

Enter 06 for Other and also specify in Corrections column.

2. Type of Outlet

Indicate what type of compliance check/inspection was conducted at the retailer.

Enter "OTC" for over the counter

Enter "VM" for vending machine

3. Is Outlet Eligible?

If yes, enter 1 and go to 4b.

If no, enter 0 and go to 4a.

Edit check: All those indicating "0" for column 3, must complete column 4a, and then leave columns 4b-11 blank.

4a. For Ineligible outlets enter the reason why they are not:

Enter I1 if out of business

Enter I2 if does not sell tobacco products

Enter I3 if inaccessible by youth

Enter I4 if private club/personal residence

Enter I5 if temporary long-term closure

Enter I6 if unable to locate

Enter I7 if wholesale or carton only

Enter I8 if vending machine is out of order

Enter I9 if duplicate listing

Use I10 if Other, and also specify in the Corrections column

If an entry is made in column 4a, leave columns 4b-11 blank.

4b. If Outlet was eligible, was inspection completed?

If yes, enter EC, and go to 5.

If no, enter 0, and go to 4c.

Edit check: All those indicating "0" for column 4b must have a code N1 thru N9 in Column 4c, and then leave columns 5-11 blank. (Note: N1 and N8 are not valid entries for Synar checks; the vendor must be revisited.)

4c. If eligible, but compliance check was NOT completed, indicate the reason:

~~Enter N1 was in operation but closed at time of visit (Invalid for Synar)~~

Enter N2 if unsafe to access

Enter N3 if there was Police presence

Enter N4 if youth knows the salesperson

Enter N5 if vendor has moved to a new location

Enter N6 if vendor is "drive thru only" and youth has no driver's license

Enter N7 if vendor sold tobacco but was currently "Out of stock"

~~Enter N8 if inspection was not completed because inspection ran "Out of time" (Invalid for Synar)~~

Enter N9 if inspection was not completed for any other reason.

If an entry is made into column 4c, leave columns 5-11 blank.

5. Was buy attempt successful?

Enter 1 if buy attempt was successful

Enter 0 if buy attempt was not successful

Edit check: All those indicating "EC" for column 4b must have a 1 or a 0 for column 5. Those indicating 0 for column 3 or 4b should leave this and columns 6-11 blank.

**Michigan Department of Community Health
Office of Drug Control Policy - Prevention Section**

**Formal Synar Survey Protocol
General Compliance Check Information
May 2008**

This project is part of a larger effort to determine the successful sales rates of tobacco products to minors (under age 18) as part of Michigan's compliance with the Synar amendment. Failure to complete this project, and complete it successfully, may result in significant loss of federal dollars for substance abuse prevention and treatment in Michigan.

The outlets selected for this survey will not be prosecuted during the formal Synar survey process. Because no purchase will actually take place, there will be no legal or administrative consequences or liability for the teens, chaperones, or retailer. (Refer also to section 772.642 of the attached Michigan Youth Tobacco Act 31 of 1915; current as of 05/08.)

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

The survey involves visiting randomly selected outlets that sell tobacco products, either over-the-counter or through vending machines. The youth inspector will enter the outlet, attempt to make a tobacco purchase, and record the results. The adult chaperone will need to drive the youth inspectors and oversee the purchase attempts.

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

Fifteen, sixteen and seventeen year old teens can be recruited for this project as youth inspectors. Be sure to balance the USE of these ages. Any compliance checks conducted with youth outside this age range will need to be redone. 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. Identify potential youth inspectors through the following: scout groups, school teachers and counselors, theater groups, youth councils, church youth groups, SADD chapters, coalition members' children, PRIDE groups, YWCA, YMCA and other youth groups. Parental permission is **required** for a teen to participate as a youth inspector. Please be sure that the parent or guardian of the teen signs the permission slip, which includes a release of liability statement.

An adult chaperone **must** accompany each youth inspector and witness the attempted tobacco purchase. Male chaperones should be paired with male teens and female chaperones should be paired with female teens. Ideally, two or more teens should be on a team.

Formal Synar Survey Protocol
General Compliance Check Information
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Criteria of an adult chaperone are: trained as to their roles and responsibilities as a chaperone, good driving record, current driver's license, proof of vehicle insurance and a willingness to give encouragement and support to the 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 ultimate goal is for outlets to stop providing cigarettes 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.

