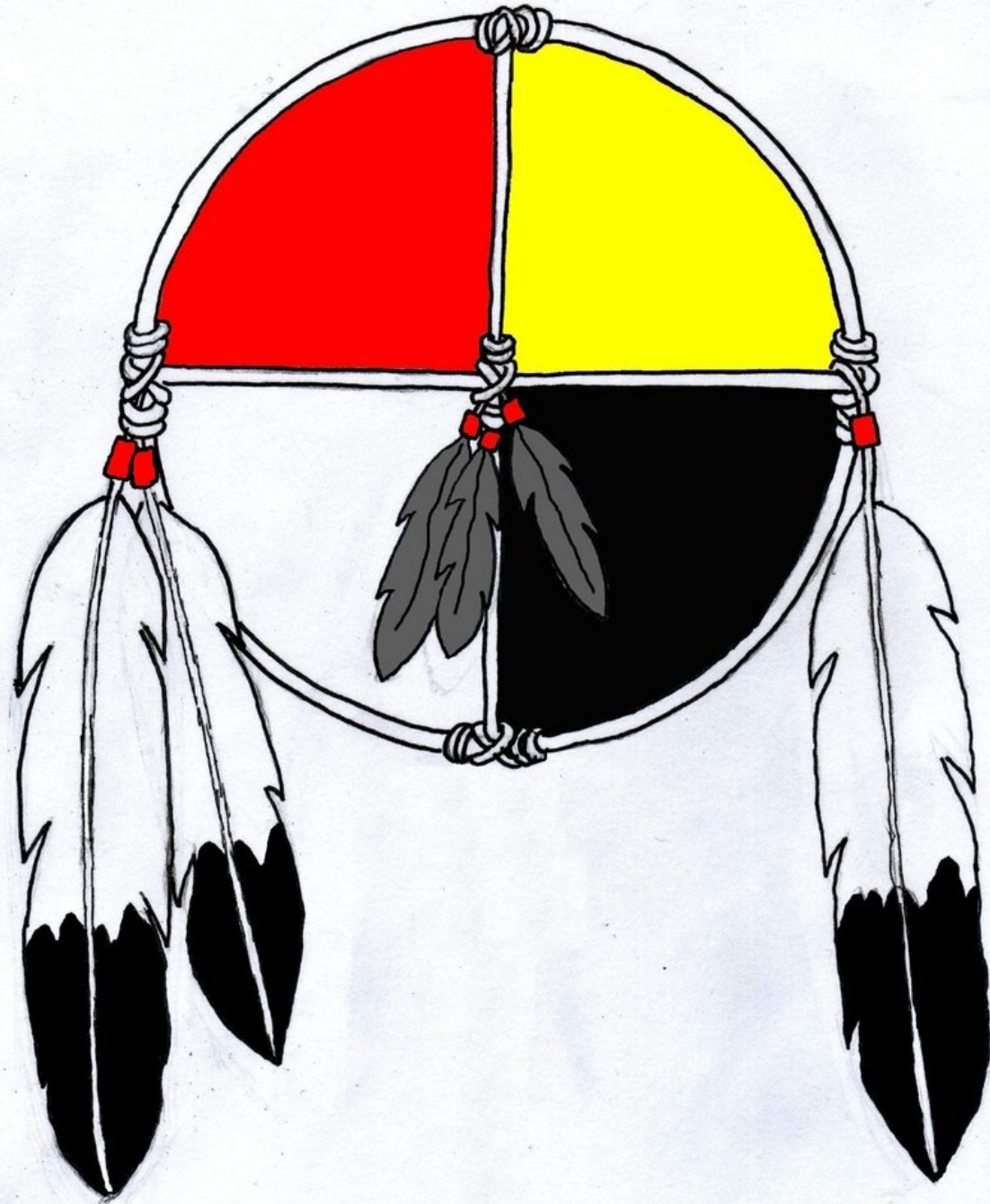


INTRODUCTION TO SYNAR

Jay Quintana

Prevention Program Manager

Office Of Substance Abuse Prevention



TRADITIONAL TOBACCO STATEMENT

- OSAP acknowledges the traditional and beneficial use of tobacco within many of the Native American communities in New Mexico and recognizes its place of honor and respect within those communities. The intent of this training is to address the harmful and addictive use of tobacco, outside of its traditional, sacred, or ceremonial purposes; known as commercial tobacco use.

BIG TOBACCO

- “We don’t smoke that sh*t, we just sell it. We reserve the right to smoke for the young, the black, the poor, and the stupid.”

