



Northern
Michigan
Regional
Entity

The information in this manual is for educational purposes. The Designated Youth Tobacco Use Representative (DYTUR) is responsible for understanding the information. NMRE reserves the right to revise information in this document any time. If further detailed instructions are needed or to further clarify information, it is the DYTUR's responsibility to contact NMRE

SYNAR MANUAL

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HISTORY

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 21. States must comply with the Synar Amendment in order to receive their full Substance Abuse Prevention and Treatment Block Grant (SABG) awards.

On January 19, 1996, SAMHSA published “Tobacco Regulation for Substance Abuse Prevention and Treatment Block Grants” in the Federal Register, amending 45 C.F.R. Part 96 to add section 96.130 – State Law Regarding the Sale of Tobacco Products to Individuals Under the Age of 21 – known as the Synar regulation.

SAMHSA subsequently issued and revised guidance documents, providing instructions to States on compliance rate goals, use of funds, State reporting requirements, conforming amendments, and penalties. [Public Law 116-94, section 603](#), signed on December 20, 2019, supersedes this legislation and increased the minimum age for tobacco sales from 18 to 21. In July 2022 Governor Whitmer signed a legislation package to raise the state age for tobacco sales from 18 to 21; House Bill 6108. PL 116-94 also amends section 906(d) of the Federal Food, Drug, and Cosmetic Act of 1938, the General Provisions Respecting Control of Tobacco Products, raising the federal minimum age for sale of tobacco products from 18 to 21 years and instructing the Food and Drug Administration to make conforming changes to regulations regarding sale and distribution of tobacco products to carry out the amendments made by Public Law 116-94. These conforming changes include **increasing the minimum age of sale for tobacco products from 18 to 21 years of age, increasing the minimum age for age verification by means of photographic identification from under the age of 27 to under the age of 30, and increasing the minimum age of individuals that may be present or permitted to enter facilities that maintain vending machines or self-service displays that sell tobacco products from 18 years to 21 years of age.**

In accordance with Public Law 116-94, this Revision to Guidance document updates previously issued SAMHSA guidance in 2011 as it relates to compliance rate goals, use of funds, state reporting requirements, conforming amendments and penalties. This [Tobacco 21 Revision to Guidance document](#) also outlines the three-year transition period for implementation and compliance. More information on the [Tobacco21 website](#).

Definitions

- **Designated Youth Tobacco Use Representative (DYTUR)**. They are preventionists across the state specifically involved in Youth Tobacco Access activities.
- **MDHHS contract with PIHP references the [Prevention Policy #1 \(PP1\)](#)**- all underlines are reference in PP1
- **Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention (SAMHSA/CSAP)**
- **Youth Access to Tobacco (YAT)**
- **Youth Tobacco Act restricting sales and distribution of tobacco products to minors. States must enact a YAT law (YTA)**

What is an annual Compliance Check?

This is when underage youth attempt to purchase tobacco from a retailer. Synar Compliance checks **must** be done during the designated time period using the OROSC protocol. The retailers are randomly chosen by the State from the Revised Master Tobacco Retailer List. It is the DYTUR's responsible to recheck sites on the Compliance List to see if retailers are still in business or have any changes; choose students and their chaperones; provide training to youth and chaperones, secure appropriate permission slips and copies of valid ID's (driver's license or valid State ID); assign ID numbers to students and chaperones; check to see if youth have completely filled out compliance check reporting form.

The outlets selected for this survey will not be prosecuted during the formal Synar survey process. Because no purchase will take place, there will be no legal or administrative consequences or liability for the teens, chaperones or retailer.

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 (YTA). The data may also be used to stress the importance of the need for statewide enforcement of the Youth Tobacco Act (YTA) with appropriate law enforcement personnel.

What is NON Synar Compliance Checks?

Non-Synar Compliance Checks and retailer education is to prepare for Synar inspections; to help ensure a Retailer Violation Rate (RVR) rate of 20% or less for the region for two consecutive Synar survey years, the requirement is that no less than 50 percent of the outlets within the region will have at least one enforcement check activity during the subsequent third year. In addition, non-Synar contributes to enforcement of the Michigan Youth Tobacco Act at tobacco outlets within the PIHP Region. NON-Synar Compliance Checks are completed before Synar Checks using 25% of the MRL. Since Covid the NMRE allows 100% of vendor education to replace the 25% non-Synar or conduct both, which is up to the DYTUR provider. This can be done at any time before or during Vendor Education but must be completed by the Quiet Period. If law enforcement is not feasible non-Synar checks can be conducted through civilian checks. Blank Copies for NON-Synar checks can be found in Sharefile and on the [DFNM website](#). From the State you will receive pre-filled Synar Protocol forms.