See below for a list of other related documentation, including sample letters. Feel free to use or adapt these materials as necessary. Please contact Tine Laux, (517) 335-3032, lauxt@michigan.gov, with any questions or concerns. Thank you for your cooperation!

**Michigan Department of Community Health
Office of Drug Control Policy - Prevention Section**

**INSTRUCTIONS FOR THE COMPLETION OF THE
YOUTH TOBACCO ACT COMPLIANCE CHECK REPORTING FORM
(Revised June 2008)**

Coordinating Agency: Pre-filled by ODCP

Record #: Pre-filled by ODCP

Inspection Date: Write the month, day and year on which the compliance check is being conducted, in this format (MM/DD/YY), and in provided spaces.

Time of Visit: Write the time that the check was conducted, such as 3:41 – then indicate by marking the appropriate box whether it was a.m. or p.m.

Youth Inspector:

Name/ID #: Print the name of the youth inspector conducting the compliance check. Then, after the slash mark, write in the five-character youth inspector ID number, designed from a preordained pattern and assigned by the CA. The first three characters are alpha indicators of the CA region in which the youth inspector will be conducting the compliance checks. The remaining two characters are numbers assigned by the CA to each youth inspector. Each character must be filled. Therefore, after the CA alpha indicator, the number characters will begin with 01, 02, 03 ...10, 11, etc, continuing until all youth inspectors being utilized in the CA region have a unique ID number. Technically, you could go up to, but not exceed 99.

Age/Date of Birth: Write in the age and birth date – month, day, and year(MM/DD/YY), of the youth inspector.

Gender: Indicate the gender of the youth inspector by marking the corresponding box for male or female.

Adult Chaperone:

Name/ID #: Enter the name of the adult chaperone supervising/conducting the compliance check. Then, after the slash mark write in the five character adult chaperone ID number, designed from a preordained pattern and assigned by the CA. The first three characters are alpha indicators of the CA region in which the adult chaperone will be conducting the compliance checks. The remaining two characters are numbers assigned by the CA to each adult chaperone. Each character must be filled. Therefore, after the CA alpha indicator, the number characters will begin with 01, 02, 03 ...10, 11, etc, continuing until all adult chaperons being utilized in the CA region have a unique ID number. Technically, you could go up to, but not exceed 99.

INSTRUCTIONS FOR THE COMPLETION OF THE
SURVEY COMPLIANCE CHECK FORM
YOUTH TOBACCO ACT

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Outlet Information: Pre-filled by ODCP

Name or Address Correction: Following the direction for each address element outlined above, provide any and all corrected information in this space. Please do not correct the address by crossing out old information and writing over it. Write the correct information in the correction space provided.

1. **Type of Retailer:** Indicate the type of retailer- grocery, convenience, gas station, etc., by marking the corresponding box next to the identified type. If a type of retailer other than those listed is visited please mark "Other" and specify what type of retailer it was, in writing in the space provided.
2. **Type of Outlet:** Indicate what type of compliance check/inspection was conducted at the retailer by marking the box corresponding with either "over the counter" or "vending machine".
3. **Is Outlet Eligible?** If the outlet is eligible for the Synar Survey process, indicate by marking the box next to "Yes" and go to question #4b. If not eligible, complete #4a, then skip to signatures.
- 4a. **If no, check one of the following reasons:** Indicate why the outlet was not eligible by marking the box corresponding with the reason. If identifying a reason other than those listed mark the box next to "Other", and please specify the reason in writing in the space provided.
- 4b. **If Outlet was Eligible, was inspection completed?** If you were able to complete the compliance check/inspection indicate by marking the corresponding box next to "Yes" and go on to #5. If "No", complete #4c, then skip to signatures.
- 4c. **If no, check one of the following reasons:** If the outlet is eligible for the Synar Survey process, and the compliance check/inspection was not completed indicate why by marking the box corresponding with the reason that it could not be completed. If identifying a reason other than those listed mark the box next to "Other", and please specify the reason in writing in the space provided. **The following reasons are excluded from use for the Michigan Synar Survey process:** (N1) In operation but closed at the time of visit, and (N8) Run out of time.
5. **If inspection was completed, was buy attempt successful?** Indicate whether or not the buy attempt was successful by marking the appropriate box.
6. **Clerk Age/ID question?** Indicate whether or not the Clerk asked how old you were and/or asked to see your identification by checking the appropriate box. If the clerk asked both, then check both. If the clerk did not ask either question, check the box indicating that they did not ask either one.

