ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB № 0930-0222

FFY 2018

State: Kansas

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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 Substance Abuse Prevention and Treatment Block Grant (SABG) (45 C.F.R. 96.130 (e)).

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 2017 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2018 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 states[1] 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 onsite technical assistance consultation.

How the Synar report can help states

The information gathered for the Synar report can help states describe and analyze substate 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.

[1]The 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) 276-2550 and ask for your respective State Project Officer, or contact your State Project Officer directly by telephone or email. If you have questions about fiscal or grants management issues, you may call the Grants Management Officer, Office of Financial Resources, Division of Grants Management, at (240) 276-1422.

Where and when to submit the Synar report

The ASR must be received by SAMHSA no later than December 31, 2017 and must be submitted in the format specified by these instructions. 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 one of the ASR certifying that the state has complied with all reporting requirements.

The state must upload one copy of the ASR using the online WebBGAS (Block Grant Application System). In addition, the following items must be uploaded to WebBGAS:

- FFY 2018 Synar Survey Results: States that use the Synar Survey Estimation System (SSES) must upload one copy of SSES Tables 1–5 (in Excel) to WebBGAS. States that do not use SSES must upload one copy of ASR Forms 1, 4, and 5, and Forms 2 and 3, if applicable, (in Excel), as well as a database with the raw inspection data to WebBGAS.
- Synar Inspection Form: States must upload one blank copy of the inspection form used to record the result of each Synar inspection.
- Synar Inspection Protocol: States must upload a copy of the protocol used to train inspection teams on conducting and reporting the results of the Synar inspections. This document should be different than the Appendix C attached to the Annual Synar Report
- A scanned copy of the signed Funding Agreements/Certifications

Each state SSA Director has been emailed a login ID and password to log onto the Synar section of the WebBGAS site.

FFY 2018: 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 AMENDMENT
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 2018 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 2018 is up-to-date and approved by the Center for Substance Abuse Prevention.
State: Kansas
Name of Chief Executive Officer or Designee: Susan Fout
Signature of CEO or Designee: Susan Fout
Title: Commissioner of Behavioral Health Services **Date Signed:** 12-18-17
If signed by a designee, a copy of the designation must be attached.

SECTION I: FFY 2017 (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. If any changes were made to the state law(s) since the last reporting year, please attach a photocopy of the law to the hard copy of the ASR and also upload a copy of the state law to WebBGAS.** *(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
   ☐ Changed definition of tobacco products
   ☐ Other change(s) *(Please describe.)* _____

   c. **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**
Vending machines	☐ **Yes**	☒ **No**
Added product categories to youth access law	☐ **Yes**	☒ **No**

2. **Describe how the Annual Synar Report** *(see 45 C.F.R. 96.130(e))* **was 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 and the date when the FFY 2018 ASR was posted to this Web address.)*

   Web address: http://www.kdads.ks.gov/commissions/behavioral-health/publications-and-reports

   Date published: 12/18/17

   ☐ 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 SABG application process
☐ Distributed through the public library system
☐ Published in an annual register
☒ Other *(Please describe.)* *Distributed for review by the Kansas Synar Advisory Group*

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

   Kansas Department for Aging and Disability Services

   Has this changed since last year's Annual Synar Report?

   ☐ **Yes** ☒ **No**

   b. **The state agency(ies)** ***responsible for conducting random, unannounced Synar inspections:***

   Kansas Department of Revenue

   Has this changed since last year's Annual Synar Report?

   ☐ **Yes** ☒ **No**

   c. **The state agency(ies)** ***responsible for enforcing youth tobacco access law(s):***

   Kansas Department of Revenue and local law enforcement agencies

   Has this changed since last year's Annual Synar Report?

   ☐ **Yes** ☒ **No**

4. **Identify the following agencies and describe their relationship with the agency responsible for the oversight of the Synar requirements.**

   a. **Identify the state agency responsible for tobacco prevention activities (the agency that receives the Centers for Disease Control and Prevention's National Tobacco Control Program funding).**
   The lead Synar agency (Kansas Department for Aging and Disability Services (KDADS) and the Kansas Tobacco Prevention Agency (Kansas Department of Health and Environment) work collaboratively through the Synar Advisory Group established in June, 2005.

   b. **Has the responsible agency changed since last year's Annual Synar Report?**
   ☐ **Yes** ☒ **No**

