

ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB № 0930-0222

NEVADA

FFY 2008

REVISED DECEMBER 2007



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Substance Abuse and Mental Health Services Administration
Center for Substance Abuse Prevention
www.samhsa.gov

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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 SAPT Block Grant (45 C.F.R. 96.130 (e)).

Public reporting burden for the collection of information is estimated to average 15 hours for Section I and 3 hours for Section II, including the time for reviewing instructions, completing and reviewing the collection of information, searching existing data sources, and gathering and maintaining the data needed. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to SAMHSA Reports Clearance Officer; Paperwork Reduction Project (0930-0222); 1 Choke Cherry Road, 7th Floor, Rockville, Maryland 20857

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control number for this project is 0930-0222 with an expiration date of 10/31/2010.

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 tobacco access laws (FFY 2007 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2007 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 States¹ 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 on-site technical assistance consultation.

How the Synar report can help States

The information gathered for the Synar report can help States describe and analyze sub-State 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 tobacco access laws when aggregated statistical data from State Synar reports can demonstrate to the Secretary the national progress in reducing youth tobacco access problems. 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 tobacco access laws.

¹The 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).

Getting assistance in completing the Synar report

If you have questions about programmatic issues, you may call CSAP's Division of State Programs at (240) 276-2413 and ask for your respective State Project Officer, or contact your State Project Officer directly by telephone or e-mail using the directory provided. If you have questions about fiscal or grants management issues, you may call the Grants Management Officer, Office of Program Services, Division of Grants Management, at (240) 276-1404.

Where and when to submit the Synar report

The Annual Synar Report (ASR) must be received by SAMHSA no later than December 31, 2007. The ASR must be submitted in the **approved OMB report format**. 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 1 of the ASR certifying that the State has complied with all reporting requirements.

Submit one signed original of the report, one additional copy, and an electronic version on either CD-ROM or 3.5" diskette to the Grants Management Officer at the address below:

Grants Management Officer
Office of Program Services, Division of Grants Management
Substance Abuse and Mental Health Services Administration

Regular Mail:

1 Choke Cherry Road, Rm. 7-1103
Rockville, Maryland 20857

Overnight Mail:

1 Choke Cherry Road, Rm. 7-1103
Rockville, Maryland 20850

FFY 2008: FUNDING AGREEMENTS/CERTIFICATIONS

The following form must be signed by the Chief Executive Officer or an authorized designee and submitted with this application. Documentation authorizing a designee must be attached to the application.

PUBLIC HEALTH SERVICES ACT AND SYNAR AMMENDMENT
42 U.S.C. 300x-26 requires each State to submit an annual report of its progress in meeting the requirements of the Synar Amendment and its implementing regulation (45 C.F.R. 96.130) to the Secretary of the Department of Health and Human Services. By signing below, the chief executive officer (or an authorized designee) of the applicant organization certifies that the State has complied with these reporting requirements and the certifications as set forth below.
SYNAR SURVEY SAMPLING METHODOLOGY
The State certifies that the Synar survey sampling methodology on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2008 is up-to-date and approved by the Center for Substance Abuse Prevention.
SYNAR SURVEY INSPECTION PROTOCOL
The State certifies that the Synar Survey Inspection Protocol on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2008 is up-to-date and approved by the Center for Substance Abuse Prevention.
State: Nevada
Name of Chief Executive Officer or Designee: Carlos Brandenburg, Ph.D.
Signature of CEO or Designee:
Title: <u>Administrator</u> Date Signed: _____
If signed by a designee, a copy of the designation must be attached

SECTION I: FFY 2007 (Compliance Progress)

YOUTH 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 18.

1. Please indicate any changes or additions to the State tobacco statute(s) relating to youth access since the last reporting year. Please attach a photocopy of the change(s) in the State law(s) if any was made since the last reporting year. (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 to possess, purchase or receive tobacco

Changed to require ID to purchase tobacco

Other change(s) (*please describe*): _____

c. Have there been any changes in the law concerning *vending machines*?

Yes No

If Yes, indicate change (check all that apply):

Total ban enacted

Banned from location(s) accessible to youth

Locking device or supervision required

Other change(s) (*please describe*): _____

d. 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

Other: During the 2007 Legislative Session the Office of the Attorney General introduced AB 586. AB 586 (a copy of which is included as Attachment I) was passed into law and becomes effective October 1, 2007. AB 586 amends NRS 202.2493 (by adding the following provisions:

6. The owner of a retail establishment shall, whenever any product made from tobacco is being sold or offered for sale at the establishment, display prominently at the point of sale a notice indicating that:

(a) The sale of cigarettes and other tobacco products to minors is prohibited by law; and

(b) The retailer may ask for proof of age to comply with this prohibition.

A person who violates this subsection shall be punished by a fine of not more than \$100.

7. It is unlawful for any retailer to sell cigarettes through the use of any type of display:

(a) Which contains cigarettes and is located in any area to which customers are allowed access; and (b) From which cigarettes are readily accessible to a customer without the assistance of the retailer, except a vending machine used in compliance with NRS 202.2494. A person who violates this subsection shall be punished by a fine of not more than \$500.

2. Describe how the Annual Synar Report (see 45 C.F.R. 96.130(e)) and the State Plan (see 42 U.S.C. 300x-51) were 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)
Synar reports for Nevada are posted at <http://health.nv.gov/BADA/synarmainpg.htm>
- 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 SAPT Block Grant application process
- Distributed through the public library system
- Published in an annual register
- Other change(s) *(please describe)*: The Annual Synar Report was presented at a hearing on September 19, 2007. Advanced notice of this hearing was posted in various public locations around the state as per the Nevada Revised Statutes, Open Meeting Law. Notice of the meeting was placed on the Agency's Web site at <http://health.nv.gov/BADA/>. Also, notice was sent to all members of the State Incentive Grant (SIG) Advisory Committee and all substance abuse treatment and prevention programs funded by the Substance Abuse Prevention and Treatment Agency (SAPTA). The report was sent to members of SAPTA's Advisory Board, for review, in advance of the September 19, 2007 meeting.