- R.J. Reynolds Tobacco Company 1992

TOBACCO AND YOUTH

- **Tobacco Use is a Pediatric Disease**
- 88 percent of adults who have ever smoked daily report that they first smoked by the age of 18, and 99 percent report that they first smoked by the age of 26.¹
- More than one-third of adults who have ever smoked report trying their first cigarette by the age of 14.¹
- 77 percent of adult smokers who are nicotine dependent report that they started smoking before they were 18 years old.²

1. USDHHS. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*,

- 2012.

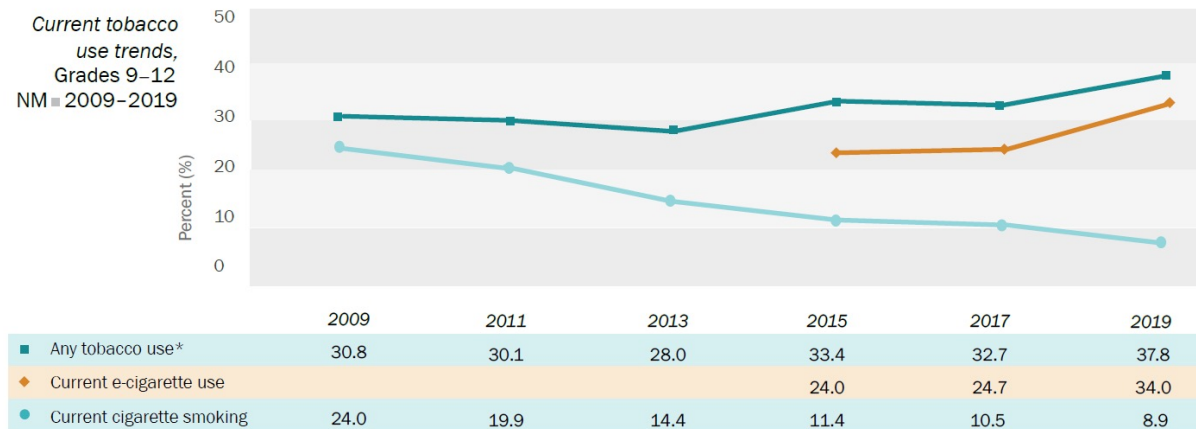
2. 2017 National Survey on Drug Use and Health.

TOBACCO AND NEW MEXICO YOUTH

2019 NM-YRRS Results:

Tobacco Use Trends

Use of tobacco products during adolescence is associated with higher risk for adverse health effects and lifelong nicotine addiction. The 2019 NM-YRRS asked about current use (past 30-day use) of five tobacco products: cigarettes, cigars, spit tobacco, hookahs, and e-cigarettes (vaping). While use of cigarettes, cigars, hookahs and spit tobacco products have decreased over the past decade, current use of e-cigarettes has increased by 42% since the question was added to the NM-YRRS in 2015.



*Any tobacco use included cigarettes, cigars, and spit tobacco in 2009; cigarettes, cigars, spit tobacco and hookah in 2011 and 2013; and cigarettes, cigars, spit tobacco, hookah and e-cigarettes (vaping) from 2015-2019.

OVERVIEW OF THE PROBLEM AND POSSIBLE SOLUTIONS

Problem

- 480,000 deaths annually related to smoking or exposure
- 88% percent of adults smoked before the age of 18

Solution

- Taking steps that make it harder for youth to use tobacco
- Educate Merchants on New Mexico Tobacco Products Act
- Limit tobacco marketing that is likely to be seen by youth
- Educating youth and helping them make healthy choices
- Enforce laws that prohibit the sale of tobacco products to a minor



HISTORY OF THE SYNAR LEGISLATION

- In July 1992, Congress enacted the Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act (PL 102-321), which includes an amendment to Section 1926 of the Public Health Service Act (42 U.S.C. 300x-26) aimed at decreasing youth access to tobacco. This amendment, named for its sponsor, Congressman Mike Synar of Oklahoma, requires States (that is, all States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and six Pacific jurisdictions) to enact and enforce laws prohibiting the sale or distribution of tobacco products to individuals under the age of 18. States must comply with the Synar Amendment in order to receive their full Substance Abuse Prevention and Treatment Block Grant (SABG) awards.

RECENT FEDERAL LEGISLATION

- On Dec. 20, 2019, the President signed legislation amending the **Federal Food, Drug, and Cosmetic Act**, and raising the federal minimum age of sale of tobacco products from 18 to 21 years. It is now illegal for a retailer to sell any tobacco product—including cigarettes, cigars and e-cigarettes—to anyone under 21.