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

☐ 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.)* _____
☐ No relationship

d. Does a state agency contract with the Food and Drug Administration's Center for Tobacco Products (FDA/CTP) to enforce the youth access and advertising restrictions in the Family Smoking Prevention and Tobacco Control Act?
☒ **Yes** ☐ **No (if no, go to Question 5)**

e. If yes, identify the state agency responsible for enforcing the youth access and advertising restrictions in the Family Smoking Prevention and Tobacco Control Act (the agency that is under contract to the Food and Drug Administration's Center for Tobacco Products (FDA/CTP)).
Kansas Department of Revenue

f. Has the responsible agency changed since last year's Annual Synar Report?
☐ **Yes** ☒ **No**

g. Describe the coordination and collaboration that occur between the agency contracted with the FDA to enforce federal youth tobacco access laws and the agency responsible for oversight of the Synar requirements. *(Check all that apply.)* The two agencies:

☐ 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.)* _____
☐ No relationship

h. Does the state use data from the FDA enforcement inspections for Synar survey reporting?
☐ **Yes** ☒ **No**

5. **Please answer the following questions regarding the state's activities to enforce the state's youth access to tobacco law(s) in FFY 2017** *(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 state 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(ies).
   ☒ Enforcement is conducted by both local *and* state agencies.

   b. **The following items concern penalties imposed for all violations of state youth access to tobacco laws by LOCAL AND/OR STATE LAW ENFORCEMENT AGENCIES (this does not include enforcement of local laws or federal youth tobacco access laws). Please fill in the number requested. If state law does not allow for an item, please mark "NA" (not applicable). If a response for an item is unknown, please mark "UNK." The chart must be filled in completely.**

PENALTY	OWNERS	CLERKS	TOTAL
Number of citations issued	197	197	394
Number of fines assessed	197	UNK	197
Number of permits/licenses suspended	0		0
Number of permits/licenses revoked	0		0
Other *(Please describe.)*	0	0	0

   c. **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**

   If "Yes" to 5c, please describe the state's procedure for minimizing risk of bias to the survey results from retailers alerting each other to the presence of the survey teams:

   Neither CATE Team inspections nor Synar inspections are preceded by a letter of notification or any type of announcement. Because CATE and FDA inspections occur year-round and concurrently with Synar inspections, retailers have no indication or distinction between inspection types.

   d. **Which one of the following best describes the level of enforcement of state youth access to tobacco laws carried out in your state?** *(Check one category only.)*

☐ Enforcement is conducted only at those outlets randomly selected for the Synar survey.

☐ Enforcement is conducted only at a subset of outlets not randomly selected for the Synar survey.

☒ Enforcement is conducted at a combination of outlets randomly selected for the Synar survey and outlets not randomly selected for the Synar survey.

e. Did every tobacco outlet in the state receive at least one compliance check that included enforcement of the state youth tobacco access law(s) in the last year?

☐ **Yes** ☒ **No**

f. What additional activities are conducted in your state to support enforcement and compliance with state youth tobacco access law(s)? *(Check all that apply and briefly describe each activity in the text boxes below each activity.)*

☒ Merchant education and/or training

The Kansas Department of Aging and Disability Services and the Kansas Department of Revenue collaboratively established the Cigarette and Tobacco Enforcement (CATE) Team devoted to tobacco compliance and enforcement. The CATE Team is comprised of nine field inspectors, who provide statewide coverage of all 105 Kansas counties, and a staff attorney and an administrative assistant, who assist with the prosecution of the issued citations, including the administrative hearing process which may result in fines and/or suspension or revocation of the license, collect and track some of the relevant data needed to show compliance, and perform other duties that support the field staff and help carry out the mission of CATE and enforcement of the cigarette and tobacco laws.

From October 1, 2016 to September 30, 2017, the CATE Team completed 2,371 retailer inspection visits. The CATE Team performs annual inspection visits to all cigarette-tobacco licenses.

CATE conducts a minimum of one controlled buy enforcement visit at all licensed retail locations that are youth accessible and also target enforcement revisits in locations that have failed previous enforcement visits from either Synar or CATE. Revisits consist of performing an inspection, including checking for the posting of the State issued license, verifying that the required posting of signage that states that the retail dealer does not sell to persons under 18 years of age. In addition, the following are completed during a revisit: random check of cigarette packages for the State's tax stamp; confirming that the brands sold are listed on the Kansas Attorney General's directories of approved brands permitted to be sold in the state; asking the retail dealer if they retain three years of invoices on the premises; and address any questions that staff may have. CATE inspectors provide education and information to discuss the techniques to verify age when a Kansas driver's license is presented. Sample driver's licenses are shown and discussed with available staff, noting the slogan, "vertical and green, not 18," as an age verification identifier of the Kansas driver's license.