What are the penalties for noncompliance rate of over 20%?

SAMHSA's guidance on Implementing the Synar Regulation explains, "Failure to comply with the requirements of the Synar Regulation can result in a State losing up to 40 percent of its Federal Block Grant funds for substance abuse prevention and treatment."

NEW 2020...The [Synar Guidance tobacco 21](#) and PL-116-94 revises the penalty to up to 10 percent of the Substance Abuse Prevention and Treatment Block Grant and codifies a negotiated alternate penalty. **Instead of taking the 10 percent penalty, States that are found out of compliance (report a Retail Violation Rate above 20 percent) may elect to submit a corrective action plan to the Assistant 4 Secretary for Mental Health and Substance Use within 90 days of receipt of notice that they are not in compliance with the Synar regulations, which outlines strategies they will take to reduce the Retail Violation Rate to 20 percent or less. States may not use Substance Abuse Prevention and Treatment Block Grant funds to pay for these activities and must find alternate sources of funds to cover these costs.**

What is the Master Tobacco Retailer List (MRL)?

This is a list of all retailers in a county that sell tobacco products. The State sends its most current list to each Coordinating Agency at the beginning of the Calendar Year to confirm the accuracy of the list in a coverage study and to establish Synar sampling. The PIHP's will forward this list to the DYTUR. The DYTUR checks each tobacco site in their county, to confirm vendor is still in business, sell tobacco, or if there are any other changes (name, address, phone, etc.). This list will be used to randomly select retailers for the compliance checks conducted. DYTUR needs to keep a copy of the revised MRL lists in their file, and electronically send this list to the NMRE. The list will be sent to the State, once approved a random number of retailers will be selected and sent back to the PIHP. The PIHP will send out final MRL to DYTUR. There is an Eligible list, those that sell tobacco and an Ineligible List of retailers that do not sell any tobacco products. Both lists must be current.

Reference: [MDHHS Synar Guide to MRL updating](#) [MDHHS Synar MRL Procedures](#)

What is Vendor Education?

Consists of educating the retailers by the DYTUR or other qualified staff. It is mandatory that a minimum of 25% of the total amount of tobacco retailers on the revised Master Tobacco List receive education. It may be suggested by the PIHPs that more than 25% of the retailers should receive this education in order to provide a comprehensive understanding by retailers of the ramifications of underage youth purchasing tobacco. Vendor Education period can begin following the completion of NON-Synar Compliance Check Activities. A Supply of Vendor Education packets will be delivered to your office from MDHHS/OROSC. See the [MDHHS website](#) for more materials.

The NMRE will add to the Random selected Retailers on the MRL the Documentation needed to complete Vendor Education. Vendor Education packets utilized is sent to the NMRE.

Note: If compliance checks fail (over 20%), then vendor education for the following year must include 50% of the total retailers on the Master Tobacco List.

Reminder: Ongoing Trainings and collaboration on tobacco education conducted by students, community members, and law enforcement using community coalitions is the responsibility of the DYTUR which could include; health hazards of tobacco, data about youth smoking, protocol of conducting the education, policies implemented, etc.

Reference:

Other MDHHS resources for [Vendor Education](#)

[MDHHS Prevention Policy #1](#)

[MDHHS Vendor Education Protocol](#)

[MDHHS Sample Script](#)

[MDHHS Clearinghouse](#) for complete list of health promotions

What is Law Enforcement Vendor Visits?

These are visits made to tobacco retailers by law enforcement, which results in (1) no violations of the law, (2) a warning to the retailer, or (3) a citation given by law enforcement to the retailer. DYTUR needs to report to PIHP on the end of year report along with the correspondence back from law enforcement. If no activity has occurred by the

police, DYTUR will indicate this on the end of year report. See the [DFNM website](#) for the Law Enforcement letter to inform the Compliance Checks are being done and to report any citations given within the FY year. SAPT Block Grant funds cannot be used for law enforcement; this includes Formal Synar and non Synar activities.