IMPLEMENTING THE SYNAR AMENDMENT

To implement the Synar Amendment, SAMHSA issued the Synar Regulation in January 1996 requiring states to:

- Have in effect laws prohibiting any manufacturer, retailer, or distributor of tobacco products from selling or distributing such products to any individual younger than age 18.
- Enforce their laws.
- Conduct annual random, unannounced inspections in a way that provides a valid probability sample of outlets accessible to minors.
- Negotiate interim targets and a date to achieve a noncompliance rate of no more than 20 percent.
- Federal target of 20 percent established for States and U.S.
- jurisdictions for the FFY 2003 Annual Synar Report.
- Submit an Annual Synar Report detailing State activities to enforce their laws.

NEW MEXICO TOBACCO LEGISLATION TOBACCO PRODUCTS ACT - SB131

RELATING TO PUBLIC HEALTH; ENACTING THE TOBACCO PRODUCTS ACT;
RAISING THE AGE LIMIT FOR SALES OF TOBACCO PRODUCTS;
PROVIDING LICENSURE REQUIREMENTS FOR TOBACCO PRODUCT
RETAILERS, MANUFACTURERS AND DISTRIBUTORS; PRESCRIBING POWERS
AND DUTIES TO THE ALCOHOLIC BEVERAGE CONTROL DIVISION OF THE
REGULATION AND LICENSING DEPARTMENT; PROHIBITING CERTAIN ACTS
PERTAINING TO THE MANUFACTURE, SALE OR DISTRIBUTION OF
TOBACCO PRODUCTS; ESTABLISHING FEES; CREATING A FUND;
PROVIDING ADMINISTRATIVE AND CRIMINAL PENALTIES; REPEALING
THE TOBACCO PRODUCTS, E-CIGARETTE AND NICOTINE LIQUID
CONTAINER ACT.

THE NEW MEXICO TOBACCO PRODUCTS ACT

- A person shall not knowingly, intentionally or negligently sell, offer to sell, barter or give a tobacco product to a minor.
- A manufacturer shall not produce and a distributor or retailer shall not sell tobacco products that are knowingly attractive to minors.
- "minor" means an individual who is younger than twenty-one years of age.
- **EFFECTIVE DATE.**--The effective date of the provisions of this act is January 1, 2021.

WHAT IS A TOBACCO PRODUCT?

"tobacco product" means a product made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including cigars, cigarettes, chewing tobacco, pipe tobacco, snuff, e-cigarettes or electronic nicotine delivery systems.

-SB131

PENALTY FOR NONCOMPLIANCE

- The penalty for a state is loss of up to 10% of its Substance Abuse Prevention and Treatment Block Grant (SABG) funds.

TRENDS IN TOBACCO USE BY YOUTH

All trends in current tobacco use, Grades 9–12, NM, 2009–2019

- Current cigarette smoking decreased by 63%, from 24.0% in 2009 to 8.9% in 2019.
- Current cigar smoking decreased by 54%, from 18.1% in 2009 to 8.3% 2019.
- Current spit tobacco use decreased by 50%, from 11.8% in 2009 to 5.9% in 2019.
- Current hookah use decreased by 59%, from 20.0% in 2011 to 8.2% in 2019.
- Current e-cigarette use increased by 42%, from 24.0% in 2015 to 34.0% in 2019.
- Current use of any tobacco product increased by 23%, from 30.8% in 2009 to 37.8% in 2019.

E-cigarette use drove the increase in tobacco use. Current use of most types of tobacco products has decreased substantially over the past decade. However, the overall tobacco use rate among New Mexico high school students has increased, driven entirely by the introduction of and dramatic increase in e-cigarette use.

- 2019 NM-YRRS Results

COMPONENTS OF AN E-CIGARETTE





Regular



Menthol



Cowboy



Mild Menthol



Almond



Apple



Banana



Cherry



Chocolate



Cinnamon



Clove



Coffee



Grape



Orange



Peach



Pineapple



Strawberry



Vanilla

start shopping

REFILL FLAVORS

VAPOR COMPOSITION

• Nicotine	• Benzaldehyde	• Silver	• Lead
• NNN	• Valeric acid	• Nickel	• Magnesium
• NNK	• Hexanal	• Tin	• Manganese
• NAB	• Fluorine	• Sodium	• Potassium
• NAT	• Anthracene	• Strontium	• Titanium
• Ethylbenzene	• Pyrene	• Barium	• Zinc
• Benzene	• Acenaphthylene	• Aluminum	• Zirconium
• P,m, xylene	• Acenaphthene	• Chromium	• Calcium
• Toluene	• Fluoranthene	• Boron	• Iron
• Acetaldehyde	• Benz(a)anthracene	• Copper	• Sulfur
• Formaldehyde	• Chrysene	• Selenium	• Vanadium
• Naphthalene	• Retene	• Arsenic	• Cobalt
• Styrene	• Benzo(a)pyrene		• Rhenium
• Benzo(b)fluoranthene	• Indeno(1,2,3-cd)pyrene		