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(s) designated by the Governor for oversight of the Synar requirements:

The Nevada Department of Health and Human Services, Mental Health and Developmental Services (MHDS), Substance Abuse Prevention and Treatment Agency (SAPTA).

Has this changed since last year's Annual Synar Report? Yes No

In state fiscal year (SFY) 2007 the Bureau of Alcohol and Drug Abuse (BADA), which was formerly under the State Health Division, was moved to a new division within the Nevada Department of Health and Human Services. The move to MHDS was mandated by the 2005 Nevada Legislature. In the process BADA received a name change to SAPTA and became an agency instead of a bureau.

b. The State agency(s) responsible for conducting random, unannounced Synar inspections:

The Nevada Department of Justice, Office of the Attorney General.

Has this changed since last year's Annual Synar Report? Yes No

c. The State agency(s) responsible for enforcing youth tobacco access law(s):

The Nevada Department of Justice, Office of the Attorney General is responsible for the enforcement of state tobacco laws governing the sale of tobacco to minors. Attorney General Staff assigned to these enforcement activities include the Senior Deputy Attorney General (SDAG) of the Tobacco Unit (full time), two investigators (each full time), one management assistant, and eight youths (each part time). The Office conducts uniform compliance checks at all tobacco outlets which are accessible to youth across the State. This uniformity assures that all businesses are treated equitably and ensures program benefits are received throughout the State. This practice also assures that no outlet or group of outlets perceives they are being targeted. Local law enforcement agencies have concurrent authority over the sale of tobacco to minors, although they do not regularly carry out unannounced compliance checks to enforce youth access laws.

Has this changed since last year's Annual Synar Report? Yes No

4. Identify the State agency(s) responsible for tobacco prevention activities.

SAPTA is responsible for the implementation of the Synar prevention and control regulations in partnership with the Nevada Department of Justice, Office of the Attorney General. Additionally, collaborative arrangements exist with other public programs related to tobacco prevention which are described under section a. of this question.

Has the responsible agency changed since last year's Annual Synar Report?

Yes No

The change was really in name only as described under 3.a. previously.

a. Describe the coordination and collaboration that occur between the agency responsible for tobacco prevention and the agency responsible for oversight of the Synar requirements. The two agencies (check all that apply):

- 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): In addition to having an Interlocal Agreement with the Nevada Department of Justice, Office of the Attorney General, who manages and completes Synar inspections, SAPTA is the Single State Agency for the SAPT Block Grant. Consequently, there is significant coordination and collaboration between the Agency and the primary prevention programs it funds. Additionally, SAPTA works closely with the Center for Disease Control and Prevention (CDC) funded Tobacco Control Project. That program is housed in the Nevada State Health Division. The goals of the Tobacco Control Project are to: prevent the initiation of tobacco use among young people; promote quitting among young people and adults; eliminate nonsmokers' exposure to environmental tobacco smoke; and to identify and eliminate the disparities related to tobacco use and its effects among different population groups. Nevada's goals match national tobacco control goals.

SAPTA is also a member of the Nevada Tobacco Prevention Coalition (NTPC) having joined the coalition in 2001. NTPC is a coalition of agencies and individuals determined to fight the high prevalence of tobacco use in Nevada. NTPC is committed to informing Nevada's decision makers and raising awareness with Nevada citizens of numerous issues related to tobacco use and industry marketing. This coalition is also actively involved in coordinating prevention activities with state and community agencies, hospitals, schools, and community-based organizations. They believe that a focus on youth and a tobacco free environment will produce a healthier Nevada.

Four major programs were established by the State of Nevada with the tobacco settlement money. First, the Millennium Scholarship provides tuition assistance to Nevada youth who maintain a slightly better than "B" average throughout high school. Second, the prescription insurance plan subsidizes prescription costs of senior citizens living below a certain income level. Third, 10% of the tobacco settlement money is allocated to a public health trust fund to promote public health and programs for disease or illness prevention, research issues related to public health, and provide direct health care services to children and senior citizens. Fourth, the *Task Force for The Fund for a Healthy Nevada* was established to: solicit public input; establish a process to evaluate health needs; ensure that tobacco control programs are funded; ensure that programs for children, people with disability, and senior citizens are funded; ensure that tobacco settlement money is not used to supplant existing methods of funding; and to develop policies for distribution of grants. By statute, 20% of tobacco settlement monies must go to fund tobacco control projects.

5. Please answer the following questions regarding the State's activities to enforce the youth access to tobacco law(s) in FFY 2007. (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 youth 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(s).
 Enforcement is conducted by both local and State agencies.

b. The following items concern penalties imposed for violations of youth access to tobacco laws by LOCAL AND/OR STATE LAW ENFORCEMENT AGENCIES. Please fill in the number requested. If State law does not provide for tobacco retailer license/permit suspension or revocation, please mark "NA".

The Attorney General's Office combines Synar inspections with enforcement. The Office has been conducting compliance inspections at least twice per year at every retail outlet in the Synar database. Synar sample and enforcement inspections resulted in a total of 331 citations between 10/1/06 and 8/9/07. All citations were misdemeanor criminal charges issued to the person who made the sale of tobacco to the underage youth.