CATE inspectors conducts **educational visits** as well as inspections. On an education visit, licensees may be given a written warning for any violations found, whereas at the actual inspection, licensees may be issued a written citation for the violations. The inspector will have an employee or manager, if available, sign the checklist and leave a

business card for the licensee to call for further retailer training or questions they may have at a later date. Inspectors also note that the CATE Team will be periodically performing inspections to curb sales of tobacco to minors by sending an underage youth into the establishment to attempt to purchase cigarettes.

CATE maintains a database with updates from the enforcement activities; provides timely information upon request from KDADS to assist with the monitoring, evaluating, planning, and data collecting of the Synar effort.

☐ Incentives for merchants who are in compliance (e.g., nonenforcement compliance checks in which compliant retailers are given positive reinforcement and noncompliant retailers are warned about youth access laws)

☐ Community education regarding youth access laws

☐ Media use to publicize compliance inspection results

☐ Community mobilization to increase support for retailer compliance with youth access laws

☒ Other activities *(Please list.)* *Additional Enforcement and Inspector Synar protocol and data collection training; Supplemental Synar Analysis Report*

Synar protocol and data collection training

The lead Cigarette Tobacco Manager together with the lead Synar analyst contracted by KDADS, presented a Synar protocol refresher course to all CATE inspectors in the state on May 11, 2017. The purpose of the training was to ensure that all inspectors conducting the Synar inspections were fully informed of proper protocol and procedures.

Supplemental Synar Analysis Report

After the Synar cycle each year, a report is developed to further analyze violations. A 'hot spot' map is created to help determine areas where additional education visits might be needed. The report also analyzes violations in relation to clerk and UCI gender and age and whether age was asked and ID was checked.

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 2017 (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.

a. If yes, describe how and when this change was communicated to SAMHSA

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)).*

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 to the hard copy of the ASR and upload a copy of SSES tables 1–5 (in Excel) to WebBGAS. Then go to Question 8. If **No,** continue to Question 7b.*

b. Report the weighted and unweighted Retailer Violation Rate (RVR) estimates, the standard error, accuracy rate (number of eligible outlets divided by the total number of sampled outlets), and completion rate (number of eligible outlets inspected divided by the total number of eligible outlets).

Unweighted RVR _____

Weighted RVR _____

Standard error (s.e.) of the (weighted) RVR _____

Fill in the blanks to calculate the <u>right limit</u> of the right-sided 95% confidence interval.

	+	(1.645	×	)	=	
RVR Estimate	**plus**	(1.645	**times**	**Standard Error)**	**equals**	**Right Limit**

Accuracy rate _____

Completion rate _____

c. **Fill out Form 1 in Appendix A (Forms 1–5).** *(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 1–5) *(Attach completed Form 2.)*

☐ Other *(Please specify. Provide formulas 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 **Yes**, fill out and attach Form 3 in Appendix A (Forms 1–5), and answer the following question.*

*If **No**, go to Question 7g.*

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 noncompletion)	
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 1–5).**

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 Sampling frame coverage study:** 2017

b. **Percent coverage from the latest Sampling 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:** 2022

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. **If Yes, describe how and when this change was communicated to SAMHSA**

b. **Provide the inspection period: From** 06/01/17 (MM/DD/YY) **to** 09/30/17 (MM/DD/YY)

c. **Provide the number of youth inspectors used in the current inspection year:**

20

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

d. **Fill out and attach Form 5 in Appendix A (Forms 1–5).** *(Not required if the state used SSES to analyze the Synar survey data.)*

SECTION II: FFY 2018 (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:**

   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 2018. 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 Kansas Department for Aging and Disability Services will work collaboratively with the Kansas Department of Revenue to continue the efforts of the Cigarette and Tobacco Enforcement Team. Activities will encompass year-round checks that include educational visits, enforcement visits and controlled buys.

   The Synar Advisory Group (SAG), composed of state agencies, retailers, and non-profit organizations will meet biannually to review the Annual Synar Report to review the data from the CATE inspections and make additional education visits as needed. Members of the SAG will also contribute to a comprehensive State tobacco prevention plan. This effort will be undertaken specifically by the Kansas Department of Health and Environment through the Tobacco Free Kansas Coalition.

3. **Describe any challenges the state faces in complying with the Synar regulation.** *(Check all that apply and describe each challenge in the text box below it.)*

   ☒ Limited resources for law enforcement of youth access laws

   Resources continue to be limited due to local and state level staffing issues particularly for coverage in rural areas. In addition, state revenues continue to decline as a result of the economy and significant budget cuts.