Compounds in yellow are from FDA 2012,
Harmful and Potentially Harmful
Substances – Established List

MOST POPULAR BRAND?



FLAVOR PODS





NEW MEXICO STATE POLICE (SIU)

New Mexico State Police (SIU) must enforce tobacco access laws in a manner that can reasonably be expected to reduce the extent to which tobacco products are available to individuals under the age of 21.

Following the issuance of a citation pursuant to the provisions of the Tobacco Products Act, the department of public safety or the law enforcement agency of a municipality or county shall report alleged violations of that act to the division. - SB 131

REGULATION AND LICENSING DEPARTMENT

SECTION 20. MONITORED COMPLIANCE--INSPECTIONS.--The alcoholic beverage control division of the regulation and licensing department, the department of public safety and the appropriate law enforcement authorities in each county and municipality may conduct random, unannounced inspections of facilities where tobacco products are sold, manufactured or distributed to ensure compliance with the provisions of the Tobacco Products Act.

FOOD AND DRUG ADMINISTRATION

- On June 22, 2009, the Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act) became law granting the Food and Drug Administration (FDA) authority to regulate the manufacture, marketing, and distribution of tobacco products to protect the public health generally and to reduce tobacco use by minors. Currently the law applies to cigarettes, smokeless tobacco and cigarette tobacco.
- SAMHSA and FDA are collaborating to ensure that their separate programs work together to help reach the shared goal of reducing youth access to, and use of, tobacco products.
- We generally send warning letters to retailers the first time a tobacco compliance check inspection reveals a violation of the federal tobacco laws and regulations that FDA enforces.

MERCHANT EDUCATION

- Provide updated information explaining T21 laws and regulations:
- Ensure that materials are available in various languages and through various venues (i.e., print delivered via mail, print delivered in person, via Internet).
- Tailor merchant education trainings to the education level of the owner and/or employee.

Outlet ID:		1. Changes to merchant information? (If no, leave blank)
Merchant Name:		
Owner:		
Phone:		
Address:		
City:		
Zip:		
County:		
Stratum:		
Contractor:		
Store Type(s):		Outlet Type:

2. Type of Visit: **Merchant Education** ☐ First-time visit ☐ Annual Visit

3. Date of Visit: Time of Visit:

4. Were you able to conduct merchant education visit? ☐ No (Answer 4a.) ☐ Yes (Answer 4b.)

4a. If No, why? Select one option only.

<input type="checkbox"/> Out of business	<input type="checkbox"/> On Tribal land	<input type="checkbox"/> Youth educator knows sales person
<input type="checkbox"/> Does not sell tobacco products	<input type="checkbox"/> Out of contract service area	<input type="checkbox"/> Staff too busy for education visit
<input type="checkbox"/> Could not locate merchant	<input type="checkbox"/> Visit was outside of business hours	<input type="checkbox"/> Duplicate Outlet (Specify Id):
<input type="checkbox"/> Inaccessible to youth	<input type="checkbox"/> Tobacco out of stock	<input type="checkbox"/> Other (Specify):
<input type="checkbox"/> Temporary closure	<input type="checkbox"/> Police Presence	

4b. If Yes, what type of Merchant Education was completed during this visit? Select all that apply.

<input type="checkbox"/> State law explained	<input type="checkbox"/> Merchant education provided to store manager
<input type="checkbox"/> ID check explained	<input type="checkbox"/> Merchant education provided to store clerk
<input type="checkbox"/> Tobacco Products Act sign posted	

5. Were youth or community members involved in visit? ☐ No ☐ Yes 5a. If yes, how many?

5b. If yes, specify initials of youth/community participants:

Adult Educator

Name	Signature

MERCHANT EDUCATION FORM

USEFUL TIPS FOR MERCHANTS

- Use Signs*
 - Place labels and store signs on store doors, cash registers, and near tobacco displays informing customers that the retail outlet does not sell tobacco to youth.
- Make tobacco products inaccessible*
 - Stock should not be kept where accessible to the public.
 - By having product sales go through a clerk, the chances of theft are decreased and the chances of being asked for an ID is increased.

