

SYNAR REPORT 2003

The Synar Report is produced annually by the Alcohol and Drug Abuse Administration (ADAA), Department of Health and Mental Hygiene (DHMH)

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NINETY PERCENT OF MARYLAND TOBACCO RETAILERS SAY NO TO MINORS

Maryland Retail Tobacco outlets refused to sell tobacco to minors nine out of ten times in random, unannounced investigations last year. In the weighted results for federal block grant requirements, this is a 15 percentage point improvement over 2002. This improvement tops off a 44 percent compliance increase since the first Synar survey in 1997. Increased retailer education and prevention efforts by DHMH as well as year round compliance inspections by the ADAA Tobacco Compliance Unit are likely reasons for the increased adherence to the law. Other factors contributing to the improved compliance are national efforts such as the Coalition for Responsible Retailing's We Card Program.

Inspections were conducted by members of the ADAA Tobacco Retailer Compliance Division during the months of May - August, 2002. The inspectors were males and females between the ages of 15-17. Table 1 distributes the number of attempted and successful buys by age and gender.

As in past surveys, the age of participating youths was a significant factor associated with rates of successful attempts to buy cigarettes. In general, the older the youth, the greater the success in buying cigarettes. In the 2003 survey, the non-compliance rate for inspections involving 17 year-olds was 26 percent, while for 15 and 16 year-olds the rate was about 9 percent.

No actual purchases of tobacco products were made nor did the youths at any time touch the products. The transactions were terminated at the point at which compliance could be determined. The youths were honest when questioned about their ages and they presented actual ID's when they were requested.

Figure 1
Unweighted Noncompliance Rates
1997-2003

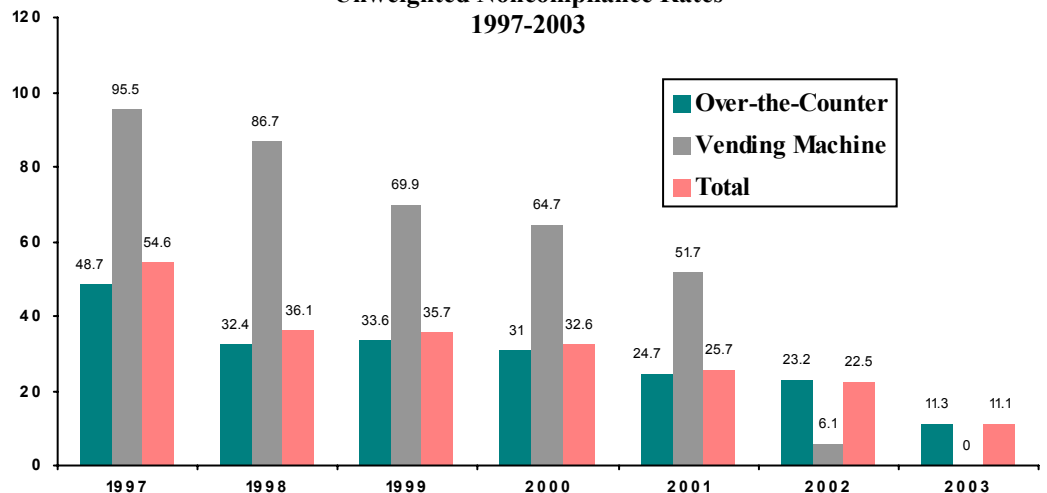
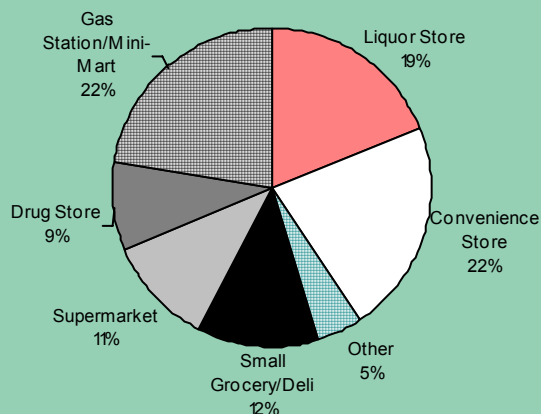


Table 1
Attempted and Successful Buys by Age and Gender of Participating Youth
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Age & Gender	15		16		17	
	ATTEMPT	SUCCESS	ATTEMPT	SUCCESS	ATTEMPT	SUCCESS
	#	%	#	%	#	%
MALE	218	10.6	347	7.2	97	25.8
FEMALE	116	11.2	-	-	-	-
TOTAL	334	10.8	347	7.2	97	25.8