INSTRUCTIONS FOR THE COMPLETION OF THE
SURVEY COMPLIANCE CHECK FORM
YOUTH TOBACCO ACT

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7. **What was the clerk's gender?** Indicate whether the clerk who assisted you was male or female by marking the appropriate box.
8. **What was the race/ethnicity of the clerk?** Please indicate, to the best of your ability, the race/ethnicity of the clerk. Indicate by marking one of the boxes from the selection provided.
9. **I had to ask for tobacco from behind the counter.** Indicate whether you had to ask the clerk to get you the tobacco you requested from behind the counter by marking the appropriate box.
10. **Was a Youth Tobacco Act Sign posted?** Indicate whether the Michigan Youth Tobacco Act Sign was posted either in the store or on the vending machine by marking the appropriate box. (The WE CARE sign, Birth date Sign, or any other sign does not count as a replacement for the official MYTA sign.)
11. **Was the outlet selling "loosies"?** Indicate whether the outlet had loosies (single cigarettes) available for sale by marking the appropriate box.

Comments: Write any pertinent comments in this space that were made to the youth inspector while the compliance check/inspection was being conducted.

Youth Inspector Signature: The youth inspector will need to sign each form in this designated space.

Adult Chaperone Signature: The adult chaperone will need to sign each form in this designated space.

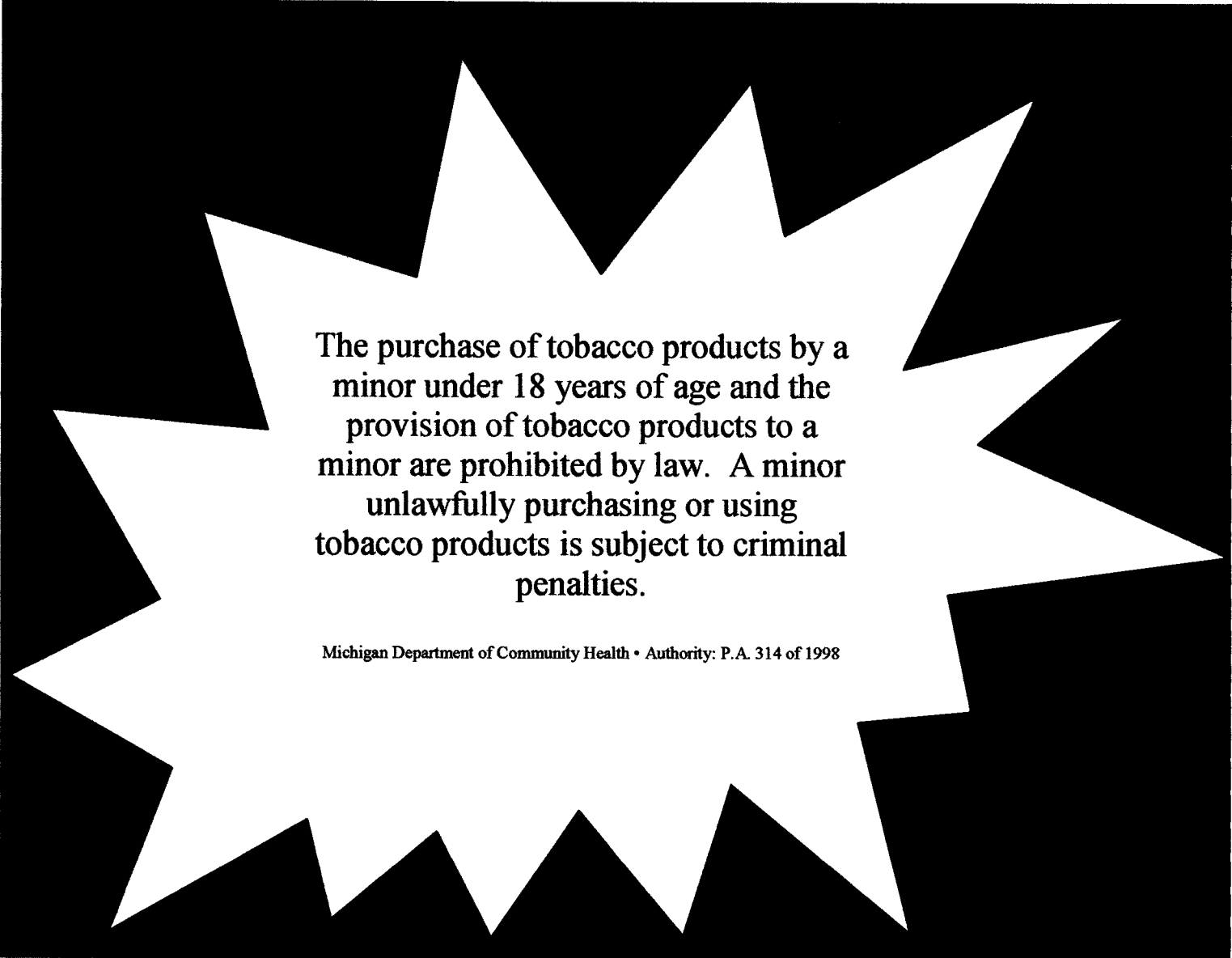
**INSTRUCTIONS FOR THE COMPLETION OF THE
SURVEY COMPLIANCE CHECK FORM
YOUTH TOBACCO ACT**