PENALTY	OWNERS	CLERKS	TOTAL
Number of <u>citations issued</u>	0	331	331
Number of <u>finest assessed</u>	0	61	61
Number of <u>permits/licenses suspended</u>	0		0
Number of <u>permits/licenses revoked</u>	0		0
<i>Other</i> (please describe): Dismissed by Court ²	0	50	50
Suspend sentencing if attend the WE CARD Internet Class	0	26	26
Warrant Issued	0	20	20
Lost in System / No Court Records	0	6	6
Fine / Sentence Suspended	0	2	2
Jail Time / Community Service	0	2	2
No Court Info Provided / Available ³	0	164	164

Of the 331 citations, 167 had been disposed of in court through 6/7/07. The results of these 167 citations reviewed were as follows: 36.5% resulted in fines being imposed, 29.9% of the citations were dismissed if the plaintiff stayed out of trouble for a reasonable period of time and/or met other requirements imposed by the courts, 15.6% were dismissed if the plaintiff completed the on-line WE CARD class, 12.0% resulted in warrants being issued, 3.6% were lost in the system or had no records regarding penalties imposed, 1.2% had fines or sentences suspended, and 1.2% were cause for jail time or community service being served. Of the 331 citations issued, 171 clerks requested neither age nor identification, 154 asked for identification only, 4 requested age but no identification, and 2 asked for identification and also asked for age.

Currently, the Attorney General's Office receives disposition results pursuant to procedures of various courts, and not all courts provide disposition results to the Office. Therefore, it has been necessary for the Office to research various court records to obtain available disposition results.

There is a lag time, which varies by court, for citations to make it to appearance. The table on the preceding page details the disposition results for the citations described above.

c. What additional activities are conducted in your State to support enforcement and compliance with State tobacco access law(s)? (Check all that apply)

- Merchant education and/or training
- Incentives for merchants who are in compliance (e.g., Reward and Reminder)
- Community education regarding youth access laws

² Dismissals typically occurred after defendants obeyed all related laws for a reasonable period of time and met other requirements required by the court.

³ There is typically a minimum of 90 days from the date of citation before a court hearing. For some courts the lag time is longer.

- Media use to publicize compliance inspection results
- Community mobilization to increase support for retailer compliance with youth access laws
- Other activities (*please list*): The Office of the Attorney General is currently implementing an internet sale compliance check operation.

Briefly describe all checked activities:

Merchant Education/Industry Partnering

Nevada law requires that, after a retail outlet is investigated, a written report of each compliance check be mailed to that particular retailer. The cover letter that accompanies every report encourages on-going training and includes the toll free telephone number for the WE CARD program. Various merchant education flyers provided by WECARD are sent along with the report.

The Attorney General's Office continues to offer corporations owning multiple outlets the opportunity to receive a copy of the compliance check results by FAX rather than by regular mail. This program continues to be popular, hence it has been extended to all stores. Receiving the results of compliance checks by FAX rather than mail speeds up notification, and it is anticipated that early notification assists the retailer in preventing future violations.

State Attorneys General, including the Nevada Attorney General, have executed several agreements entitled "Assurance of Voluntary Compliance" (AVC) with major retail chains. Launched in 2000, the multi-state enforcement effort by a group of Attorneys General focuses on retailers with poor records of selling tobacco products to minors. The enforcement program's goal is to secure the companies' agreement to take specific corrective actions. The agreements incorporate "best practices" to reduce tobacco sales to minors, which were developed by the Attorneys General in consultation with researchers and state and federal tobacco control officials. Nevada is a party to AVC's which cover all corporate owned 7-Eleven, Wal-Mart, Walgreens, Rite Aid and CVS Pharmacy stores, and all corporate owned gas stations and convenience stores operating under the Conoco Philips, Chevron, Exxon, Mobil, ARCO and BP/Amoco brand names.

The Nevada Attorney General reports violations to the corporate offices of all those corporations that signed AVC's so that the corporation may take action if the franchisee failed to report the violation(s). The AVC's are a positive and effective step towards precluding the sale of tobacco to minors.

Merchant Incentives

The Attorney General's Office sends out congratulatory letters to all outlets that do not sell to minors during compliance checks. In addition, when a retail clerk does not sell to underage youth, the investigator presents the clerk with a WE CARD congratulatory card and lapel pin.

In addition, the Attorney General's Office provides Philip Morris, Lorillard, and 7-Eleven with a monthly report of stores which had clerks cited for illegal tobacco sales. The reports

are used by the companies to withhold retail benefits from individual stores for a future designated month. Because the withheld benefits can be up to \$2,000 per month, it is believed there is an incentive for the retailers to provide proper training for their clerks.

Tobacco Industry Partnering

Along with several Attorneys General of the MSA States, Nevada's Attorney General, has signed the Protocol Regarding Remote Sales of Cigarettes with Philip Morris USA and Lorillard Tobacco.

The protocols provide for the: (a) termination of shipments of cigarettes to any of Philip Morris USA or Lorillard's direct customers that the Attorneys General have found to be engaging in illegal Internet and mail order sales; (b) reduction in the amount of product made available to direct customers found by the Attorneys General to be engaged in the illegal re-sale of Philip Morris USA or Lorillard's cigarettes to the Internet vendors; and (c) suspension from the companies incentive programs any retailer found by the Attorneys General to be engaging in such illegal sales.

Media Use

The Nevada Attorney General's Office is responsible for ensuring compliance with the Master Settlement Agreement (MSA), which includes provisions concerning youth smoking. Generally, press releases regarding the MSA will contain information and statistics on the retail tobacco enforcement program.