Figure 2
Types of Over the Counter Outlets
2003 Synar Survey



For the overall non-compliance rate, the results were weighted by subdivision based on the percentage of the Statewide population under 18 according to the 2000 Census Report, and relative cluster rates were applied to adjust for ineligible outlets in the original sample. This adjustment resulted in an overall noncompliance rate of 10.4 percent, slightly lower than the unweighted rate of 11.1 percent. This rate continues a downward trend from the 1998 rate (36.1 percent), and represents a sharp drop from the 2002 rate (25 percent).

VENDING MACHINE DECLINE

Substantial declines in the percentage of vending machines in the sample, as well as the non-compliance rate of inspections involving vending machines, continued. The Comptroller’s Tobacco License List does not indicate whether the applicable outlets are vending machines or over-the-counter sales, so the representation of vending machines in the sample is a matter of random selection. In the first Maryland Synar survey in 1996, youth were successful in 96 percent of attempts to purchase cigarettes from vending machines. In 2002, 94 percent of vending machine attempts were not successful, and in 2003, none of the 18 vending machine attempts was successful.

Although improvements were made each year, most of this decrease occurred between 2001 and 2002. As the vending machine issue has received greater legislative and preventative attention, electronic controls have been added in some locations and vendor monitoring and compliance have increased. The number of vending machines randomly captured in the surveys has decreased steadily from a high of 111 in 1997 (12.6 percent of inspections). The reduction in Statewide prevalence of cigarette vending machines has likely occurred primarily among machines with little or no vendor supervision or control.

OVER THE COUNTER DECLINE

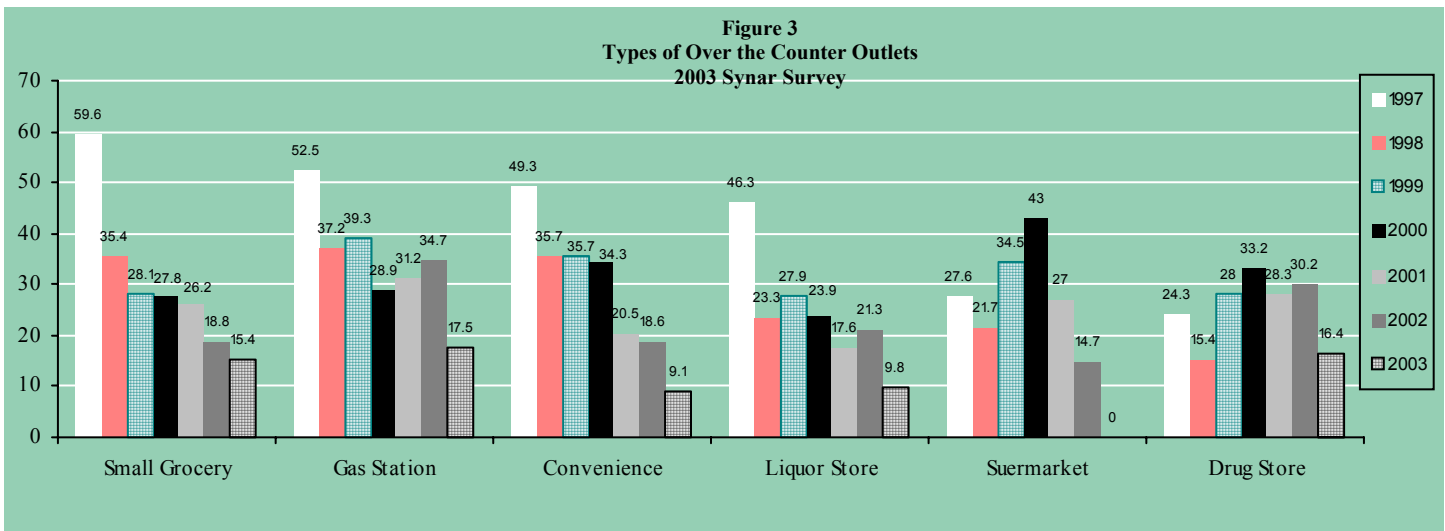
The over-the-counter noncompliance rate decreased from 49 percent in the 1997 survey to 11 percent in 2003. Figure 1 displays these results. About 90 percent of the inspected vending machines were in bars, taverns, restaurants or cafes. The survey distribution of over-the-counter locations is provided in Figure 2. The largest categories of over-the-counter outlets were gas stations (23 percent), convenience stores (22 percent), and liquor stores (19 percent). Figure 3 displays noncompliance rates for categories of over-the-counter outlets for all seven survey years. Rates improved in every category of over-the-counter outlet in 2003. Gas stations, drug stores and small groceries were the outlet types found most likely to sell cigarettes to youths in the 2003 survey, with noncompliance rates of 18 percent, 16 percent and 15 percent respectively.

