

ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB № 0930-0222

FFY 2026

State: New Mexico

Table of Contents

Introduction..... i

FFY 2026: Funding Agreements/Certifications.....1

Section I: FFY 2025 (Compliance Progress)2

Section II: FFY 2026 (Intended Use).....11

Appendix A: Forms 1–5.....13

Appendixes B & C: Forms.....20

Appendix B: Synar Survey Sampling Methodology19

Appendix C: Synar Survey Inspection Protocol Summary.....21

Appendix D: List Sampling Frame Coverage Study25

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Expiration Date: 06/30/XXXX

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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 and young adult tobacco access laws (FFY 2025 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth and young adult tobacco access rates (FFY 2026 Intended Use Plan). These data are required by 42 U.S.C. 300x-26 and will be used by the Secretary to evaluate state compliance with the statute. Part of the mission of the Center for Substance Abuse Prevention (CSAP) is to assist states¹ by supporting Synar activities and providing technical assistance helpful in determining the type of enforcement measures and control strategies that are most effective. This information is helpful to CSAP in improving technical assistance resources and expertise on enforcement efforts and tobacco control program support activities, including state Synar program support services, through an enhanced technical assistance program involving conferences and workshops, development of training materials and guidance documents, and 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 and young adult tobacco access laws when aggregated statistical data from state Synar reports can demonstrate to the Secretary the national progress in reducing youth and young adult 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

¹The term “state” is used to refer to all the states and territories required to comply with Synar as part of the Substance Abuse Prevention and Treatment Block Grant Program requirements (42 U.S.C. 300x-64 and 45 C.F.R. 96.121).

with youth and young adult tobacco access laws.

Getting assistance in completing the Synar report

If you have questions about programmatic issues, you may call CSAP's Division of Primary Prevention 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 your Grants Management Specialist in the 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, 2025 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 2026 Synar Survey Results: States that use the Synar Survey Estimation System (SSES) must upload one copy of *SSES Tables 1–8* (in Excel) to WebBGAS. **Please note that, in the FFY 2026 ASR, SSES will generate Tables 6, 7, and 8, which are based on the optional microdata on product type, retail outlet type, and whether identification was requested. If your state does not submit these optional data, Tables 6, 7, and 8 will be blank. Tables 6, 7, and 8 are generated for the convenience of the state, and states are not required to submit completed versions of Tables 6, 7, or 8.** 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 2026: 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 2026 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 2026 is up-to-date and approved by the Center for Substance Abuse Prevention.	
State: New Mexico	
Name of Chief Executive Officer or Designee: Nick Boukas	
Signature of CEO or Designee:	<div>DocuSigned by: <i>Nick Boukas</i> 65BF42FD6B1B45F...</div>
Title: Director, NM Behavioral Health Services Division	Date Signed: 09/04/2025
If signed by a designee, a copy of the designation must be attached.	

FFY: 2026

State: New Mexico**SECTION I: FFY 2025 (Compliance Progress)****YOUTH AND YOUNG ADULT 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 21.

1. Please indicate any changes or additions to the state tobacco statute(s) relating to youth and young adult access since the last reporting year. If any changes were made to the state law(s) since the last reporting year, please 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 and young adults 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 and young adult 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 2026 ASR was posted to this Web address.)

Web address: www.hca.nm.gov/comment-period-open-2025

Date published: _____

- ☐ 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.) _____

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:

ADMINISTRATIVE OVERSIGHT: New Mexico Health Care Authority/
Behavioral Health Services Division (HCA/ BHSD).

PROGRAM OVERSIGHT: New Mexico Health Care Authority / Behavioral
Health Services Division/ Office of Substance Abuse Prevention (HCA/ BHSD/
OSAP)

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

☐ Yes ☒ No

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

HCA/ BHSD/ OSAP contracts with the Department of Public Safety/ Special
Investigations Unit (DPS/ SIU) to conduct random, unannounced Synar inspections

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

☐ Yes ☒ No

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

The department of public safety has authority over all investigations and
enforcement activities required under the Tobacco Products Act, except for those
provisions relating to the issuance, denial, suspension, or revocation and
administrative sanctions of licenses unless its assistance is requested by The
alcoholic beverage control division/regulation and licensing department,
director

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 New Mexico Department of Health/ Public Health Division has been responsible for implementing the CDC's Nicotine Use Prevention and Control Program (NUPAC) in the past. Turnover has affected program meetings and activities

- 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.) The coordinator meets with the NM Department of Health NUPAC program as needed, and The Southwest Tribal Tobacco Coalition (NM Sovereign Tribal Nations), which is the Synar Coordinator, is a coalition member. These programs advocate for evidence-based tobacco and electronic cigarette use prevention and control policies. Education activities are provided to businesses and community members.