- d. 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**
- e. If "Yes" to 5.d., please describe the State's procedure for minimizing risk of bias to the survey results:**

Inspection protocols remain the same regardless of Synar. There is no bias because compliance checks are done throughout the state as part of overall enforcement and prevention efforts aimed to reduce sales to youth.

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 2007. (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.

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))

8.

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

Yes No

If Yes, attach SSES summary tables 1, 2, 3 and 4 and go to Question 8.

If No, continue to Question 7b.

c. Report the weighted and unweighted Retailer Violation Rate (RVR) estimates, and the standard error.

d.

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.

_____ + (1.645 × _____) = _____
RVR Estimate Plus (1.645 times Standard Error) equals Right Limit

c. Fill out Form 1 in Appendix A (Forms). (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) *(Attach completed Form 2)*

Other *(Please specify. Provide formulae 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 No, go to Question 7g.

If Yes, fill out and attach Form 3 in Appendix A (Forms), and answer the following question:

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

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

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 frame coverage study:** 2007

b. **Percent coverage from the latest frame coverage study:** 99

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:** 2008

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.

a. Provide the inspection period:

From: 10/01/06 **To:** 05/5/07
MM/DD/YY MM/DD/YY

b. Provide the number of youth inspectors used in the current inspection year: 10

NOTE: If the State uses SSES, please ensure that the number reported in 9.b. matches that reported in SSES Table 4, or explain any difference.

c. Fill out and attach Form 5 in Appendix A (Forms). *(Not required if the State used the Synar Survey Estimation System (SSES) to analyze the Synar survey data)*

SECTION II: FFY 2008 (Intended Use):

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

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

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 2008. Include a brief description of plans for law enforcement efforts to enforce youth tobacco access laws, activities that support law enforcement efforts to enforce youth tobacco access laws, and any anticipated changes in youth tobacco access legislation or regulation in the State.

The Attorney General's Office continues to review internal procedures and practices to strengthen the retail tobacco enforcement program. In addition, the Office is in the process of developing guidelines for the implementation of Internet Tobacco sale compliance checks. During the 2007 Legislative Session, a budget request by the Office of the Attorney General to hire a full-time investigator to conduct internet stings was approved by the Legislature. The position becomes effective October 1, 2007.

The Attorney General's Office has developed a comprehensive list of approximately 295 businesses that may have cigarette vending machines, or that may sell tobacco products as a sideline, such as bowling centers and golf courses. The tobacco investigators use the list to conduct compliance checks at such locations to help ensure that all cigarette vending machines are placed in adult only areas, and that entities which sell tobacco products as a sideline are fully compliant with Nevada law prohibiting underage sales.

3. Describe any challenges the State faces in complying with the Synar regulation. (Check all that apply)

- Limited resources for law enforcement of youth access laws
- Limited resources for activities to support enforcement and compliance with youth tobacco access laws
- Limitations in the State youth tobacco access laws
- Limited public support for enforcement of youth 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 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*): _____

Briefly describe all items checked above challenges and propose a plan for each, or indicate the State's need for TA related to each relevant challenge:

Limited Resources.

The Reno and Las Vegas metropolitan areas continue to experience significant business turnover and growth; in some areas such growth is close to the highest in the nation. In attempts to maintain a current list of tobacco vendors, the Tobacco Unit Investigators record changes in ownership and location of vendors while they are in the field performing compliance checks. In addition, by studying retailers from third party sources such as infoUSA business lists, the Tobacco Unit Administrative Aid performs research to augment the field work done by the investigators in building the State's vendor list.

Geographic, demographic, and logistical considerations in conducting inspections.

Nevada is geographically a large state that is sparsely populated outside of its main metropolitan centers in the north (Reno) and south (Las Vegas). As such, costs per inspection due to travel are relatively high, particularly in outlying areas. Weather and overnight in-state travel pose additional management concerns in trying to get to outlying areas as well. However, the logistical considerations faced in completing the Synar checks are no different than those typical to many other State run programs.

Issues regarding sources of tobacco under tribal jurisdiction.

Nevada has numerous Indian tribes that sell tobacco products on their reservations. Due to the sovereignty afforded the various tribes and related jurisdictional issues, the State's enforcement agents are precluded from engaging in tobacco compliance check operations on tribal property.

APPENDIX A: FORMS

SSES Table 1 (Synar Survey Estimates and Sample Sizes)

CSAP-SYNAR REPORT

State	Nevada
Federal Fiscal Year (FFY)	2008
Date	11/30/2007 13:53
Data	SSES Export.XLS
Analysis Option	Stratified SRS with FPC

Estimates

Unweighted Retailer Violation Rate	9.9%
Weighted Retailer Violation Rate	9.9%
Standard Error	1.1%
Is SAMHSA Precision Requirement met?	YES
Right-sided 95% Confidence Interval	[0.0%, 11.7%]
Two-sided 95% Confidence Interval	[7.8%, 12.0%]
Design Effect	1.0
Accuracy Rate (unweighted)	96.3%
Accuracy Rate (weighted)	96.3%
Completion Rate (unweighted)	99.6%

Sample Size for Current Year

Effective Sample Size	445
Target (Minimum) Sample Size	445
Original Sample Size	569
Eligible Sample Size	548
Final Sample Size	546
Overall Sampling Rate	28.8%

SSES Table 2 (Synar Survey Results by Stratum and by OTC/VM)