   ☐ 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

Kansas law prohibits minors from attempting to purchase tobacco. However, there are statutory exceptions provided in KSA 79-3394. The specific language of this statute is:

No persons shall engage or direct a minor to violate any provision of this act for purposes of determining compliance with provisions of this act of the Kansas consumer protection act unless such persons has procured the written consent of a parent or guardian of the minor to so engage or direct the minor and such person is:

a) An officer having authority to enforce the provisions of this act;
b) An authorized representative of the attorney general, a county attorney or a district attorney; or
c) An authorized representative of a business acting pursuant to a self-compliance program designed to increase compliance with the provisions of this act.

History: L.1996, ch.214 17: July 1.

☒ Difficulties recruiting youth inspectors

Youth are recruited from a variety of groups including SADD, ROTC, churches, Boy Scouts, and local law enforcement referrals. Due to the lack of set hours, dates of inspections, and busy or conflicting schedules of youth, recruitment and continued employment of the Underage Cooperating Individuals (UCIs) is challenging.

☐ Issues regarding the balance of inspections conducted by youth inspectors age 15 and under

☐ Issues regarding the balance of inspections conducted by one gender of youth inspectors

☒ Geographic, demographic, and logistical considerations in conducting inspections

Kansas is 400 miles long and 210 miles wide. These 82,823 square miles constitute 105 counties that, for the purposes of Synar sampling, are divided into four strata based on natural pupation breakpoints from the 6-17 year old population of the 2000 U.S. Census. The majority of counties (69) reside in 'sparse rural' areas. CATE visits to all licensed retail locations per year is challenging given the demographic and logistical considerations in Kansas

☒ Cultural factors (e.g., language barriers, young people purchasing for their elders)

Language barriers exist within ethnic and cultural groups. Due to multiple dialects, the state is challenged to provide resources and material that are culturally competent and intelligent.

☐ Issues regarding sources of tobacco under tribal jurisdiction

☐ Other challenges *(Please list.)*_____

APPENDIX A: FORMS 1–5

SSES Table 1 (Synar Survey Estimates and Sample Sizes)

CSAP-SYNAR REPORT

State	KS
Federal Fiscal Year (FFY)	2018
Date	11/29/2017 :348
Data	Final SSES Ready Controlled Buys 11-29-2017.xlsx
Analysis Option	Stratified SRS with FPC

Estimates

Unweighted Retailer Violation Rate	10.1%
Weighted Retailer Violation Rate	11.5%
Standard Error	1.9%
Is SAMHSA Precision Requirement met?	NO
Right-sided 95% Confidence Interval	[0.0%, 14.6%]
Two-sided 95% Confidence Interval	[7.8%, 15.1%]
Design Effect	1.1
Accuracy Rate (unweighted)	96.3%
Accuracy Rate (weighted)	96.8%
Completion Rate (unweighted)	95.2%

Sample Size for Current Year

Effective Sample Size	232
Target (Minimum) Sample Size	256
Original Sample Size	347
Eligible Sample Size	334
Final Sample Size	318
Overall Sampling Rate	13.5%

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

STATE: KS
FFY: 2018

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	643	600	N/A	N/A	105	98	93	10	10.8%	
2	2	509	489	N/A	N/A	102	98	94	4	4.3%	
3	3	751	735	N/A	N/A	96	94	89	10	11.2%	
4	4	545	545	N/A	N/A	44	44	42	8	19.0%	
Total		2,448	2,369			347	334	318	32	11.5%	1.9%
	Over the Counter Outlets										
1	1	643	587	N/A	N/A	99	92	91	8	8.8%	
2	2	509	484	N/A	N/A	100	97	93	4	4.3%	
3	3	751	727	N/A	N/A	94	92	88	10	11.4%	
4	4	545	545	N/A	N/A	44	44	42	8	19.0%	
Total		2,448	2,343			337	325	314	30	11.0%	1.9%
	Vending Machines										
1	1	0	13	N/A	N/A	6	6	2	2	100.0%	
2	2	0	5	N/A	N/A	2	1	1	0	0.0%	
3	3	0	8	N/A	N/A	2	2	1	0	0.0%	
4	4	0	0	N/A	N/A	0	0	0	0	0.0%	
Total		0	26			10	9	4	2	48.9%	23.3%

SSES Table 3 (Synar Survey Sample Tally Summary)