☐ 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 and young adult 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 and young adult 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)).**

- 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 and young adult 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 and young adult access to tobacco law(s) in FFY 2025 (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 and young adult 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 and young adult access to tobacco laws by LOCAL AND/OR STATE LAW ENFORCEMENT AGENCIES (this does not include enforcement of local laws or federal youth and young adult 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 <u>citations issued</u>	UNK	NA	UNK
Number of <u>finest assessed</u>	NA	NA	NA
Number of <u>permits/licenses suspended</u>	UNK		UNK
Number of <u>permits/licenses revoked</u>	UNK		UNK
Other <i>(Please describe.)</i>	NA	NA	NA

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:

DPS/SIU will select locations for compliance/enforcement randomly. They will also ensure that multiple locations of a single corporate entity are not conducted within the same time frame. This will reduce communication within large corporations.

d. Which one of the following best describes the level of enforcement of state youth and young adult 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 and young adult 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 and young adult 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

Two activities that take place in support of New Mexico’s enforcement and compliance of the NM youth tobacco access law are:

A face to face merchant education training with prevention providers contracted for Synar activities is provided by the Synar Coordinator. Synar posters and education materials containing information about the NM Tobacco Act are distributed to providers for handouts and resource materials when visiting tobacco retailers.

Prevention providers then conduct Merchant Education visits to tobacco retailers in the provider’s area. They provide Synar posters for display that include the Synar coordinator’s work phone number. This is for anybody that chooses to

report any tobacco sales to minor(s). All reports are then forwarded to NM DPS Special Investigations Unit and NM ABC/RLD for follow up.

- ☐ 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 and young adult access laws)

☒ Community education regarding youth and young adult access laws
Community education regarding youth and young adult access laws OSAP contractors, NM DOH - NUPAC contractors, New Mexican Allied Council on Tobacco (NMACT), The Southwest Tribal Tobacco Coalition, in addition to many other national, local, and statewide coalitions conduct community education and community awareness campaigns that focus on youth access, changing community norms regarding youth use of tobacco, environmental smoke hazards, and laws/policies that prevent youth access.

- ☒ Media use to publicize compliance inspection results

www.hca.nm.gov/comment-period-open-2025

- ☒ Community mobilization to increase support for retailer compliance with youth and young adult access laws
NM DOH - NUPAC provider contracts continue to require involvement in community efforts for youth tobacco prevention, including sales. Such activities include media campaigns, community awareness of tobacco retailers located next to school zones and a campaign called "No Minor Sale" educates communities about tobacco retailer laws and not selling to minors.

- ☐ Other activities (*Please list.*) _____

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 2025 (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, upload a copy of SSES tables 1–8 (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 1.0

Weighted RVR 0.88

Standard error (s.e.) of the (weighted) RVR 0.00

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

$$\begin{array}{ccccccc} 1.0 & + & (1.645 & \times & 0.00) & = & 1.0 \\ \text{RVR Estimate} & \text{plus} & (1.645 & \text{times} & \text{Standard Error)} & \text{equals} & \text{Right Limit} \end{array}$$

Accuracy rate 1.63

Completion rate .0000649

—

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.)*

The New Mexico Synar Program has resumed compliance inspections. Staff turnover, limited funding and recent legislation has dramatically impacted the capacity of The New Mexico Department of Public Safety/Special Investigations Unit and The NM Synar Program. Approximately 1,103 Merchant Education visits were conducted by sub-recipients. Information on tobacco product retailer, distributor, and manufacturer licensing as well as a change of legal age to purchase (18 to 21) were highlights of the M.E. visits. Many retailers directed their frustrations and displeasure towards merchant educators and the acting Synar Coordinator as these changes are implemented.

NM RLD now collects violation data collection and not the NM Courts, as the legislation has moved from penalizing the clerk to holding the business licensee accountable for violations. This change has produced some growing pains but should help the data collection/reporting process in the future.

Contact information and website/email addresses for The NM Regulation and Licensing Department were provided. All questions and comments regarding licensing are to be submitted to NM RLD. Currently, NM DPS/SIU agents are split between addressing the legalization of Recreational Marijuana in New Mexico and tobacco product retailer licensing. Enforcement and compliance inspections for Synar will likely continue to be affected until staffing and program implementation become routine.