* *Required by NM Tobacco Products Act.*

INFORMATION PROVIDED TO MERCHANTS SHOULD INCLUDE

- Information regarding the State's (and local, if applicable) youth access laws;
- Product definitions;
- Tips for retailers on how to ask for proof of age, how to recognize fake identification cards, how to refuse a sale; and
- Details of the consequences of making an illegal sale, including who is penalized (licensee, clerk, both) and the penalty structure for violations.
- Signage containing NM Tobacco Products Act Details (LAW)

COMPLIANCE INSPECTIONS

- What is the objective of the Synar survey?
- To determine the retailer violation rate (RVR) based on random, unannounced inspections of a sample or a census of tobacco outlets accessible to youth.
- Fact-finding mission: to obtain an accurate picture of tobacco sales to minors statewide.
- Outlets inspected must be representative of the tobacco outlets in the State.

NM RETAILER VIOLATION RATE

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Target	20	20	20	20	20	20	20	20	20	20	20
Reported	7.4	11.6	5.2	7.9	10.4	3.8	9.5	6.2	9.5	10.9	15.6

COVERAGE STUDY

- Develop a sampling frame that includes, at a minimum, 80% of the tobacco outlets in the State (90% or better is recommended).
- Tobacco retailer licensing will now be the alternative to this important piece in the Synar regulation.

INTEGRATION OF SYNAR INTO OVERALL PREVENTION EFFORTS

- Require OSAP-funded sub-recipients (Providers) to conduct activities related to reducing youth access to tobacco products, such as:
 - Visiting each tobacco retailer in their geographic area at least once a year to provide merchant education. (Providers)
 - Providing trainings on request. (Providers)
 - Special Investigations Unit (NM State Police) conducts SYNAR survey compliance checks and enforcement inspections in their geographic areas.

OBJECTIVES FOR MERCHANT EDUCATION

- After a merchant education session, clerks/managers should be able to:
 1. Explain the state law regarding selling tobacco to a minor
 2. Understand how to properly check IDs
 3. Properly post Tobacco 21 signage

SUPPORTING DOCUMENTS DUE

- ME forms and Mileage Log ([Hard Copies](#)) due on November 26, 2020 at the Office of Substance Abuse Prevention.
- U.S. Postal Service mailing address:

Human Services Department/BHSD
Office of Substance Abuse Prevention

P.O. Box 2348
37 Plaza La Prensa
Santa Fe, New Mexico 87504
Attn: Jay Quintana

BILLING AT THE COMPLETION OF ASSIGNED VISITS

- Invoice for the total Synar/Emerging Trends allocation(s) amount(s) at the completion of all assigned Merchant Education visits.
- PFS 2015 will have two separate allocations to bill from.
- Include a scanned digital copy of all (filled out) ME forms AND completed mileage log as your supporting Docs in STAR.

QUESTIONS?

Jay Quintana

Email: JayE.Quintana@state.nm.us

Phone: (505) 709-5611

REFERENCES

- Green D, Peñaloza L, and FitzGerald C, 2012. *New Mexico Youth Risk & Resiliency Survey: High School Survey Results 2011*. Epidemiology and Response Division, New Mexico
- Department of Health, School and Family Support Bureau, New Mexico Public Education Department, and University of New Mexico Prevention Research
- SAMHSA. (2012). *FY2011 Annual Synar Reports Tobacco Sales to Youth*. Retrieved from <http://www.samhsa.gov/prevention/2011-Annual-Synar-Report.pdf>
- United States Food and Drug Administration. (2013). *Overview of the Family Smoking Prevention and Tobacco Control Act: Consumer fact Sheet*. Retrieved from <http://www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/ucm246129.htm>

SOURCES

Food and Drug Administration, Flavored Tobacco Product Fact Sheet,

<http://www.fda.gov/downloads/TobaccoProducts/ProtectingKidsfromTobacco/FlavoredTobacco/UCM183214.pdf>

11 Centers for Disease Control and Prevention, “Consumption of Cigarettes and Combustible Tobacco – United States, 2000 –2011.” MMWR 2012;61(30);565-569

NMYRRS CONNECTIONS

- July 2020, VOL 7 • NO 2

FDA Tobacco Guidance 2020

<http://www.SAMHSA.gov/synar/requirements>.

<https://www.fda.gov/tobacco-products/retail-sales-tobacco-products/tobacco-21>