STATE: KS
FFY: 2018

Disposition Code	Description	Count	Subtotal
EC	Eligible and inspection complete outlet	318	
Total (Eligible Completes)			318
N1	In operation but closed at time of visit	14	
N2	Unsafe to access	1	
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	1	
N8	Run out of time	0	
N9	Other noncompletion	0	
Total (Eligible Noncompletes)			16
I1	Out of Business	9	
I2	Does not sell tobacco products	3	
I3	Inaccessible by youth	0	
I4	Private club or private residence	1	
I5	Temporary closure	0	
I6	Unlocatable	0	
I7	Wholesale only/Carton sale only	0	
I8	Vending machine broken	0	
I9	Duplicate	0	
I10	Other ineligibility	0	
Total (Ineligibles)			13
Grand Total			347

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

STATE:KS
FFY:2018

Frequency Distribution

Gender	Age	Number of Inspectors	Attempted Buys	Successful Buys
Male	14	0	0	0
	15	0	0	0
	16	6	132	12
	17	3	19	4
	18	0	0	0
	Subtotal	9	151	16
Female	14	0	0	0
	15	0	0	0
	16	7	124	10
	17	4	43	6
	18	0	0	0
	Subtotal	11	167	16
Other		0	0	0
Grand Total		20	318	32

Buy Rate in Percent by Age and Gender

Age	Male	Female	Total
14	0.0%	0.0%	0.0%
15	0.0%	0.0%	0.0%
16	9.1%	8.1%	8.6%
17	21.1%	14.0%	16.1%
18	0.0%	0.0%	0.0%
Other			0.0%
Total	10.6%	9.6%	10.1%

APPENDIXES B & C: FORMS

Instructions

Appendix B (Sampling Design) and Appendix C (Inspection Protocol) are to reflect the state's CSAP-approved sampling design and inspection protocol. These appendixes, therefore, should generally describe the design and protocol and, with the exception of Question #10 of Appendix B, are not to be modified with year-specific information. Please note that any changes to either appendix must receive CSAP's advance, written approval. To facilitate the state's completion of this section, simply cut and paste the previously approved sampling design (Appendix B) and inspection protocol (Appendix C) and respond to Question #10 of Appendix B to provide the requested information about sample size calculations for the Synar survey conducted in FFY 2017.

APPENDIX B: SYNAR SURVEY SAMPLING METHODOLOGY

State: Kansas
FFY: 2018

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
Kansas Department of Revenue (KDOR) / Division of Taxation	3	KDOR/Division of Taxation maintains a database of all tobacco licenses and vending machine permits in Kansas.	Licenses to sell cigarettes in the State of Kansas are valid for a maximum to two years. All licenses expire on December 31st of odd years and must be renewed by January 1st of even years, regardless of issue date.

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(s) they are not included in the Synar survey. Please check all that apply.*

   ☐ State law bans vending machines.
   ☐ State law bans vending machines from locations accessible to youth.

☐ State has a contract with the FDA and is actively enforcing the vending machine requirements of the Family Smoking Prevention and Tobacco Control Act.

☐ Other *(Please describe.)* _____

*If **Yes**, please indicate how likely it is that vending machines will be sampled.*

☐ Vending machines are sampled separately to ensure vending machines are included in the sample

☒ Vending machines are sampled together with over the counter outlets, so it is possible that no vending machines were sampled, however they are included in the sampling frame and have a non-zero probability of selection

☐ Other reasons *(Please describe.)*_____

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

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

Unstratified statewide sample:

☐ Simple random sample *(Go to Question 9.)*

☐ Systematic random sample *(Go to Question 6.)*

☐ Single-stage cluster sample *(Go to Question 8.)*

☐ Multistage 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.)*

☐ Multistage 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.**

Kansas is about 400 miles long and 210 miles wide. These 82,823 square miles constitute 105 counties that for purposes of Synar sampling are divided into four strata based on natural population breakpoints from the 6-17 year old population of the U.S. Census data to accurately reflect the current demographics in the state. The six counties in stratum 2 are considered "quasi-urban." Stratum 3 has 28 counties considered to be "medium-sized rural" and the majority of counties (69) reside in stratum 4 'sparse rural' areas.

   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 multistage 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 following information about determining the Synar Sample.**

   a. **Was the Synar Survey Estimation System (SSES) used to calculate the sample size?**
   ☒ **Yes** *(Respond to part b.)*
   ☐ **No** *(Respond to part c and Question 10c.)*

   b. **SSES Sample Size Calculator used?**
   ☐ **State Level** *(Respond to Question 10a.)*
   ☒ **Stratum Level** *(Respond to Question 10a and 10b.)*

   c. **Provide the formulas for determining the effective, target, and original outlet sample sizes.**

The SSES sample size calculator is used to estimate the sample size. To ensure the study meets SAMHSA's precision requirement, a safety margin of 25% was applied. The formula for calculating the effective sample size, n_e, is based on page 35 (formula S3.4) of the Sample Design Guidance. It is written as:

$$n_e = \frac{1}{\left(\frac{(0.0182)^2}{P(1-P)} + \frac{1}{N}\right)},$$

where P is the expected Retail Violation Rate (RVR) (for which the previous year's RVR can be used), 0.0182 is the standard error of the estimate for 3% margin of error for one-sided 95% confidence interval, and N is the outlet population (frame) size. The target sample size should be derived as the effective sample size multiplied by the design effect ($n_t = dn_e$).