The Office of Substance Abuse Prevention and NM DPS/SIU continues to work together despite the challenges reported.

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)	1234
Target sample size (the product of the effective sample size and the design effect)	946
Original sample size (inflated sample size of the target sample to counter the sample attrition due to ineligibility and noncompletion)	766
Eligible sample size (number of outlets found to be eligible in the sample)	1542
Final sample size (number of eligible outlets in the sample for which an inspection was completed)	1

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:** 2025**b. Percent coverage from the latest Sampling frame coverage study:** 61.35**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:** 2026**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 _____ to _____**
MM/DD/YY MM/DD/YY

- c. Provide the number of youth and young adult inspectors used in the current inspection year:**

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 2026 (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 and young adult 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 2026. Include a brief description of plans for law enforcement efforts to enforce youth and young adult tobacco access laws, activities that support law enforcement efforts to enforce youth and young adult tobacco access laws, and any anticipated changes in youth and young adult tobacco access legislation or regulation in the state.

The Office of Substance Abuse Prevention's renewed relationships with Licensing and Regulation Division as well as State Law Enforcement has revitalized our Synar Program. We intend to increase Synar inspections in FFY 2026, as well as enforcement activities for youth tobacco access. Currently there are no anticipated changes to tobacco legislation.

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 and young adult access laws

Historically since COVID, and related staffing issues statewide among Office of Substance Abuse Prevention, as well as that of State Police and Regulation and Licensing Division have proven to be a massive challenge, as consistent communication was piecemeal through out the past 5 years. It is this calendar year, where communications and staffing have been regulated to the point to where Synar Activities will be consistently amplified and applied statewide.

☐ Limited resources for activities to support enforcement and compliance with youth and young adult tobacco access laws

☐ Limitations in the state youth and young adult tobacco access laws

☐ Limited public support for enforcement of youth and young adult tobacco access laws

☒ Limitations on completeness/accuracy of list of tobacco outlets

Inconsistent staffing and communication statewide since COVID has played a major role in all aspects of Synar administration. The Office of Substance Abuse Prevention has relied on intrastate partnerships with Regulation and Licensing Division for the provision of updated license lists. As a result of intermittent staffing both at Office of Substance Abuse Prevention as well as that of Regulation and Licensing, communication challenges were the net result. As staffing statewide has stabilized , we have reestablished communication with Regulation and Licensing , and have obtained an updated list of licensees with which we plan to administer our Synar program in FFY 2026, and continue to update that list annually to adjust our program accordingly.

☐ Limited expertise in survey methodology

☐ Laws/regulations limiting the use of minors in tobacco inspections

☐ Difficulties recruiting youth and young adult inspectors

☐ 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 and young adult inspectors

☒ Geographic, demographic, and logistical considerations in conducting inspections

Logistical challenges have been present for Synar since COVID and the subsequent recovery of COVID statewide. Staffing levels across the state including those at Office of Substance Abuse , Regulation and Licensing and State Police, have made Synar administration very challenging due to the lack of consistent communication and the subsequent obvious problem that would result of interagency cooperation. We have made strides this calendar year, and those challenges have since been resolved for FFY 2026

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

☐ Issues regarding sources of tobacco under tribal jurisdiction

☐ Other challenges (*Please list.*)_____

APPENDIX A: FORMS 1–5

FORM 1 (Required for all states not using the Synar Survey Estimation System (SSES) to analyze the Synar Survey data)

Complete Form 1 to report sampling frame and sample information and to calculate the unweighted retailer violation rate (RVR) using results from the current year’s Synar survey inspections.

Instructions for Completing Form 1: In the top right-hand corner of the form, provide the state name and reporting federal fiscal year (FFY 2026). Provide the remaining information by stratum if stratification was used. Make copies of the form if additional rows are needed to list all the strata.

Column 1: *If stratification was used:*

- 1(a) Sequentially number each row.
- 1(b) Write in the name of each stratum. All strata in the state must be listed.

If no stratification was used:

- 1(a) Leave blank.
- 1(b) Write “state” in the first row (indicates that the whole state is a single stratum).

Note for unstratified samples: For Columns 2–5, wherever the instruction refers to “each stratum,” report the specified information for the state as a whole.

- Column 2: 2(a) Report the number of over-the-counter (OTC) outlets in the sampling frame in each stratum.
 2(b) Report the number of vending machine (VM) outlets in the sampling frame in each stratum.
 2(c) Report the combined total of OTC and VM outlets in the sampling frame in each stratum.

