

Michigan Department of Health and Human Services Overview of Synar Compliance Checks Procedure and Protocol

This project is part of a larger effort to determine the sales rates of tobacco, vaping and alternative nicotine products to individuals under the age of 21 as part of Michigan's compliance with the Synar amendment and observance of the federal Tobacco 21 law. The Synar amendment holds states to a Retailer Violation Rate of twenty percent or less. Failure to complete this project successfully, may result in significant loss of federal dollars for substance abuse prevention and treatment in Michigan.

Michigan's Synar Program does not use data from the FDA enforcement inspections for Synar survey reporting. Michigan Department of Health and Human Services is the state agency with oversight of the Synar requirements and responsible for conducting random, unannounced Synar inspections. The Michigan State Police along with county and local law enforcement agencies are responsible for enforcing youth tobacco access laws in Michigan. Enforcement is conducted at a combination of outlets randomly selected for the Synar survey and outlets not randomly selected for the Synar survey.

Synar inspections are not combined with law enforcement efforts. The outlets selected for this survey will not be prosecuted during the formal Synar survey process. Because no purchase will actually take place, there will be no legal or administrative consequences or liability for the underage inspector, chaperone, or retailer. Consummated buy attempts are not permitted as part of Michigan's Synar protocol.

The information obtained from these surveys is for statistical purposes only. This does not preclude, however, follow-up activity in the form of education and/or additional compliance checks. Eventually, the statewide results (without retailer identification) will be published to increase community awareness and to encourage retailer compliance with the Youth Tobacco Act, Synar Amendment, and the federal Tobacco 21 Law. The data may also be used to stress the importance of the need for statewide enforcement of the Youth Tobacco Act with appropriate law enforcement personnel.

MDHHS is responsible for the random draw of retailers taken from the Tobacco Master Retailer List (a list of businesses that sell tobacco, vapor, or alternative nicotine products). Sample lists will be supplied by MDHHS to ten regional behavioral health entities, the Prepaid Inpatient Health Plans (PIHP). Each PIHP is responsible for Synar survey implementation in its respect region.

The survey involves visiting randomly selected outlets that sell tobacco products, vapor products, and/or alternative nicotine products, either over the counter or through vending machines. The underage inspector will enter the outlet, attempt to make a tobacco, vapor, or alternative nicotine product purchase, and record the results. The underage inspector is required to carry an ID and show the retailer personnel if requested. The adult chaperone is required to enter the outlet and oversee the purchase attempt. The adult chaperone may need to drive the underage inspector to each retailer location depending on the inspectors age and transportation needs or agency protocol.

If a compliance check cannot be done at a selected outlet, fill out the allowable reason on the compliance check report form, and proceed to the next outlet on the sampling list. All forms must be *completed to the fullest extent possible*, and the original submitted to the state at the completion of the compliance check process.

Sixteen, seventeen, eighteen, nineteen, and twenty-year-old individuals can be recruited for this project as underage inspectors. Any compliance checks conducted with individuals outside this age range will need to be redone. If possible, an equal number of males and females should be used as well as an equal number of individuals for each age. Individuals selected, as underage inspectors, should look their age, be emotionally mature and their racial/ethnic characteristics should be consistent with the community in which the compliance checks are being conducted. Identify potential underage inspectors through the following: scout groups, schoolteachers and counselors, theater groups, youth or young adult groups, colleges/universities, etc.

Parental permission is **required** for a sixteen or seventeen-year-old youth to participate as an underage inspector. Please be sure that the parent or guardian of the teen signs the permission slip. The youth must be hired as an employee and the original work permit must be on file with the employer. Employers must adhere to the Youth Employment Standards Act and Workman Compensation Laws. The youth inspector compensation is left to the discretion and resources of the PIHP. Individuals who are eighteen, nineteen, or twenty can be hired as an employee or used on a volunteer basis.

An adult chaperone **must** accompany each underage inspector and witness the attempted tobacco, vaping, or alternative nicotine product purchase. Ideally, male chaperones should be paired with male inspectors and female chaperones should be paired with female inspectors. Preferably, two or more inspectors should be on a team. An adult chaperone should not be related to any of the underage inspectors on the team (e.g., a parent cannot chaperone their own child, an uncle cannot chaperone his nephew or niece, etc.).

Criteria of an adult chaperone are trained as to their roles and responsibilities as a chaperone, good driving record, current driver's license, proof of vehicle insurance and a willingness to give encouragement and support to the underage inspector during the attempted buy.

Confidence is the key to an underage inspector effectively conducting a compliance check/making an attempted tobacco, vaping, or alternative nicotine product purchase. When instructing the underage inspector on what to do, emphasize that the goal is for outlets to stop providing tobacco, vaping, or alternative nicotine products to individuals under the age of 21. Make it clear that if a clerk asks for identification or refuses to sell tobacco, vaping, or alternative nicotine products or give change for the vending machine, it represents success on the part of the vendor, not failure on the part of the underage inspector.

Please contact Michigan's Synar Coordinator at MeisterJ1@michigan.gov with any questions or concerns.