It is useful for DYTUR to establish a relationship with all local law enforcement in our County's. This enables DYTUR to provide technical assistance to law enforcement about selling tobacco to minors, help DYTUR recruit law enforcement for vendor education, and gather data for reporting. See the Michigan State Police districts and contacts on the [DFNM website](#). Change community norms and conditions by forming relationships with all stakeholder for the purposes of developing joint initiatives and/or for collaboration to impact sales trends to youth.

What is the Youth Tobacco Act Compliance YTA Protocol Reporting Form?

This is the MDHHS form that provides information about the tobacco retailer and the attempt to buy tobacco by underage youth, but do not complete the sale. Youth are not deputized and will not break any laws. Every retailer listed on the Compliance Check must have a completed form. DYTUR is responsible for making sure form is filled out accurately and completely and signed by youth and chaperone. DYTUR is required to deliver hard copies of the original forms to the PHIP. DYTUR needs to keep a copy of these documents in their file. Blank Copies for NON-Synar checks can be found on the [DFNM website](#). You will receive from the State Synar Protocol forms.

NOTE: Youth Inspector and Adult Chaperones must have their own unique ID.: Name/ID Number = Be sure that you enter 5 digits and capitalize the first 3 letters (ABC12)

What is the Youth Tobacco Act Compliance Check Report (CCR)?

This is the list of the tobacco retailers that will be visited by underage youth in an attempt to purchase tobacco products. This is the Complete list of the Compliance Check Reporting forms. The Youth Tobacco Act [Compliance Check Report Spreadsheet](#) is the responsibility of the PIHP to compile and fill out completely and accurately.

How will the local police departments know that the DYTUR will be coordinating Compliance Checks?

Prevention Providers (DYTURS) will send a letter out to all County Police Departments indicating compliance checks will take place. The letter also asks the police departments not to conduct any stings during this month, and provides NMRE contact information, should the police have any further questions.

The NMRE has a template on the [DFNM website](#) to inform Local Law Enforcement of Compliance Checks, how to report any violations and to have any citations reported to the NMRE.

What happens after the Compliance Checks are completed and Compliance Check Spreadsheet is sent to the state?

Letters will be sent to the retailers included in the Compliance checks. One [letter](#) will be sent to those that did not sell, while another [letter](#) will be sent to those who were not in compliance. DYTUR should also enlist the help of community coalitions to send out letters as well as certificates for passing Checks. NMRE Sample letters can be found on the [DFNM Website](#). It is encouraged to send Congratulation Letters, certificates, awards, and/or any recognition to the retailers who passed the Compliance Check. Send all letters along with the end of year reporting.

What is the Youth Access to Tobacco YAT Activity Report?

This is a [form](#) that sent by the State to the PIHP to be filled out and returned no later than the end of October. PIHP will send a copy to DYTUR to complete, such as data and questions regarding planning activities, analysis of data, planned tobacco initiatives, and anticipated hurdles and plans to overcome them. **The information is due back to the PIHP by mid-October.** This can also serve as a starting point for determining tobacco strategies for the next fiscal year.

What is the responsibility of Inspectors?

Subject to change due to the Tobacco 21 rules: Sixteen and seventeen-year-old teens can be recruited for this project as youth inspectors. A [Youth Permission Slip](#) and a copy of Driver's License or State ID is required. A sample letter to parents/guardian can be found on the [DFNM website](#). If possible, an equal number of males and females should be used. Teens selected, as youth inspectors, should look their age, be emotionally mature and their racial/ethnic characteristics should be consistent with the community in which you are conducting the compliance checks. **Note:** a survey should be conducted to verify age of youth (i.e. ask several adults at a mall if they think the youth is (16, 17, 18, 19, 20). Identify potential youth inspectors through the following: scout groups, schoolteachers and counselors, theater groups, youth councils, church youth groups, SADD chapters, coalition members' children, PRIDE groups, YMCA, etc.

What is the responsibility of Chaperones?

You are responsible for driving the youth inspector between sites and for the safety of the teen at all times. Carry the parental permission slips and emergency phone numbers. Seat belts and any other safety protocols must take place. Ideally, male chaperones should be paired with male teens and female chaperones should be paired with female teens unless related. Each Adult chaperone must accompany each youth inspector and witness the attempted tobacco purchase. Make sure the team is aware of the procedures or plan. Your team does not want to give the impression of being together, nor should you announce the purpose of your visit.

Criteria and [guidance](#) for an adult chaperone are: Training as to the roles and responsibilities of a chaperone; good driving record; current driver's license; proof of vehicle insurance; and a willingness to give encouragement and support to the youth inspector during the attempted buy.