- Column 3: 3(a) Report the estimated number of eligible OTC outlets in the OTC outlet population in each stratum.
 3(b) Report the estimated number of eligible VM outlets in the VM outlet population in each stratum.
 3(c) Report the combined total estimated number of eligible OTC and VM outlets in the total outlet population in each stratum.

The estimates for Column 3 can be obtained from the Synar survey sample as the weighted sum of eligible outlets by outlet type.

- Column 4: 4(a) Report the number of eligible OTC outlets for which an inspection was completed, for each stratum.
 4(b) Report the numbers of eligible VM outlets for which an inspection was completed, for each stratum.
 4(c) Report the combined total of eligible OTC and VM outlets for which an inspection was completed, for each stratum.

- Column 5: 5(a) Report the number of OTC outlets found in violation of the law as a result of completed inspections, for each stratum.
 5(b) Report the number of VM outlets found in violation of the law as a result of completed inspections, for each stratum.
 5(c) Report the combined total of OTC and VM outlets found in violation of the law as a result of completed inspections, for each stratum.

Totals: For each subcolumn (a–c) in Columns 2–5, provide totals for the state as a whole in the last row of the table. These numbers will be the sum of the numbers in each row for the respective column.

FORM 1 (Required for all States not using the Synar Survey Estimation System (SSES) to analyze the Synar Survey data)**Form 1**

Summary of Synar Inspection Results by Stratum								
(1)		(2)			(3)			
STRATUM		NUMBER OF OUTLETS IN SAMPLING FRAME			ESTIMATED NUMBER OF ELIGIBLE OUTLETS IN POPULATION			
(A) Row#	(b) Stratum Name	(a) Over-the-Counter (OTC)	(b) Vending Machines (VM)	(c) Total Outlets (2a+2b)	(a) Over-the-Counter (OTC)	(b) Vending Machines	(c) Total Outlets (3a+3b)	
1	Rio Arriba / Santa Fe Counties	30	0	30	104	0	104	
2	Bernalillo County	278	0	278	357	0	357	
3	Dona Ana County	96	0	96	133	0	133	
4	San Miguel, Mora, Gudalupe Counties	9	0	9	46	0	46	
5	Eddy, Chaves, Lea Counties	113	0	113	205	0	205	
6	Hidalgo , Grant, Luna Counties	51	0	51	56	0	56	
7	Catron, Sierra, Torrance, Socorro Counties	47	0	47	68	0	68	
8	Colfax, Union, Taos Counties	55	0	55	65	0	65	
9	Curry, Roosevelt Counties	107	0	107	136	0	136	
10	Debaca, Quay Counties	13	0	13	21	0	21	
11	San Juan, Mckinley Counties	88	0	88	125	0	125	
12	Otero, Lincoln Counties	0	0	0	83	0	83	
13	Sandoval, Valencia , Cibola, Los Alamos Counties	59	0	59	143	0	143	
Totals:		946	0	946	1542	0	1542	

FORM 1 (Required for all States not using the Synar Survey Estimation System (SSES) to analyze the Synar Survey data)
RECORD COLUMN TOTALS ON LAST LINE (LAST PAGE ONLY IF MULTIPLE PAGES ARE NEEDED)

FORM 1 (Required for all States not using the Synar Survey Estimation System (SSES) to analyze the Synar Survey data)

State: New Mexico					
FFY: 2025					
(4)			(5)		
NUMBER OF OUTLETS INSPECTED			NO. OF OUTLETS FOUND IN VIOLATION DURING INSPECTIONS		
(a) Over-the-Counter (OTC)	(b) Vending Machines	(c) Total Outlets (4a+4b)	(a) Over-the-Counter (OTC)	(b) Vending Machines	(c) Total Outlets (5a+5b)
0	0	0	0	0	0
1	0	1	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
1	0	1	0	0	0

FORM 2 (Optional) Appropriate for stratified simple or systematic random sampling designs.