VISIBLE SIGNS

Inspectors noted signs declaring it is illegal for youth under the age of 18 to buy cigarettes in 17 percent of the vending machines and in nearly 70 percent of the over-the-counter locations. Similar levels of sign prevalence were observed in the 2002 survey. Outlets without visible signs were no more likely to sell cigarettes to youth inspectors than those with signs. There were no observations of single cigarettes for sale in the last two surveys.

DISTRIBUTION OF CLERKS

With regard to those working behind the counter, female clerks were generally less likely to sell cigarettes to minors than male clerks, with a noncompliance rate of 10 percent versus a rate of 14 percent for males. Male clerks estimated to be in the 15 to 24 age range were most likely to sell cigarettes to youths, doing so in 26 percent of the attempts. Second least compliant were males estimated to be between 25 and 34, selling in 20



percent of attempts. Female clerks under 25 also tended to be less compliant, selling in 14 percent of the inspections. Educational and training efforts geared toward younger clerks would probably be most effective in reducing noncompliance rates.

Clerks asked for youth ID's in 91 percent, and for youth ages in 18 percent of the cases of refusal to sell ciga-

rettes. In the 2003 survey, youth ID's were requested by clerks in 24 percent of the cases in which cigarette sales were allowed. This suggests that some vendors are not closely inspecting ID's, or not calculating youth ages correctly. While the 2003 survey showed a significant improvement in this occurrence, it appears that increased efforts should be made to educate vendors about proper ID inspection.

THE SYNAR SAMPLE SURVEY

In 1992, Congress amended the Public Health Service Act to include Section 1926 (the Synar Amendment). The Synar Amendment requires states to reduce the sale and free distribution of tobacco products to minors through enacting and enforcing youth access laws. To comply with the Synar Amendment, a state must have a law that prohibits the sale of tobacco to minors. States must also conduct annual and random, unannounced inspections of both stores and vending machines to ensure that the law is being enforced. In addition, states must demonstrate to the Secretary of Health and Human Services that sales to minors are decreasing. The Maryland Department of Health and Mental Hygiene's Alcohol and Drug Abuse Administration Tobacco Retailer Compliance Division conducted the inspections.

Statewide licensed tobacco outlets included in the sample provided by the State Comptroller of the Treasury were distributed by subdivision. State licenses are issued by each subdivision and are part of a joint registration application process. In effect, an outlet would have to be totally unlicensed to escape tobacco outlet licensure. Therefore, we estimate there are relatively few outlets that should be on the list but are not. However, since the list is updated annually and is nearly a year old at the time of the survey, there is some unavoidable exclusion of new outlets and inclusion of out-of-business outlets and outlets no longer selling tobacco.

A minimum sample size of 567 outlets was determined necessary to achieve a +/- 3 percentage point confidence interval at the 95 percent confidence level. In the 2003 survey, a random sample of ten percent of the outlets in each subdivision was selected. At the same time, a second random sample of outlets was drawn from each subdivision to serve as a reserve sample. The 778 outlets in the final sample included 18 vending machines (2.3 percent).

Replacement outlets were selected from the reserve sample randomly as needed, and the reasons for replacement were recorded. Replacements were selected when the initial sample outlet was unavailable. The sample of 778 included 234 replacements (30 percent). The most common reasons for replacement were ineligibility - outlets out of business, no longer selling cigarettes, inaccessible to youth or not located (76 percent), and hours - outlets closed during inspection hours (23 percent). In general, outlets from the reserve sample were no less likely than those in the original sample to be non-compliant.



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- **Weighted Maryland retailer compliance at 90 percent**
- **No attempted sales by vending machines were successful**

Weighted compliance rates increased by 44 percentage points since 1996 and by 15 percentage points since last year

- **Convenience store compliance at about 91 percent**