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**Youth Inspector – ID Number
CA Alpha Indicators**

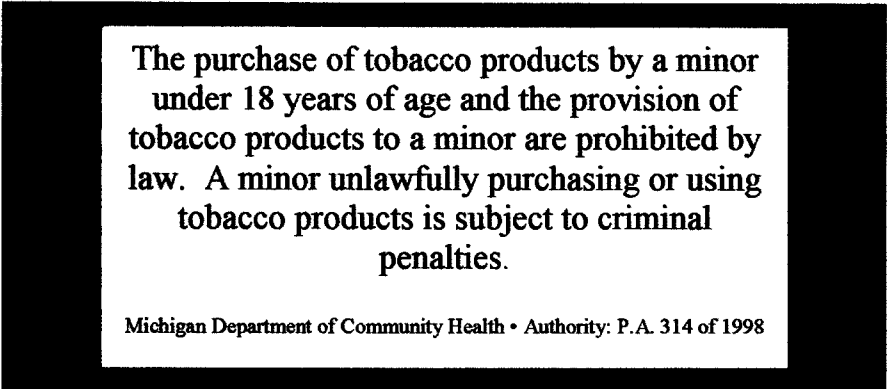
As explained under “**Youth Inspector**”, the first three placements of the five placement youth inspector ID number are alpha indicators of the CA region in which the youth inspector will be conducting Synar Survey compliance checks/inspections. Listed below are the three placement alpha indicators for each CA.

BAY – Bay/Arenac
DET – Detroit
GEN – Genesee
KAL – Kalamazoo
KNT – Kent (now network180)
LKS – Lakeshore
MAC – Macomb
MSO – Mid-South
NOR – Northern
OAK – Oakland
PTH – Pathways
SGW – Saginaw
SEM – SEMCA
STC – St. Clair
WAL – Washtenaw/Livingston
WUP – Western UP



The purchase of tobacco products by a minor under 18 years of age and the provision of tobacco products to a minor are prohibited by law. A minor unlawfully purchasing or using tobacco products is subject to criminal penalties.

Michigan Department of Community Health • Authority: P.A. 314 of 1998



The purchase of tobacco products by a minor under 18 years of age and the provision of tobacco products to a minor are prohibited by law. A minor unlawfully purchasing or using tobacco products is subject to criminal penalties.

Michigan Department of Community Health • Authority: P.A. 314 of 1998



YOUTH TOBACCO ACT
Act 31 of 1915

AN ACT to prohibit the selling, giving, or furnishing of tobacco products to minors; to prohibit the purchase, possession, or use of tobacco products by minors; to regulate the retail sale of tobacco products; to prescribe penalties; and to prescribe the powers and duties of certain state agencies and departments.

History: 1915, Act 31, Eff. Aug. 24, 1915;—Am. 1988, Act 314, Eff. Mar. 30, 1989;—Am. 1992, Act 272, Imd. Eff. Dec. 16, 1992;—Am. 2006, Act 236, Eff. Sept. 1, 2006.

The People of the State of Michigan enact:

722.641 Selling, giving, or furnishing tobacco products to minor prohibited; misdemeanor; penalty; sign required; copies of sign; affirmative defense; notice; rebuttal testimony; notice of rebuttal; exception.