The original sample size is determined by inflating the target sample size by the expected eligibility rate (r_l) and the expected completion rate (r_c). The original sample size can be written as:

$$n_o = \frac{n_t}{r_l r_c}.$$

Where r_l = the eligibility rate from the previous year's survey and r_c = the completion rate from the previous year's survey.

10. Provide the following information about sample size calculations for the Synar survey conducted in FFY 2017.

a. If the state uses the sample size formulas embedded in the SSES Sample Size Calculator to calculate the state level sample size, please provide the following information:

Inputs for Effective Sample Size:
RVR: 8.36%
Frame Size: 2,448

Input for Target Sample Size:
Design Effect: 1.1

Inputs for Original Sample Size:
Safety Margin: 25%
Accuracy (Eligibility) Rate: 97.13%
Completion Rate: 95.07%

b. If the state uses the sample size formulas embedded in the SSES Sample Size Calculator to calculate the stratum level sample sizes, please provide the stratum level information:

Stratum ID	Stratum size	Stratum RVR 2017	Cost weight of inspections	Stratum Sample Size [Optimum]
1	643	4.8	1	105
2	509	7.4	1	102
3	751	12.6	4	96
4	545	7.2	6	44
				347

c. If the state does not use the sample size formulas embedded in the SSES Sample Size Calculator, please provide all inputs required to calculate the effective, target, and original sample sizes as indicated in Question 9.

APPENDIX C: SYNAR SURVEY INSPECTION PROTOCOL SUMMARY

State: Kansas
FFY: 2018

Note: Upload to WebBGAS a copy of the Synar inspection form under the heading "Synar Inspection Form" and a copy of the protocol used to train inspection teams on conducting and reporting the results of the Synar inspections under the heading "Synar Inspection Protocol."

1. **How does the state Synar survey protocol address the following?**

   a. **Consummated buy attempts?**

   ☒ Required
   ☐ Permitted under specified circumstances (Describe:)
   ☐ Not permitted

   b. **Youth inspectors to carry ID?**

   ☒ Required
   ☐ Permitted under specified circumstances (Describe:)
   ☐ Not permitted

   c. **Adult inspectors to enter the outlet?**

   ☐ Required
   ☒ Permitted under specified circumstances (Describe: An adult inspector is allowed to enter an establishment if the Underage Cooperating Individual (UCI) has been in an establishment longer than what would be necessary to complete a transaction. For example, a grocery store or department store when the check-out line may be long)
   ☐ Not permitted

   d. **Youth inspectors to be compensated?**

   ☒ Required
   ☐ Permitted under specified circumstances (Describe:)
   ☐ Not permitted

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

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

List the agency name(s): **Kansas Department of Revenue**

3. **Are Synar inspections combined with law enforcement efforts (i.e., do law enforcement representatives 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 type of tobacco products that are requested during Synar inspections.**

   a. **What type of tobacco products are requested during the inspection?**

   ☒ Cigarettes
   ☐ Small Cigars
   ☐ Cigarillos
   ☐ Smokeless Tobacco
   ☐ Electronic Cigarettes/Electronic Nicotine Delivery Systems (ENDS)
   ☐ Other

   b. **Describe the protocol for identifying what types of products and what brands of products are requested during an inspection.**

   c. Protocol is dependent on the Inspector. Types of products and brands requested during an inspection is decided bases on the area the inspection is taking place.

5a. Describe the methods used to recruit, select, and train adult supervisors.

All adults working with minors are KDOR commissioned inspectors. The inspectors are recruited through the State of Kansas website. They are selected through the standard interview process. All inspectors have a background check completed as part of the hiring process. Training for the inspectors is a 1-2 month process and includes training at the KDOR office for a week followed by a week of on-site field supervision. Additionally, inspectors spend at least two weeks with other inspectors with supervisory follow-up in specific areas as needed.

5b. Describe the methods used to recruit, select, and train youth inspectors.

