towns. Staff both at BOH and MTCP also compare the retailers listed from the Department of Revenue online permit database and also canvassing is completed in the geographical area to determine if additional outlets are present. Quarterly, the FDA enforcement data is also uploaded into POST. All outlets within the selected zip codes are inspected. The state calculates sampling weights using the same method for funded and unfunded strata. The weights are calculated based on the percentage of the entire state population of 12-20 year-olds that live in the strata based on census data. This method of sampling weight calculation was developed with SAMHSA's assistance in 2005.

**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.

$n$ , where  $P$  is the target retailer violation rate (20 percent). The target sample size ( $n$ ) is given by:

$n$ ,

where  $d$  is the assumed design effect of 3.6. The original sample size ( $n$ ) is then obtained by:

where  $s$  is an incremental factor (or safety margin) of 35% to compensate for the loss of the sample during inspection.

**10. Provide the following information about sample size calculations for the Synar survey conducted in FFY 2023.**

- 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:

Frame Size:

**Input for Target Sample Size:**

Design Effect:

**Inputs for Original Sample Size:**

Safety Margin:

Accuracy (Eligibility) Rate:

Completion Rate:

- 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.

$$484 = \frac{.2(1 - .2)}{0.0182^2}$$
, where  $P$  is the target retailer violation rate (20 percent). The target sample size ( $n_t$ ) is given by:

$$1742 = 3.6 \text{designeffect}(484)$$
,  
where  $d$  is the assumed design effect of 3.6. The original sample size ( $n_o$ ) is the obtained by:

$$2352 = (1 + .35)1742$$

where  $s$  is an incremental factor (or safety margin) of 35% to compensate for the loss of the sample during inspection



# APPENDIX C: SYNAR SURVEY INSPECTION PROTOCOL SUMMARY

State: MA  
FFY: 2024

*Note: Upload to WebBGAS a copy of the Synar inspection form under the heading “Synar Inspection Form” and a copy of the protocol used to train inspection teams on conducting and reporting the results of the Synar inspections under the heading “Synar Inspection Protocol.”*

## 1. How does the state Synar survey protocol address the following?

### a. Consummated buy attempts?

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

### b. Youth and young adult inspectors to carry ID?

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

### c. Adult inspectors to enter the outlet?

- Required
- Permitted under specified circumstances (Describe: If an inspector can blend into the surroundings while minor is conducting the compliance check, then it is encouraged. This can typically happen in big box department and grocery stores)
- Not permitted

### d. Youth and young adult inspectors to be compensated?

- Required
- Permitted under specified circumstances (Describe: Some youth are given stipends and some youth are volunteers)
- 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): MA Department of Public Health in conjunction with local boards of health, and the Massachusetts Association of Health Boards. In addition, we do use some of inspection data from our FDA Enforcement team. \_\_\_\_\_

**3. Are Synar inspections combined with law enforcement efforts (i.e., do law enforcement representatives issue warnings or citations to retailers found in violation of the law at the time of the inspection)?**

Always  Usually  Sometimes  Rarely  Never

**4. Describe the type of tobacco products that are requested during Synar inspections.**

**a. What type of tobacco products are requested during the inspection?**

- Cigarettes
- Small Cigars
- Cigarillos
- Smokeless Tobacco
- Electronic Cigarettes/Electronic Nicotine Delivery Systems (ENDS)
- Other

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

Depending on the location, the minor could ask for cigarettes, small cigars/cigarillos or ENDS/e-liquids. The minor is instructed to ask for the most commonly found and popular brands of each product. When asking for cigarettes, minors are trained to ask for Marlboro or Newport Reds. Cigars/cigarillos requested are Black&Mild, Phillies, Swisher Sweets or GAME if available. When requesting ENDS, minors typically request JUUL but they may also request Crave, Puff Bar, Blue, Logic, NJOY and VUSE. If one of these preferred brands are not available, the minor is trained to ask for an ENDS product that includes nicotine. Although flavored products should not be available in Massachusetts, youth are trained to ask for a flavored product if they see one available.