Sec. 1. (1) A person shall not sell, give, or furnish a tobacco product to a minor. A person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than \$50.00 for each violation.

(2) A person who sells tobacco products at retail shall post, in a place close to the point of sale and conspicuous to both employees and customers, a sign produced by the department of community health that includes the following statement:

"The purchase of tobacco products by a minor under 18 years of age and the provision of tobacco products to a minor are prohibited by law. A minor unlawfully purchasing or using tobacco products is subject to criminal penalties."

(3) If the sign required under subsection (2) is more than 6 feet from the point of sale, it shall be 5-1/2 inches by 8-1/2 inches and the statement required under subsection (2) shall be printed in 36-point boldfaced type. If the sign required under subsection (2) is 6 feet or less from the point of sale, it shall be 2 inches by 4 inches and the statement required under subsection (2) shall be printed in 20-point boldfaced type.

(4) The department of community health shall produce the sign required under subsection (2) and have adequate copies of the sign ready for distribution to licensed wholesalers, secondary wholesalers, and unclassified acquirers of tobacco products free of charge. Licensed wholesalers, secondary wholesalers, and unclassified acquirers of tobacco products shall obtain copies of the sign from the department of community health and distribute them free of charge, upon request, to persons who are subject to subsection (2). The department of community health shall provide copies of the sign free of charge, upon request, to persons subject to subsection (2) who do not purchase their supply of tobacco products from wholesalers, secondary wholesalers, and unclassified acquirers of tobacco products licensed under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436.

(5) It is an affirmative defense to a charge under subsection (1) that the defendant had in force at the time of arrest and continues to have in force a written policy to prevent the sale of tobacco products to persons under 18 years of age and that the defendant enforced and continues to enforce the policy. A defendant who proposes to offer evidence of the affirmative defense described in this subsection shall file and serve notice of the defense, in writing, upon the court and the prosecuting attorney. The notice shall be served not less than 14 days before the date set for trial.

(6) A prosecuting attorney who proposes to offer testimony to rebut the affirmative defense described in subsection (5) shall file and serve a notice of rebuttal, in writing, upon the court and the defendant. The notice shall be served not less than 7 days before the date set for trial and shall contain the name and address of each rebuttal witness.

(7) Subsection (1) does not apply to the handling or transportation of a tobacco product by a minor under the terms of that minor's employment.

History: 1915, Act 31, Eff. Aug. 24, 1915;—CL 1915, 5185;—CL 1929, 12826;—CL 1948, 722.641;—Am. 1972, Act 29, Imd. Eff. Feb. 19, 1972;—Am. 1988, Act 314, Eff. Mar. 30, 1989;—Am. 2006, Act 236, Eff. Sept. 1, 2006.

722.642 Prohibited conduct by minor; violation as misdemeanor; penalty; participation in health promotion and risk reduction assessment program; costs; community service; exceptions; other violations.

Sec. 2. (1) Subject to subsection (3), a minor shall not do any of the following:

- (a) Purchase or attempt to purchase a tobacco product.
- (b) Possess or attempt to possess a tobacco product.
- (c) Use a tobacco product in a public place.

(d) Present or offer to an individual a purported proof of age that is false, fraudulent, or not actually his or

her own proof of age for the purpose of purchasing, attempting to purchase, possessing, or attempting to possess a tobacco product.

(2) An individual who violates subsection (1) is guilty of a misdemeanor punishable by a fine of not more than \$50.00 for each violation. Pursuant to a probation order, the court may also require an individual who violates subsection (1) to participate in a health promotion and risk reduction assessment program, if available. An individual who is ordered to participate in a health promotion and risk reduction assessment program under this subsection is responsible for the costs of participating in the program. In addition, an individual who violates subsection (1) is subject to the following:

(a) For the first violation, the court may order the individual to do 1 of the following:

(i) Perform not more than 16 hours of community service in a hospice, nursing home, or long-term care facility.

(ii) Participate in a health promotion and risk reduction program, as described in this subsection.

(b) For a second violation, in addition to participation in a health promotion and risk reduction program, the court may order the individual to perform not more than 32 hours of community service in a hospice, nursing home, or long-term care facility.

(c) For a third or subsequent violation, in addition to participation in a health promotion and risk reduction program, the court may order the individual to perform not more than 48 hours of community service in a hospice, nursing home, or long-term care facility.