Youth are recruited from various sources throughout communities in the state, such as local substance abuse coalitions, health departments, schools and home-schooled youth. They are contacted by KDOR to schedule a meeting with them and their parents to explain the process, expectations and safeguards for the minors. If they are still interested, a background check is conducted to ensure that the youth do not have criminal record. Community members (law enforcement, teacher, etc.) are interviewed to ensure the youth are of good character. Applications are reviewed and approved by inspectors and a panel of KDOR administration. KDOR inspectors train all youth on inspection protocol and safety issues.

6. **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.)*

Kansas State law provides for the immunity of minors participating in the tobacco compliance checks and alcohol sales.

b. **Procedural**

☐ **Yes** ☒ **No**

*(If **Yes**, please describe.)*

7. **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.)*

If either the minor or the inspector feels that the outlet is unsafe to enter at the time of inspection, the inspection is not attempted. Inspectors observe the minor during the transaction from either within or outside the establishment to ensure the safety of the minor and to monitor the transaction. In addition, some inspectors team up with another inspector in order to have an inspector present with the UCI at all times to ensure their safety and protection.

8. **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.)*

In accordance with Department of Labor, Child Labor provisions of the FSLA, youth inspectors must be at least 16 years of age. In addition, youth inspectors are not older than 17 years 6 months.

b. Procedural

☒ **Yes** ☐ **No**

*(If **Yes,** please describe.)*

During the course of inspections, UCIs are instructed to answer questions honestly; however, UCIs are instructed to respond "No" if asked the question "Are you working with law enforcement?"

APPENDIX D: LIST SAMPLING FRAME COVERAGE STUDY

(LIST FRAME ONLY)

State: Kansas
FFY: 2018

1. **Calendar year of the coverage study:** 2017

2. a. **Unweighted percent coverage found:** 100%
   b. **Weighted percent coverage found:** 99.3%
   c. **Number of outlets found through canvassing:** 200
   d. **Number of outlets matched on the list frame:** 200

3. a. **Describe how areas were defined.** *(e.g., census tracts, counties, etc.)*

   Four areas were stratified in accordance with the Synar sampling process. In the most rural stratum, areas were defined as counties. In the remaining stratum, areas were defined as zip codes, clusters of zip codes, or segments of zip codes.

   b. **Were any areas of the state excluded from sampling?**

   ☐ **Yes** ☒ **No**

   *If **Yes,** please explain.*

4. **Please answer the following questions about the selection of canvassing areas.**

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

   ☐ **Census** *(Go to Question 6.)*

   Unstratified statewide sample:

   ☐ Simple random sample *(Respond to Part b.)*
   ☐ Systematic random sample *(Respond to Part b.)*
   ☐ Single-stage cluster sample *(Respond to Parts b and d.)*
   ☐ Multistage cluster sample *(Respond to Parts b and d.)*

   Stratified sample:

   ☐ Simple random sample *(Respond to Parts b and c.)*
   ☐ Systematic random sample *(Respond to Parts b and c.)*
   ☐ Single-stage cluster sample *(Respond to Parts b, c, and d.)*
   ☒ Multistage cluster sample *(Respond to Parts b, c, and d.)*
   ☐ **Other** *(Please describe and respond to Part b.)* _____

b. Describe the sampling methods.

The coverage study employed a two-stage design approved by SAMHSA with a target sample size of about 170 outlets across the state. The area sample design for each stratum were as follows:

Stratum 4, sparse rural – Three counties in stratum four were randomly selected for canvassing. To ensure an adequate ample in these sparse rural counties, zip codes with the largest population were secondarily selected for canvassing in these counties.

Stratum 3, medium-sized rural – three counties were randomly selected for the study. Each selected county was partitioned into smaller segments with approximately equal number of outlets per segment. Using the Kansas tobacco license list as a guide to approximate number of outlets, partitioning involved sorting zip codes in each county. Small zip codes (<8 outlets) were combined, and large zip codes (>20 outlets) were partitioned into smaller units with a goal being an average segment area size of between 10 and 15 outlets. Large zip codes were segmented by logical geographic boundaries. One to two segments per county were then randomly selected for canvassing.

Stratum 2, quasi-urban – Two counties were randomly selected and partitioned as described for stratum 3.

Stratum 1, urban – There are two counties in stratum 1 with large number of outlets. The primary sampling unit in this stratum was zip codes. Using the same clustering and partitioning process described about for counties, small zip codes were combined and large zip codes were partitioned geographically before selection. Four zip code segments were randomly selected for canvassing.

c. Provide a full description of the strata that were created.

