**Substance Abuse Prevention and Treatment Block Grant**
**Synar Report Format, FFY 2020-2022**

**Supporting Statement**

***PART A. JUSTIFICATION***

## 1. Circumstances of Information Collection

The Substance Abuse and Mental Health Services Administration (SAMHSA) is seeking Office of Management and Budget (OMB) approval for an extension to 2022 of the current Synar report format that implements requirements in the Final Rule (45 CFR Part 96) for the Substance Abuse Prevention and Treatment Block Grant (SABG), regarding the sale or distribution of tobacco products to individuals under the age of 18, as authorized by section 1926 [300x-26] – State Law Regarding Sale of Tobacco Product to Individuals Under Age of 18 - of the Public Health Service (PHS) Act [42 U.S.C. 300x-26]. This collection is approved under OMB No. 0930-0222, which expires on 06/30/2019. The annual Synar report is due by regulation not later than December 31 of the fiscal year for which the state is requesting SABG funding.

States applying for SABG funding are required to submit an Annual Synar Report to the Secretary describing their progress in complying with section 1926 of the PHS Act (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130). Section 1926 of the PHS Act stipulates that SABG funding agreements for alcohol and drug abuse programs for fiscal year 1994 and subsequent fiscal years require states to have in effect a law providing that it is unlawful for any manufacturer, retailer, or distributor of tobacco products to sell or distribute any such product to any individual under the age of 18.

Section 1926 further requires that states conduct annual, random, unannounced inspections to ensure compliance with the law; that the state submit annually a report describing the results of the inspections, the activities carried out by the state to enforce the required law, the success the state has achieved in reducing the availability of tobacco products to individuals under the age of 18, and the strategies to be utilized by the state for enforcing such law during the fiscal year for which the grant is sought. Before making an award to a state under the Block Grant, the Secretary must make a determination that the state has maintained compliance with the regulations. If a determination is made that the state is not in compliance, penalties shall be applied. The penalty for failure to comply with the Synar requirements is a reduction of 40 percent of the SABG award.

Respondents include the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, Palau, Micronesia, and the Marshall Islands.

The Annual Synar Report application includes the format and instructions to implement the tobacco reporting requirements. SAMHSA is requesting a 3-year extension of the current Annual Synar Report format for Federal Fiscal Years (FFY) 2020-2022. A copy of the current Annual

Synar Report format and accompanying materials for FFY 2020-2022 are in Attachments 1 and 2, respectively.

## 2. Purpose and Use of Information

Section 1926(b) (2) (B) of the PHS Act requires the states to annually submit to the Secretary a report describing the strategies and activities carried out by the state to enforce youth access to tobacco laws during the fiscal year for which the state is seeking SABG funds, and the extent of success the state has achieved in reducing the availability of tobacco products to minors. In accordance with the tobacco regulations, the states are required to provide detailed information on progress made in enforcing youth tobacco access laws (Annual Synar Report, Section I FFY Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (Annual Synar Report, Section II, FFY 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 monitor such compliance. This information is helpful to CSAP in ensuring its ability to monitor compliance and to provide consultation to the states on compliance issues. Under the provisions of the law, a state may receive its SABG allotment only after the state has been found in compliance with the Synar regulation requirements.

No changes to the current Synar report format are being requested. Extending OMB approval of the current report format will continue to facilitate consistent, credible, and efficient monitoring of Synar compliance across the states.

## 3. Use of Information Technology

The information collected and maintained by states and U.S. jurisdictions represents an amount of data necessary to evaluate state compliance with the Synar legislation and its implementing regulation. Since the FFY 2009 application year, states and jurisdictions have been required to submit their Annual Synar Reports online using SAMHSA's electronic Web Block Grant Application System (WebBGAS).

## 4. Efforts to Identify Duplication

There has been and continues to be extensive consultation with representatives of state substance abuse agencies, and no duplication of information collection has been identified. The reporting requirements are narrative and quantitative in nature and describe each state's progress in achieving the goals of the previous fiscal year's state plan and the proposed activities and services for the fiscal year for which the state is applying.

## 5. Involvement of Small Entities

The annual Synar report is prepared and submitted by state agencies and does not directly affect small entities.

## 6. Consequences If Information Collected Less Frequently

The Synar statute requires states to submit to the Secretary an annual report describing the strategies and activities carried out by the state to enforce youth access to tobacco laws during the fiscal year immediately preceding the fiscal year for which the state is seeking SABG funds. Less frequent reporting would be in violation of the statute and would also result in difficulty linking activities with fiscal year funding, federal reporting requirements for annual and triennial reports to Congress, as well as intervening requirements for legislative testimony before Congress covering specific Synar-related issues, and so require the availability of up-to-date information.

## 7. Consistency with the Guideline in 5 CFR 1320.5(d) (2)

This information collection activity fully complies with 5 CFR 1320.5(d) (2).