(3) Subsection (1) does not apply to a minor participating in any of the following:

(a) An undercover operation in which the minor purchases or receives a tobacco product under the direction of the minor's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.

(b) An undercover operation in which the minor purchases or receives a tobacco product under the direction of the state police or a local police agency as part of an enforcement action, unless the initial or contemporaneous purchase or receipt of the tobacco product by the minor was not under the direction of the state police or the local police agency and was not part of the undercover operation.

(c) Compliance checks in which the minor attempts to purchase tobacco products for the purpose of satisfying federal substance abuse block grant youth tobacco access requirements, if the compliance checks are conducted under the direction of a substance abuse coordinating agency as defined in section 6103 of the public health code, 1978 PA 368, MCL 333.6103, and with the prior approval of the state police or a local police agency.

(4) Subsection (1) does not apply to the handling or transportation of a tobacco product by a minor under the terms of that minor's employment.

(5) This section does not prohibit the individual from being charged with, convicted of, or sentenced for any other violation of law arising out of the violation of subsection (1).

History: 1915, Act 31, Eff. Aug. 24, 1915;—CL 1915, 5186;—CL 1929, 12827;—CL 1948, 722.642;—Am. 1972, Act 29, Imd. Eff. Feb. 19, 1972;—Am. 1988, Act 314, Eff. Mar. 30, 1989;—Am. 2006, Act 236, Eff. Sept. 1, 2006.

722.642a Selling cigarette separately prohibited; exception; violation as misdemeanor; penalty.

Sec. 2a. (1) Except as otherwise provided in subsection (2), a person who sells tobacco products at retail shall not sell a cigarette separately from its package.

(2) Subsection (1) does not apply to a person who sells tobacco products at retail in a tobacco specialty retail store or other retail store that deals exclusively in the sale of tobacco products and smoking paraphernalia.

(3) A person who violates subsection (1) is guilty of a misdemeanor, punishable by a fine of not more than \$500.00 for each offense.

History: Add. 1992, Act 272, Imd. Eff. Dec. 16, 1992.

722.643 Noninterference with right of parent or guardian.

Sec. 3. This act does not interfere with the right of a parent or legal guardian in the rearing and management of his or her minor children or wards within the bounds of his or her own private premises.

History: 1915, Act 31, Eff. Aug. 24, 1915;—CL 1915, 5187;—CL 1929, 12828;—CL 1948, 722.643;—Am. 1972, Act 29, Imd. Eff. Feb. 19, 1972;—Am. 1988, Act 314, Eff. Mar. 30, 1989.

722.644 Definitions.

Sec. 4. As used in this act:

(a) "Minor" means an individual under 18 years of age.

(b) "Person who sells tobacco products at retail" means a person whose ordinary course of business consists, in whole or in part, of the retail sale of tobacco products subject to state sales tax.

(c) "Public place" means a public street, sidewalk, or park or any area open to the general public in a publicly owned or operated building or public place of business.

(d) "Tobacco product" means a product that contains tobacco and is intended for human consumption, including, but not limited to, cigarettes, noncigarette smoking tobacco, or smokeless tobacco, as those terms are defined in section 2 of the tobacco products tax act, 1993 PA 327, MCL 205.422, and cigars.

(e) "Use a tobacco product" means to smoke, chew, suck, inhale, or otherwise consume a tobacco product.

History: Add. 1988, Act 314, Eff. Mar. 30, 1989;—Am. 1992, Act 272, Imd. Eff. Dec. 16, 1992;—Am. 2006, Act 236, Eff. Sept. 1, 2006.

Compiler's note: Previous section 4 of this act was not compiled.

722.645 Short title.

Sec. 5. This act shall be known and may be cited as the "youth tobacco act".

History: Add. 1988, Act 314, Eff. Mar. 30, 1989.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent data collection procedures and the use of advanced analytical techniques to derive meaningful insights from the data.

3. The third part of the document focuses on the role of technology in data management and analysis. It discusses how modern software solutions can streamline data collection, storage, and analysis, thereby improving efficiency and accuracy.

4. The fourth part of the document addresses the challenges associated with data management, such as data quality, security, and privacy. It provides strategies to mitigate these risks and ensure that the data remains reliable and secure.

5. The fifth part of the document concludes by summarizing the key findings and recommendations. It stresses the importance of ongoing monitoring and evaluation to ensure that the data management processes remain effective and up-to-date.