

Synar Amendment Implications for Kansas

What is the Synar Amendment?

The federal Synar Amendment enacted in 1992 requires that all states adopt a law limiting access to tobacco products by minors under age 18. Kansas passed the law in 1997 stating that it is illegal for those under age 18 to purchase or possess tobacco products. The Amendment also requires states to monitor retailer compliance to restrict the sale of tobacco products to minors. In Kansas, the Alcoholic Beverage Control conducts random inspections of licensed tobacco vendors to assist SRS/Addiction and Prevention Services in this monitoring process.

What is required in the Synar Amendment?

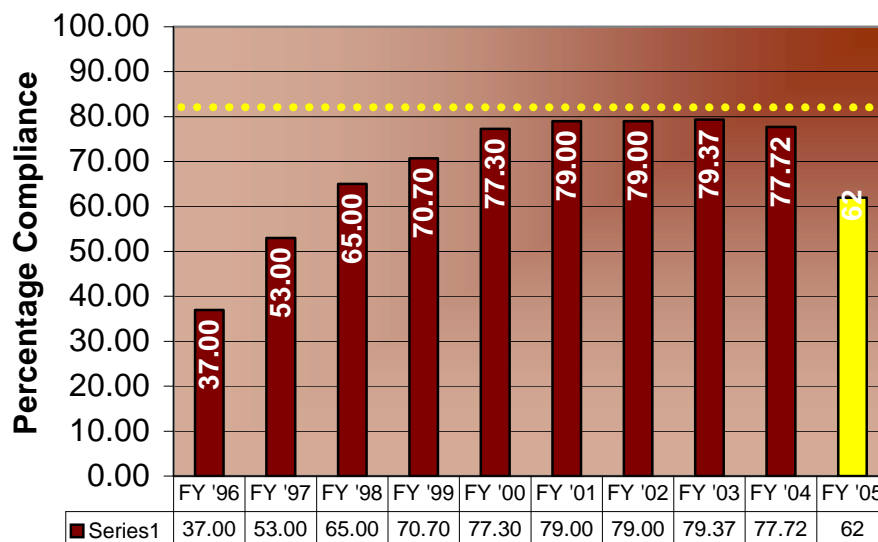
The Synar Amendment requires that states conduct inspections of retail outlets with a number sufficient to yield reliable results. Of the approximately 3,100 tobacco retailers licensed by the Alcoholic Beverage Control (ABC), 650 randomly selected outlets will be inspected by an underage youth working with agents from ABC.

What level of compliance must be met?

Kansas must maintain an 80% or better compliance rate by September 30, 2004. The sample design allows for a statistical range for error of plus or minus 3%; thus, 23% is the maximum level for violations. Kansas has maintained its compliance rate near the 80% target for the past five years.

The FFY04 rate determined in late October 2005, will for the first time put Kansas out of compliance with federal requirements. Inspections conducted between October 1, 2003 and September 30, 2004, resulted in violations by 220 of the 571 retail outlets selected in the random sample. The outcome is a compliance rate of 62% -- 18% below the target required.

Kansas Retailer Compliance



What is at stake?

In addition to the negative health effects of youth smoking cigarettes, easy access to cigarettes by youth holds significant penalties for states that do not meet the 80% compliance level. The law declares that state Substance Abuse Prevention and Treatment Block Grant funds can be withheld if the targeted compliance is not achieved. No states have been penalized yet at this level; however, this is the statutory penalty. An alternative option has been implemented by SAMHSA. Rather than the federal agency withholding 40% of SAPT Block Grant funds, the State could be required to obligate state funds toward addressing youth access to tobacco. The amount would equal 1% of the SAPT Block Grant for each percentage point the state is over the 20% level. An estimate of the fiscal implications for each of these scenarios is outlined below.

Substance Abuse Prevention and Treatment Block Grant FFY2005	\$12,372,763
Synar Amendment Statutory Penalty: 40% Reduction	\$4,949,105
Alternative Option Penalty Amount: 1 * 18% of SAPT Block Grant Obligated from State funds to address youth access	\$2,227,097

What are the next steps in addressing non-compliance with key stakeholders?

Communications have begun between the state Synar contact (AAPS Prevention Team Leader) and the Center for Substance Abuse Prevention (CSAP) Project Officer assigned to work with Kansas. The Annual Synar Report has been submitted and information regarding the State's response and options have been provided.

In the wake of announcing the Synar compliance rate, our state partners have responded quickly. ABC has taken the most notable action as they opted to increase the administrative fines to licensed tobacco retailers to the maximum level. As the \$1,000 fine took effect December 1st, ABC sent formal notification letters to retailers and sent a press release to emphasize the fine increase. SRS was involved in responding to issues related to compliance and press coverage seemed to be positive and wide-spread.

Several work groups were already in place and regrouped to integrate new information into the Kansas Tobacco Retailer Training provided across the state by the Regional Prevention Centers (RPC). RPCs received the new materials and resources and continue the charge to engage tobacco retailers as partners in protecting our youth from tobacco use. RPCs submitted action plans to address tobacco access by youth for priority areas throughout their regions.

An overview of the retailer education resources was provided to the KDHE Tobacco Use Prevention Program staff. Postcards were mailed to all licensed tobacco retailers by the Kansas Family Partnership to provide resources to train clerks and help them avoid costly fines. A website was chosen as the tool to provide immediate access to resources and training for tobacco retailers and clerks. The site will serve as an informational tool that will be expanded upon as a collaborative effort of SRS, RPCs, KDHE, and the Tobacco Free Kansas Coalition.

<http://www.itseverybodysbusiness.org>

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