STATE: Nevada
 FFY: 2008

Samp. Stratum	Var. Stratum	Outlet Frame Size	Estimated Outlet Population Size	Number of PSU Clusters Created	Number of PSU Clusters in Sample	Outlet Sample Size	Number of Eligible Outlets in Sample	Number of Sample Outlets Inspected	Number of Sample Outlets in Violation	Retailer Violation Rate(%)	Standard Error(%)
All Outlets											
1	1	1,971	1,898	N/A	N/A	569	548	546	54	9.9%	
Total		1,971	1,898			569	548	546	54	9.9%	1.1%
Over the Counter Outlets											
1	1	1,971	1,898	N/A	N/A	569	548	546	54	9.9%	
Total		1,971	1,898			569	548	546	54	9.9%	1.1%
Vending Machines											
1	1	0	0	N/A	N/A	0	0	0	0	0.0%	
Total		0	0			0	0	0	0	0.0%	0.0%

SSES Table 3 (Synar Survey Sample Tally Summary)

STATE: Nevada
 FFY: 2008

Disposition Code	Description	Count	Subtotal
EC	Eligible and inspection complete outlet	546	
Total (Eligible Completes)			546
N1	In operation but closed at time of visit	0	
N2	Unsafe to access	2	
N3	Presence of police	0	
N4	Youth inspector knows salesperson	0	
N5	Moved to new location but not inspected	0	
N6	Drive thru only/youth inspector has no drivers license	0	
N7	Tobacco out of stock	0	
N8	Run out of time	0	
N9	Other noncompletion	0	
Total (Eligible Noncompletes)			2
I1	Out of Business	7	
I2	Does not sell tobacco products	3	
I3	Inaccessible by youth	1	
I4	Private club or private residence	0	
I5	Temporary closure	10	
I6	Unlocatable	0	
I7	Wholesale only/Carton sale only	0	
I8	Vending machine broken	0	
I9	Duplicate	0	
I10	Other ineligibility	0	
Total (Ineligibles)			21
Grand Total			569

SSES Table 4 (Synar Survey Inspection Results by Youth Inspector Characteristics)

STATE: Nevada
 FFY: 2008

Frequency Distribution

Gender	Age	Number of Inspectors	Attempted Buys	Successful Buys
Male	14	0	0	0
	15	2	71	13
	16	3	184	18
	17	1	30	2
	18	0	0	0
	Subtotal		6	285
Female	14	0	0	0
	15	2	88	7
	16	2	141	11
	17	2	32	3
	18	0	0	0
	Subtotal		6	261
Other		0	0	0
Grand Total		12	546	54

Buy Rate in Percent by Age and Gender

Age	Male	Female	Total
14	0.0%	0.0%	0.0%
15	18.3%	8.0%	12.6%
16	9.8%	7.8%	8.9%
17	6.7%	9.4%	8.1%
18	0.0%	0.0%	0.0%
Other			0.0%
Total	11.6%	8.0%	9.9%

Note: No more than eight youth inspectors are employed at one time. Only ten youth inspectors were used to complete Synar sample inspections this past year; but, two had birthdays and were therefore counted in two age groups bringing the total shown above to 12.

APPENDIX B

SYNAR SURVEY SAMPLING METHODOLOGY

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

Name of Frame Source	Type of Source	Description	Updating Method and Cycle
Synar Database	6	MS Access Relational Database: Every outlet selling tobacco products and that is accessible to youth throughout the state is identified during compliance inspections.	Every outlet selling tobacco products is inspected at least twice per year for compliance. As inspectors conduct their inspections, they identify and inspect new establishments. This information is continuously fed into the frame database for updates.

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

- 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 they are not included in the Synar survey.

- State law bans vending machines
- State law bans vending machines from locations accessible to youth
- State has SAMHSA approval to exempt vending machines from the survey
- Other (please describe): _____

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

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

Unstratified State-wide sample:

- Simple random sample (*go to Question 9*)
- Systematic random sample (*go to Question 6*)
- Single-stage cluster sample (*go to Question 8*)
- Multi-stage 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*)
- Multi-stage 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.

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 multi-stage clusters are used, give definitions of clusters at each stage.)

b. 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.

9. Provide the formulae for determining the effective, target, and original outlet sample sizes.

The SSES Sample Size Calculator was used to determine the minimum adequate sample size. To ensure the study meets SAMHSA's precision requirement, a safety margin of 20% was used.

When using SSES sample size calculator, the formula shown on the next page is used for calculating a sample size using a two tail test:

Effective sample size:

$$n_e = \frac{1}{\left(\frac{(0.0153)^2}{P(1-P)} + \frac{1}{N} \right)}$$

where P is the violation rate, 0.0153 is the standard error of the estimate for 3% margin of error for two-sided confidence interval, and N is the total number of outlets in the sampling frame.

The target sample size (n_t) is the same as the effective sample size for simple random sampling.

The original sample size is determined by:

$$n_o = (1 + s) \frac{n_t}{r_l r_c},$$

where s is a safety margin, r_l is the expected eligibility rate, and r_c is the expected completion rate.

APPENDIX C

SYNAR SURVEY INSPECTION PROTOCOL

Note: Attach a copy of the inspection form and protocol used to record the inspection result.

1. How does the State Synar survey protocol address the following?

a. Consummated buy attempts?

- | | |
|------------------------------------------------------------------|----------------------------------------------------|
| <input checked="" type="checkbox"/> Required | <input type="checkbox"/> Not Permitted |
| <input type="checkbox"/> Permitted under specified circumstances | <input type="checkbox"/> Not specified in protocol |

b. Youth inspectors to carry ID?

- | | |
|------------------------------------------------------------------|----------------------------------------------------|
| <input checked="" type="checkbox"/> Required | <input type="checkbox"/> Not Permitted |
| <input type="checkbox"/> Permitted under specified circumstances | <input type="checkbox"/> Not specified in protocol |

c. Adult inspectors to enter the outlet?