The coverage study used the same stratification used in the Synar sample. The 105 counties of Kansas are divided into four strata based on natural population breakpoints from the 6-17 year-old population. Stratum 1 represents the two most populated counties in the state. The six counties in Stratum 2 are considered "quasi-urban". Stratum 3 has 28 counties considered to be "medium-sized rural" and the majority of counties (69) reside in Stratum 4, "sparse rural" areas.

d. Provide a full description of how clusters were formed.

As described in 4.b., clustering of small zip codes areas (<8 outlets) and partitioning or large zip codes (>20 outlets) occurred prior to random selection to try to ensure relatively equal number of outlets per segment using logical geographic boundaries when possible.

5. Were borders of the selected areas clearly identified at the time of canvassing?

☒ **Yes** ☐ **No**

6. Were all sampled areas visited by canvassing teams?

☒ **Yes** *(Go to Question 7.)* ☐ **No** *(Respond to Parts a and b.)*

a. **Was the subset of areas randomly chosen?**

☐ **Yes** ☐ **No**

b. **Describe how the subsample of visited areas was drawn. Include the number of areas sampled and the number of areas canvassed.**

7. **Were field observers provided with a detailed map of the canvassing areas?**

☒ **Yes** ☐ **No**

*If **No**, describe the canvassing instructions given to the field observers.*

8. **Were field observers instructed to find all outlets in the assigned area?**

☒ **Yes** ☐ **No**

*If **No**, respond to Question 9.*
*If **Yes**, describe any instructions given to the field observers to ensure the entire area was canvassed, then go to Question 10.*

Field Canvasser Data Collection Instructions

Please canvass the outlined area on the map provided:

1. Check all stores in the identified area. Write down the name and address of each outlet that sells tobacco products (e.g. Quick Stop, 123 W. Elm Street). Those that do not sell tobacco products do not need to be recorded.
2. In areas with large buildings or other types of complexes it may be necessary to check throughout the entire complex or to speak with the management to identify tobacco outlets operating within. This could apply to malls, recreational areas, campuses, etc.
3. If a location has an age-restriction (bar, liquor store, etc.) please write the name and location and check the box indicating that they are not youth accessible. If a store appears to be unsafe to enter but appears that it might sell cigarettes, record the name and address but indicate that no one entered the store to verify.
4. Information can be collected on any paper and (1) typed into Word or Excel and emailed to linda.weldon@greenbush.org or (2) faxed to Linda Weldon at (620) 724-6284. All data must be submitted by August 4, 2017.
5. If you have any questions please contact Lisa Chaney at lisa.chaney@greenbush.org or call at (620) 726-6281.

Thank you!

9. **If a full canvassing was not conducted:**

a. **How many predetermined outlets were to be observed in each area?**

b. **What were the starting points for each area?**

c. **Were these starting points randomly chosen?**

☐ **Yes** ☐ **No**

d. **Describe the selection of the starting points.**

e. **Please describe the canvassing instructions given to the field observers, including predetermined routes.**

10. Describe the process field observers used to determine if an outlet sold tobacco.

Field canvassers checked all stores in their assigned area and wrote down the name and address of each outlet that sold tobacco products. If they could not see tobacco products or were unsure whether the establishment sold tobacco products, they were requested to ask. Because field canvassers included under age participants, if a location has an age-restriction (bar, liquor store, etc.) canvassers were asked to write the name and location and check the box indicating that they are not youth accessible. If a store was unsafe to enter but appeared that it might sell cigarettes, canvassers record the name and address of the business but indicted that no one entered the store to verify. These sites could then be checked against the license list and follow-up verification could be done if needed.

11. Please provide the state's definition of "matches" or "mismatches" to the Synar sampling frame? (i.e., address, business name, business license number, etc).

An outlet found during canvassing was considered a match to the list frame when the store name, address and and/or geospatial location was the same. Canvassing data collection forms were compared to the current tobacco license list. If discrepancies were found (e.g. name or location provided by canvasser could not be found in the list). Information was sent to KDOR for examination/clarification. If KDOR was able to determine that the canvasser had the wrong address or name, and were able to provide the correct information for that location found, it was considered a match.

12. Provide the calculation of the weighted percent coverage (if applicable).
Post-stratification weights were applied as outlined in the table below:

	Col. A	Col. B	Col. C	Col. D		
	Population N	Proportion of Population Col. A / 2448	Sample n	Proportion of sample Col. C / 200	Weight Col. B / Col. D	Applied weights
Stratum 1	643	.26	71	.35	.74	52.5
Stratum 2	509	.21	39	.20	1.05	40.9
Stratum 3	751	.31	65	.32	.97	63.0
Stratum 4	545	.22	25	.13	1.69	42.2
Total	2448		200			198.6
						198.6 / 200 = **99.3%**