Form 2 (Optional)

Calculation of Weighted Retailer Violation Rate										
										State: _____
										FFY: 2026
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Stratum	N	n	n1	n2	x	p=x/n2	N'=N(n1/n)	w=N'/Total Column 8	pw	Standard Error of Stratum RVR
	Number of Outlets in Sampling Frame	Original Sample Size	Number of Sample Outlets Found Eligible	Number of Outlets Inspected	Number of Outlets Found in Violation	Stratum Retailer Violation Rate	Estimated Number of Eligible Outlets in Population	Relative Stratum Weight	Stratum Contribution to State Weighted RVR	
1	30	104	30				8.65	0.02533	0.0000	0.0000
2	278	357	278	1	1	1.000	216.48	0.63353	0.6335	0.0000
3	96	133	96							
4	9	46	9							
5	113	205	113							
6	51	56	51							
7	47	68	47							
8	55	65	55							
9	107	136	107		-	1.000	84.18	0.24636	0.2464	0.0000
10	13	21	13				8.05	0.02355	0.0000	0.0000
11	88	125	88							
12	-	83	-							
13	59	143	59				24.34	0.07124	0.0000	0.0000
Totals	946	1,542	946	1	1	1.000	341.71	1.00000	0.8799	0.0000

FORM 2 (Optional) Appropriate for stratified simple or systematic random sampling designs.

NOTE:

Columns 7 through 11 have embedded formulae, which should not be overwritten. If you need more rows, copy an existing row and insert the copied row before the totals row. If any answers in column 5 ("n2") are zero (0), then mathematically dividing by zero in column 7 ("p=x/n2") will result in an error. Therefore, if any of your answers in column 5 ("n2") are zero (0), replace the formulas " =F10/IF(E10=0,1,E10) " manually in column 7 with the number zero (0) to properly display the results.

N = original population estimate of outlets in stratum (may include ineligible outlets)
n = original population estimate of outlets in stratum (may include ineligible outlets)
n1 = number of sample outlets that are found to be "eligible" (i.e., open and selling tobacco) (n1<=n)
n2= number of sample eligible outlets that were inspected (n2<=n1)
x = number of inspected outlets that failed inspection (x<=n2)
p =unweighted retailer violation rate (p=x/n2)
N' = adjusted population estimate based on number in sample found ineligible (N'=N*n1/n, N'<=N)
w = relative stratum weight (w=N'/Total Column 8)
p = weighted retailer violation rate

Form 3 (Required when a cluster design is used for all States not using the Synar Survey Estimation

Summary of Clusters Created and Sampled				
				State: _____
				FFY: _____ 2026
(1) Row #	(2) Stratum Name	(3) Number of PSUs Created	(4) Number of PSUs Selected	(5) Number of PSUs in the Final Sample
Total:		0	0	0

Form 4

Inspection tallies by reason of ineligibility or noncompletion State NEW MEXICO FFY 2025			
(1) INELIGIBLE		(2) ELIGIBLE	
Reason for ineligibility	(a) Counts	Reason for noncompletion	(a) Counts
Out of business	61	In operation but closed at time of visit	3
Does not sell tobacco products	37	Unsafe to access	
Inaccessible by youth		Presence of police	2
Private club or private residence		Youth inspector knows salesperson	
Temporary closure	4	Moved to new location	
Unlocatable		Drive thru only/youth inspector has no driver's license	
Wholesale only/Carton sale only		Tobacco out of stock	
Vending machine broken		Run out of time	
Duplicate	49	Other noncompletion reason(s)	24
Other ineligibility reason(s) <i>(describe)</i>		<i>(describe)</i>	
Total	151	Total	29

Form 5

Synar Survey Inspector Characteristics		State NEW MEXICO
		FFY 2025
	(1) Attempted Buys	(2) Successful Buys
<u>Male</u>		
15 yrs		
16 yrs		
17 yrs		
18 yrs		
19 yrs	1	1
20 yrs		
MALE SUBTOTAL	1	1
<u>Female</u>		
15 yrs		
16 yrs		
17 yrs		
18 yrs		
19 yrs		
20 yrs		
FEMALE SUBTOTAL	0	0
OTHER		
TOTAL	1	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 2025.

APPENDIX B: SYNAR SURVEY SAMPLING METHODOLOGY

State: New Mexico
FFY: 2026

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
License List	3	Statewide list of all currently active tobacco retail license holders	Census

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 and young adults.
- ☐ 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.

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.**

10. Provide the following information about sample size calculations for the Synar survey conducted in FFY 2025.

- 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:

Frame Size:

Input for Target Sample Size:

Design Effect:

Inputs for Original Sample Size:

Safety Margin:

Accuracy (Eligibility) Rate:

Completion Rate:

- 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:**

--

- 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.**

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APPENDIX C: SYNAR SURVEY INSPECTION PROTOCOL SUMMARY

State: New Mexico

FFY: 2026

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 and young adult 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: _____)
☐ Not permitted

d. Youth and young adult 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): _____

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.