- | | |
|-----------------------------------------------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> Required | <input type="checkbox"/> Not Permitted |
| <input checked="" type="checkbox"/> Permitted under specified circumstances | <input type="checkbox"/> Not specified in protocol |

d. Youth inspectors to be compensated?

- | | |
|------------------------------------------------------------------|----------------------------------------------------|
| <input checked="" type="checkbox"/> Required | <input type="checkbox"/> Not Permitted |
| <input type="checkbox"/> Permitted under specified circumstances | <input type="checkbox"/> Not specified in protocol |

2. Identify the agency(s) or entity(s) that actually conduct the random, unannounced Synar inspections of tobacco outlets. (Check all that apply)

- Law enforcement agency(s)
- State or local government agency(s) other than law enforcement
- Private contractor(s)
- Other

List the agency name(s): Nevada Department of Justice, Office of the Attorney General

3. Are Synar inspections combined with law enforcement efforts (i.e., do law enforcement 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 methods used to recruit, select, and train youth inspectors and adult supervisors.

The Nevada Attorney General's Office generally employs eight youth inspectors (four in Southern Nevada and four in Northern Nevada). They are recruited through various means including high school counselors and law enforcement scouting groups. Only eight youth may be employed at one time. The ages of the youth range from 15 years of age to 17 ½ years of age. Great care is taken to select youth whose appearance fits the age criteria. Once a new youth hire has been fully trained and has a grasp of the compliance check protocol, the new youth hire accompanies an experienced youth employee and an investigator in the field where purchase attempts are observed first hand by the new hire.

The Attorney General's Office also employs two full time investigators (one in Southern Nevada and one in Northern Nevada) who supervise the youth in conducting the compliance

checks. The investigators are Nevada POST certified law enforcement officers. To recruit investigators, the Attorney General's Office Investigation Division seeks internal as well as external candidates. Complete background checks are completed for all viable candidates.

5. Are there specific legal or procedural requirements instituted by the State to address the issue of youth inspectors' immunity when conducting inspections?

a. Legal Yes No (*If Yes, please describe*):

b. Procedural Yes No (*If Yes, please describe*):

6. Are there specific legal or procedural requirements instituted by the State to address the issue of the safety of youth 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*):

When possible, investigators are required to accompany the youths into the stores where tobacco is sold. In addition, investigators are directed not to conduct an inspection if they observe any law enforcement activity or any activity that may be a threat to the safety of the youth (e.g. illegal drug purchases). Furthermore, the WE CARD congratulatory card and lapel pin are not distributed if there is any possible threat to the safety of the underage youth.

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

a. Legal Yes No (*If Yes, please describe*):

b. Procedural Yes No (*If Yes, please describe*):

Fifteen, sixteen, and seventeen year old minors are used to conduct compliance checks; minors younger than fifteen and older than 17 are not used. Fifteen year old minors may not work outside the hours of 7:00 a.m. to 7:00 p.m.

Below is a copy of the Tobacco Compliance Check form used to collect data at inspection. The form is based on current procedures.

**Office of the Attorney General
 Tobacco Compliance Check**

Retailer Information

Unique ID:
Prior Inspection:
Prior Inspection Results
Status:

Please check the appropriate box for the business classification:			
<input type="checkbox"/> Gen Merch	<input type="checkbox"/> SM/Grocery	<input type="checkbox"/> Conven	<input type="checkbox"/> Conv/Gas
<input type="checkbox"/> Gas	<input type="checkbox"/> Drug	<input type="checkbox"/> Tobacco	<input type="checkbox"/> Gift Shop
<input type="checkbox"/> Other	<input type="checkbox"/> Does Not Sell Tobacco	<input type="checkbox"/> Business Temporarily Closed	<input type="checkbox"/> Out of Business
<input type="checkbox"/> Unsatisfactory Conditions	<input type="checkbox"/> Vending Machine	<input type="checkbox"/> Vending Machine Removed	<input type="checkbox"/> Not Allowed
If the retailer information is not correct, please check the appropriate box(es):			
<input type="checkbox"/> Business Name Change	<input type="checkbox"/> Owner Change	<input type="checkbox"/> Address Change	
Date of Check:	Time of Check (Military):	Minor ID:	Minor's Initials:
Result of minor's attempt to purchase tobacco product:			
ID Requested: <input type="checkbox"/> Yes <input type="checkbox"/> No	Age Asked: <input type="checkbox"/> Yes <input type="checkbox"/> No	Sale Completed: <input type="checkbox"/> Yes <input type="checkbox"/> No	Minor's Age: Minor's DOB:
Retail Clerk: <input type="checkbox"/> Male <input type="checkbox"/> Female	Retail Clerk's Name:	Retail Clerk's Position:	Register Location:
Officer witnessed transaction? <input type="checkbox"/> Yes <input type="checkbox"/> No	Attempted purchase item <input type="checkbox"/> Cigarettes <input type="checkbox"/> Smokeless Tobacco <input type="checkbox"/> Other		
Officer's signature _____	Officer's name (please print)		
Additional Comments			
Prior Inspections:			
<input type="checkbox"/> Yes <input type="checkbox"/> No Clerk's name:	<input type="checkbox"/> Yes <input type="checkbox"/> No Clerk's name:	<input type="checkbox"/> Yes <input type="checkbox"/> No Clerk's name:	

If sale completed, follow Evidence Collection Procedures.