Confidence is the key to a youth inspector successfully conducting a compliance check/making an attempted tobacco purchase. When instructing the youth inspector on what to do, emphasize that the goal is for outlets to stop providing tobacco products to children. Make it clear that if a clerk asks them for identification or refuses to sell tobacco products or give change for the vending machine, it represents success on the part of the vendor, not failure on the part of the youth inspector.

What is Michigan Prevention Data System?

MDHHS requires prevention/DYTUR providers to submit data utilizing the Michigan Prevention Data System - ([MPDS](#)) [reference manual](#).

Important: Only those services funded by NMRE that have been identified in a NMRE approved plan should be entered into the [Michigan Prevention Data System \(MPDS\)](#). Data entered in the system must be for activity consistent with the prevention plan approved by NMRE and be entered in accordance with MPDS Reference Manual and NMRE guidelines. Activation/deactivation for MPDS user/staff upon request to providersupport@nmre.org.

or contact the NMRE Prevention Coordinator. MPDS entries must be completed monthly or within 60 days of service. (NMRE Provider Prevention Contract 2019). On [the DFNM webpage](#) there is a cheat sheet for entering Synar checks into MPDS.

How do I send my documents to the NMRE?

All documents are sent to providersupport@nmre.org with a Subject of name of which provider and name of documents EX. CHS Law Enforcement Letters.

Check List and Timeline

A timeline will be created by the State each FY, to assist DYTUR in coordinating this project. The PIHP will modify with other dates required by the PIHP. See Calendar below for a general Timeline information and documentation.

WHEN	WHAT	RESPONSIBLE	Documents
January	Attend SYNAR Meeting in Lansing	DYTUR & NMRE	
January	NMRE MEETING #1	DYTUR & NMRE	
January	Retailer Education Packets sent to DYTUR	MDHHS & NMRE	MDHHS will create and send to NMRE
January	Begin reviewing and revising Master Retailer List of Tobacco Retailers in the NMRE region.	DYTUR	
March	Return revised MRL to NMRE	DYTUR	
March	NMRE sends MRL to STATE	NMRE	NMRE will compile to one document and send to MDDHS
March	Begin conducting NON-Synar Checks	DYTUR	Use template Protocol Form
March	Begin conducting Vendor Education	DYTUR	NMRE will add extra rows on the MRL spreadsheet for VE
March	Contact Law Enforcement/Prosecuting Attorneys for Vendor visits, warnings, or citations given to tobacco retailers. Provide copies to NMRE	DYTYR	Sample Letters
March	NMRE MEETING #2 Send updated Process	DYTUR & NMRE	NMRE Synar Instructions
April	Attend SYNAR Meeting in Lansing	DYTUR & NMRE	
May	Send NMRE Signed Youth/Chaperone Permission Slips	DYTUR	Youth Permission slips
May	Send NMRE Non-Synar & Vendor Education documents	DYTUR	Protocol Forms MRL/VE Spreadsheet
May	Train Students and Chaperones for Compliance Checks; have them fill out proper documentation	DYTUR	
May	Receive Retailer List for Synar Compliance Check and Protocol Forms	MDHHS	
May	Map out which youth will do what sites	DYTUR	
June	Recruit Students and Chaperones for Synar Compliance Check	DYTUR	
June	Synar Compliance checks	DYTUR	
July	Send Documents to NMRE support@nmre.org	DYTUR	1.MRL List 2. Mail Hard Copies Protocol Forms 3. email Elec copies Protocol Forms 4. Compliance Check Results Spreadsheet
July	Send Compliance Check List and Hard copies of protocol forms to State	NMRE	Compile to one excel sheet, fill out end of year YAT form, snail mail hard copies
August	Send out Follow up letters to Retailers	DYTUR	
October	Send Documents to NMRE	DYTUR	YAT Form, Permission slips, LE Letters, LE Letters, VE Packet
October	Send MDHHS YAT Report to State per contract reporting requirements	NMRE	Youth Access Tobacc Activity from MDHHS

Contracted NMRE DYTUR Provider Responsibilities

1. Attend required NMRE and/or State DYTUR Synar meetings.
2. Ensure timely and accurate completion of reporting guidelines.
3. Ensure the proper documentation for youth required to do the checks; employment, permissions, work permits,. DYTURs can be used as a volunteer for resume, college applications and/or school responsibilities.