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

Adult supervisors for MTCP funded boards of health are the staff consultants of the local funded Boards of Health (BOH). The adult supervisors are hired by the local municipalities or agencies using municipal hiring practices. FDA full time adult supervisors are recruited and selected following the guidelines provided by the Department of Public Health Human Resources Department.

The training for adult supervisors working with MTCP funded BOH programs includes 2.5 hours in conducting compliance checks and 1.5 hours in tobacco control inspections and enforcement. Youth access issues-especially related to enforcement- are discussed at multiple program meetings during the year. DPH staff and attorneys from Mass Municipal Association and the Mass Association of Health Boards are available as resources during these meetings. The adult supervisor training for BOH staff is refreshed annually to address any updated products, procedures and new best practices. The training is conducted by a team of experienced professionals. New BOH inspectors shadow experienced inspectors

prior to conducting inspections on their own. FDA adult supervisors take the required FDA inspector online training (approximately 12 hours), along with a 1.5 hour in-person training. After trainings are completed, FDA inspectors shadow experienced FDA inspectors for several days before completing inspections on their own.

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

A variety of youth recruitment strategies are used including making presentation at schools, local community-based organizations, and working with community-service projects. Current youth inspectors receive referral bonuses for referring a friend or relative that works doing compliance checks. Recruitment is also done in conjunction with The 84 Movement. The 84 is a statewide movement of youth fighting tobacco in Massachusetts. Youth job opportunities are posted on the84.org website, and recruitment events happen at the annual 84 Youth Power Summit and at Kick Butts Day at the Massachusetts State House.

During the mandatory compliance check training for adult supervisors, the trainers review techniques for recruiting, screening and training youth inspectors.

Youth must take the required online minor training which was updated in June 2022. The training includes an online portion as well as “show and tell” and “role playing” sections. During this training, youth inspectors learn about compliance check procedures as well as policies and practices that may be unique to the program and area where they are working. During the “show and tell” portion, youth have an opportunity to look at and touch the products they will be requesting and do several role plays practicing various scenarios that can occur during compliance checks. Prior to conducting compliance checks on their own, it is best practice for new youth to observe experienced youth conducting checks so that they can become more comfortable with the job. When possible, the more experienced youth is asked to help lead the training with the adult inspector.

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

**a. Legal**

Yes  No

*(If Yes, please describe.)*

**b. Procedural**

Yes  No

*(If Yes, please describe.)*

**7. Are there specific legal or procedural requirements instituted by the state to address**

**the issue of the safety of youth and young adult 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.)*

Minors are always accompanied by trained adult inspectors during compliance checks. If the adult or youth feels that an establishment is unsafe to enter to attempt a buy, the check is aborted. Parents of minors are given descriptions of the protocols and their permission is obtained. Additionally, minors are trained and encouraged to bring their personal cell phone into each establishment. Minors have been able to alert the inspector over text that they are in a long line or request that the inspector enter the establishment.

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

**a. Legal**

Yes  No

*(If Yes, please describe.)*

**b. Procedural**

Yes  No

*(If Yes, please describe.)*

MTCP required that funded BOH programs use the MTCP Compliance Check Protocols. For compliance checks conducted since FFY21, MTCP's updated approved protocols include using young people aged 18-20 years old as youth buyers. All adult supervisors must attend a compliance check training organized by MTCP. All youth buyers must be trained before conducting checks. Minors must take online training while working with inspector. Inspectors are also required to provide additional training to youth buyers that includes a "show and tell" and role-playing activities. In addition, the recommended best practice is for a more experienced youth to help lead this training with the inspector.

# APPENDIX D: LIST SAMPLING FRAME COVERAGE STUDY

(LIST FRAME ONLY)

State: \_\_\_\_\_  
FFY: 2024

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).