Office of the Attorney General, Tobacco Compliance and Enforcement Unit
 May 2007

APPENDIX D

List Sampling Frame Coverage Study (LIST FRAME ONLY)

1. Calendar year of the coverage study: 2007

2. Percent coverage found: 99 %

(Provide calculation of the percent coverage)

$1,971 / 1,986 = 99\%$

3. Provide a description of the coverage study methods and results.

Every outlet selling tobacco products that is accessible to minors is inspected a minimum of twice per year. As inspectors travel through towns and cities conducting inspections, they are diligent to identify and inspect new establishments recording pertinent facility data. In addition, inspectors record outlets that were in the sampling frame that do not sell tobacco products. The Synar database is updated accordingly.

ATTACHMENT I

Assembly Bill No. 586–Committee on Taxation
CHAPTER.....

AN ACT relating to tobacco; revising certain provisions for the enforcement of taxes and restrictions on the sale and use of cigarettes to provide for the enforcement of taxes and restrictions on the sale and use of other tobacco products; requiring tobacco retailers to display certain notices concerning the sale of tobacco to minors; prohibiting the retail sale of cigarettes through the use of certain self-service displays; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the imposition, administration and enforcement of taxes on cigarettes. (NRS 370.001-370.430) Existing law provides separately for the imposition and administration of a tax on products made from tobacco, other than cigarettes. (NRS 370.440-370.503)

Section 3 of this bill provides a common definition for such “other tobacco product.” **Sections 2, 4, 9 and 25-28** of this bill assist in the enforcement of the tax on any “other tobacco product” by providing for the treatment of and imposition of criminal penalties regarding contraband “other tobacco products” in the same manner as contraband cigarettes.

Section 41 of this bill requires a tobacco retailer to post a notice that the sale of tobacco to minors is prohibited by law and that the retailer may ask for proof of age to comply with this prohibition, and provides for the imposition of a fine for noncompliance with this requirement. **Section 41** also prohibits the retail sale of cigarettes through the use of certain self-service displays and provides for the imposition of a fine for noncompliance with this prohibition.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 370 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *“Other counterfeit tobacco product” means any other tobacco product or tobacco product package bearing a false manufacturing label.*

Sec. 3. *“Other tobacco product” means any tobacco of any description or any product made from tobacco, other than cigarettes.*

Sec. 4. *“Tobacco product package” means the individual pack, box or other container that contains any other tobacco product. The term does not include a container that itself contains other containers.*

Secs. 5-6. (Deleted by amendment.)

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Sec. 7. NRS 370.001 is hereby amended to read as follows:

370.001 As used in NRS 370.001 to 370.430, inclusive, *and sections 2, 3 and 4 of this act*, unless the context otherwise requires, the words and terms defined in NRS 370.005 to 370.055, inclusive, *and sections 2, 3 and 4 of this act* have the meanings ascribed to them in those sections.

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 370.025 is hereby amended to read as follows:

370.025 “Contraband [cigarettes] *tobacco products*” means any:

1. Counterfeit cigarettes; [or]
2. *Other counterfeit tobacco product; or*
3. Cigarettes [:] *or other tobacco product:*

(a) Exported from or imported into this State, or mailed, shipped, delivered, sold, exchanged, transported, distributed or held for distribution within the borders of this State by any person in violation of any of the provisions of this chapter; or

(b) In any way held in the possession or constructive possession of any person not authorized under this chapter to possess or constructively possess the cigarettes [.] *or other tobacco product.*

Secs. 10-24. (Deleted by amendment.)

Sec. 25. NRS 370.405 is hereby amended to read as follows:

370.405 1. It is unlawful for any person knowingly to sell or to possess for the purpose of sale any [counterfeit cigarettes.] *contraband tobacco products.* The presence of [counterfeit cigarettes in a

cigarette] *any contraband tobacco products in a vending machine is prima facie evidence of the purpose to sell those [cigarettes.] products.*

2. A person who violates any provision of subsection 1 is guilty of:

(a) For the first offense involving *[less than 400 cigarettes,] contraband tobacco products having a value of \$25 or more but less than \$250*, a misdemeanor.

(b) For each subsequent offense involving *[less than 400 cigarettes,] contraband tobacco products having a value of \$25 or more but less than \$250*, a category D felony and shall be punished as provided in NRS 193.130.

(c) For the first offense involving *[400 or more cigarettes,] contraband tobacco products having a value of \$250 or more*, a gross misdemeanor.

(d) For each subsequent offense involving *[400 or more cigarettes,] contraband tobacco products having a value of \$250 or more*, a category C felony and shall be punished as provided in NRS 193.130.

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Sec. 26. NRS 370.410 is hereby amended to read as follows:

370.410 Except as otherwise provided in NRS 370.405, any person exporting, importing, possessing or constructively possessing contraband *[cigarettes] tobacco products* is guilty of a gross misdemeanor.

Sec. 27. NRS 370.413 is hereby amended to read as follows:

370.413 In order to obtain evidence of any violation of this chapter, the Department, its agents, and all peace officers and revenue-collecting officers of this State may enter and inspect, without a warrant during normal business hours and with a warrant at any other time:

1. The facilities and records of any manufacturer, wholesale dealer or retail dealer; and

2. Any other place where they may have reason to believe contraband *[cigarettes] tobacco products* are stored, warehoused or kept for sale.

Sec. 28. NRS 370.415 is hereby amended to read as follows:

370.415 1. The Department, its agents, sheriffs within their respective counties and all other peace officers of the State of Nevada shall seize any counterfeit stamps and any contraband *[cigarettes] tobacco products* and machinery used to manufacture contraband *[cigarettes,] tobacco products*, found or located in the State of Nevada.

2. A sheriff or other peace officer who seizes stamps, *[cigarettes] contraband tobacco products* or machinery pursuant to this section shall provide written notification of the seizure to the Department not later than 5 working days after the seizure. The notification must include the reason for the seizure.