The inspector is instructed to observe the cigarette inventory if possible, and request a product that is observed to be in stock ie Marlboro red soft-pack. If the inventory is not directly observable , the inspector is instructed to have 2 or 3 common brands to ask for by name.

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

The Office of Substance Abuse has partnered with State Police to supervise all youth inspectors. They are instructed to observe activities from an inconspicuous location, and if a consummated sale is made, they are instructed to interrupt the sale, and issue a citation

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

State Police are utilized to recruit , train and compensate youth inspectors. They a

6. Are there specific legal or procedural requirements instituted by the state to address the issue of youth and young adult inspectors' immunity when conducting inspections?

- a. Legal

☐ Yes ☒ No

(If Yes, please describe.)

- b. Procedural

☒ Yes ☐ No

(If Yes, please describe.)

Youth inspectors are to carry no money, nor ID, that once the retailer has agreed to make a sale, the sale is terminated by State Police

7. Are there specific legal or procedural requirements instituted by the state to address the issue of the safety of youth and young adult inspectors during all aspects of the Synar inspection process?

a. Legal

☒ Yes ☐ No

(If Yes, please describe.)

All laws that protect individuals are applicable to youth inspectors and are under close supervision of state police at all times.

b. Procedural

☒ Yes ☐ No

(If Yes, please describe.)

All youth are under the close supervision of State Police, If a location or situation is deemed unsafe for activities to continue, the activity is halted.

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

a. Legal

☐ Yes ☒ No

(If Yes, please describe.)

b. Procedural

☒ Yes ☐ No

(If Yes, please describe.)

All inspections must be done during normal operating hours of a retailer. All youth and underage adult must enter establishments with no ID, no cash and request a specific cigarette brand. Once the retailer has agreed to the sale, the action is halted by State Police and a citation is issued.

APPENDIX D: LIST SAMPLING FRAME COVERAGE STUDY

(LIST FRAME ONLY)

State: New Mexico
FFY: 2026

1. Calendar year of the coverage study: 2025

2. a. Unweighted percent coverage found: _____ %
b. Weighted percent coverage found: _____ %
c. Number of outlets found through canvassing: 0
d. Number of outlets matched on the list frame: 1542

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

A list of all active tobacco licensees was obtained from Regulation and Licensing Division

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

☒ Yes ☐ No

If Yes, please explain.

Those with expired licenses

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.) The state is divided into 13 strata to include at least 1 or more entire county. A list of current tobacco retail license holders was organized and disseminated per stratum.

b. Describe the sampling methods.

The entirety of the license list is the sample

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

13 strata with the smallest unit within to be a county. Stratum 1 Rio Arriba and Santa Fe Counties, Stratum 2 Bernalillo County, Stratum 3 Dona Ana County , Stratum 4 San Miguel , Mora and Guadalupe Counties, Stratum 5 Eddy , Chaves and Lea Counties, Stratum 6 Hidalgo, Grant and Luna Counties, Stratum 7 Catron, Sierra Torrance and Socorro Counties, Stratum 8 Colfax, Union and Taos Counties, Stratum 9 Curry and Roosevelt Counties , Stratum 10 Debaca, and Quay Counties, Stratum 11 San Juan and Mckinley Counties, Stratum 12 Otero and Lincoln Counties, Stratum 13 Sandoval, Valencia Cibola, and Los Alamos Counties

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

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.

The original license list was outdated, therefore many of the assigned locations were out of business, or otherwise not locatable. Of those that were available to canvassers is what was sampled.

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.

9. If a full canvassing was not conducted:

- a. How many predetermined outlets were to be observed in each area? 946
- 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.

The starting points were determined by the individual canvassers who planned their routes according to proximity to physical location.

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

Each regional provider was assigned strata to work within based off of a licensee list provided. Each retailer was assigned directly to a regional provider. They were instructed to approach tobacco retailers with a Synar Packet including the NM State Tobacco Act legislation and related law , signage information on penalties associated to sales to minors as well education materials on the American Religious Freedom Act . The educators were informed to provide all pertinent materials, to instruct retailers of their obligation to check IDs , post signage and license in a conspicuous place, as well to demonstrate physical control over tobacco products during transactions.

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

State Police sends a contracted minor to attempt to purchase tobacco while being observed from a distance, if a positive sale was made, State Police would then enter the premise, and issue a citation

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.)

All current licenses were matched to license number , business name and address,

12. Provide the calculation of the weighted percent coverage (if applicable).