3. After consultation with the Department, the sheriff or other peace officer shall transmit the *[cigarettes] contraband tobacco products* to the Department if:

(a) The *contraband tobacco products consist of* cigarettes *[, except] and:*

(1) Except for revenue stamps or metered machine impressions being properly affixed as required by this chapter, *the cigarettes* comply with all state and federal statutes and regulations; and

[(b)] (2) The Department approves the transmission of the cigarettes *[.] ; or*

(b) The contraband tobacco products consist of any other tobacco products and the Department approves the transmission of the other tobacco products.

4. Upon *the* receipt of *[the cigarettes,] any:*

- 4 -

(a) Cigarettes pursuant to subsection 3, the Department shall dispose of the cigarettes as provided in subsection 4 of NRS 370.270 *[.] ; or*

(b) Other tobacco products pursuant to subsection 3, the Department shall:

(1) Sell the other tobacco products to the highest bidder among the licensed wholesale dealers in this State after due notice to all licensed Nevada wholesale dealers has been given by mail to the addresses contained in the Department's records; or

(2) If there is no bidder, or in the opinion of the Department the quantity of the other tobacco products is insufficient, or for any other reason such disposition would be impractical, destroy or dispose of the other tobacco products as the Department may see fit.

_ The proceeds of all sales pursuant to this paragraph must be classed as revenues derived under the provisions of NRS 370.440 to 370.503, inclusive.

5. The sheriff or other peace officer who seizes any stamps, [cigarettes] *contraband tobacco products* or machinery pursuant to this section shall:

(a) Destroy the stamps and machinery; and (b) If he does not transmit the [cigarettes] *contraband tobacco products* to the Department, destroy the [cigarettes.] *contraband tobacco products*.

Secs. 29-40. (Deleted by amendment.)

Sec. 41. NRS 202.2493 is hereby amended to read as follows:

202.2493 1. A person shall not sell, distribute or offer to sell cigarettes or smokeless products made from tobacco in any form other than in an unopened package which originated with the manufacturer and bears any health warning required by federal law.

A person who violates this subsection shall be punished by a fine of \$100 and a civil penalty of \$100.

2. Except as otherwise provided in subsections 3, 4 and 5, it is unlawful for any person to sell, distribute or offer to sell cigarettes, cigarette paper, tobacco of any description or products made from tobacco to any child under the age of 18 years. A person who violates this subsection shall be punished by a fine of not more than \$500 and a civil penalty of not more than \$500.

3. A person shall be deemed to be in compliance with the provisions of subsection 2 if, before he sells, distributes or offers to sell to another, cigarettes, cigarette paper, tobacco of any description or products made from tobacco, he:

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(a) Demands that the person present a valid driver's license or other written or documentary evidence which shows that the person is 18 years of age or older;

(b) Is presented a valid driver's license or other written or documentary evidence which shows that the person is 18 years of age or older; and

(c) Reasonably relies upon the driver's license or written or documentary evidence presented by the person.

4. The employer of a child who is under 18 years of age may, for the purpose of allowing the child to handle or transport tobacco or products made from tobacco in the course of the child's lawful employment, provide tobacco or products made from tobacco to the child.

5. With respect to any sale made by his employee, the owner of a retail establishment shall be deemed to be in compliance with the provisions of subsection 2 if he:

(a) Had no actual knowledge of the sale; and

(b) Establishes and carries out a continuing program of training for his employees which is reasonably designed to prevent violations of subsection 2.

6. *The owner of a retail establishment shall, whenever any product made from tobacco is being sold or offered for sale at the establishment, display prominently at the point of sale a notice indicating that:*

(a) The sale of cigarettes and other tobacco products to minors is prohibited by law; and

(b) The retailer may ask for proof of age to comply with this prohibition.

A person who violates this subsection shall be punished by a fine of not more than \$100.

7. *It is unlawful for any retailer to sell cigarettes through the use of any type of display:*

(a) Which contains cigarettes and is located in any area to which customers are allowed access; and

(b) From which cigarettes are readily accessible to a customer without the assistance of the retailer, except a vending machine used in compliance with NRS 202.2494. A person who violates this subsection shall be punished by a fine of not more than \$500.

8. Any money recovered pursuant to this section as a civil penalty must be deposited in a separate account in the State General Fund to be used for the enforcement of this section and NRS 202.2494.

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Sec. 42. NRS 202.24935 is hereby amended to read as follows:

202.24935 1. It is unlawful for a person to knowingly sell or distribute cigarettes, cigarette paper, tobacco of any description or products made from tobacco to a child under the age of 18 years through the use of the Internet.

2. A person who violates the provisions of subsection 1 shall be punished by a fine of not more than \$500 and a civil penalty of not more than \$500. Any money recovered pursuant to this section as a civil penalty

must be deposited in the same manner as money is deposited pursuant to subsection [6] 8 of NRS 202.2493.

3. Every person who sells or distributes cigarettes, cigarette paper, tobacco of any description or products made from tobacco through the use of the Internet shall adopt a policy to prevent a child under the age of 18 years from obtaining cigarettes, cigarette paper, tobacco of any description or products made from tobacco from the person through the use of the Internet. The policy must include, without limitation, a method for ensuring that the person who delivers such items obtains the signature of a person who is over the age of 18 years when delivering the items, that the packaging or wrapping of the items when they are shipped is clearly marked with the word "cigarettes" or the words "tobacco products," and that the person complies with the provisions of 15 U.S.C. § 376. A person who fails to adopt a policy pursuant to this subsection is guilty of a misdemeanor and shall be punished by a fine of not more than \$500.

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