## 8. Consultation Outside the Agency

The notice required by 5 CFR 1320.8(d) was published in the Federal Register on November 23, 2018 (83 FR 59390). No comments were received in response to this notice.

## 9. Payment to Respondents

Respondents do not receive payment.

## 10. Assurance of Confidentiality

The information to be reported is public (45 CFR 96.130 (f)) and is not confidential. The report is made public within the state in such a manner as to facilitate comment from any person (including any federal or other public agency) prior to its submission, and copies of the annual report must be made available upon request to any interested person (including any public agency).

## 11. Questions of a Sensitive Nature

The Synar reporting requirements do not solicit information of a sensitive nature.

## 12. Estimates of Annualized Hour Burden

The burden estimated for reporting on Synar activities is based, in part, on discussions with select state directors responsible for these activities and represents the total hours to assemble, format, and produce the Synar report in accordance with the requirements of the statute (42 U.S.C. 300x-26) and regulation (45 CFR Part 96). CSAP estimates the burden to states is approximately 1,062 hours. This estimate was derived based on discussions with CSAP staff experienced in estimating time burdens for similar data reporting activities and with state program coordinators responsible for preparing the annual Synar report. The estimate includes data collection and reporting, and preparation and completion of the narrative information, including data analysis and calculation of sample survey results. It is important to note that the time frame for completing the annual Synar report varies from state to state depending on the

size of the state and its tobacco outlet population.

| 45 CFR citation | Numbers of respondents | Responses per Respondent | Total number of response s | Hours per response | Total burden | Cost per Hour | Total Cost |
|---|---|---|---|---|---|---|---|
| Annual report (Section I – States and Territories) 96.130(e) (1-3) | 59 | 1 | 59 | 15 | 885 | $25 | $22,125 |
| State Plan (Section II– States and Territories) 96.130(e) (4, 5); 196.130(g) | 59 | 1 | 59 | 3 | 177 | $25 | $4,425 |
| Total | 59 | | | | 1,062 | | $26,550 |

1 Red Lake Indian Tribe is not subject to tobacco requirements.

2 The estimated hourly cost is based on a composite estimate of professional and support per hour cost. There is wide variation from state to state.

## 13. Estimates of Annualized Cost Burden to Respondents

There are no capital or start up costs associated with the annual Synar report. Similarly, states incur only minimal uncompensated costs in order to complete the annual Synar inspections reported to the Secretary.

## 14. Estimates of Annualized Cost to the Government

The total average annual cost to the federal government of the annual review of state Synar reports is estimated to be $222,066. This includes approximately $22,066 in staff costs associated with reviewing state reports for completeness and compliance, written correspondence, and other administrative activities. Estimated staff costs are summarized in the table below

| Staff | Number of Reports | Hours per Report (estimated) | Total Hours (estimated) | Cost Per Hour (average) | Total Staff Costs (estimated) |
|---|---|---|---|---|---|
| Team Lead | 59 | 2 | 118 | $57 | $6,726 |
| Project Officer | 59 | 4 | 236 | $51 | $12,036 |
| Intern | 59 | 2 | 118 | $28 | $3,304 |
| Total | 59 | 8 | 472 | | $22,066 |

In addition, the approximate annual cost of the contract that supports the reporting system used to submit and review certain reports to SAMHSA, including the Synar report, is $2,000,000. Annual contract costs associated with the Synar reports are estimated to represent approximately 10 percent ($200,000) of the total annual cost of the contract. Thus, the estimated total average annual cost to the federal government of the annual review of state Synar reports includes $22,066 in staff costs and $200,000 in contract costs.

## 15. Changes in Burden

There is no burden hour change.

## 16. Time Schedule, Publication, and Analysis Plans

Section 1926(b)(2)(B) of the PHS Act requires the states to submit to the Secretary annually a Synar report describing the strategies and activities carried out by the state to enforce its tobacco access laws during the fiscal year immediately preceding the fiscal year for which the state is seeking SABG funds. Following is a typical schedule of activities following receipt of the annual Synar report:

| Activity | Timeframe |
|---|---|
| Complete early alert (review for regulatory compliance) | Within 8 working days of receipt |
| Complete initial review and draft revision request | Within 30 working days of receipt |
| Process report approval for SABG award | 1 week after Project Officer approval |

Pursuant to the Government Performance and Results Act of 1993 (GPRA) (P.L. 103–62), data from the states' Synar reports will be accessed by the federal government to meet the requirement to submit an annual report to Congress on the states' progress in meeting the Synar requirements. Information will also be used for a wide variety of other oversight, administrative, and statistical purposes of the federal government, state governments, and Congress. Data will be tabulated and analyzed using standard descriptive and statistical analytic techniques and will be published through the reports noted above, as well as through the publication of special analytic studies.

## 17. Display of Expiration Date

The Synar report format will display the expiration date.

## 18. Exceptions to the Certification Statement

This collection of information involves no exceptions to the Certification for Paperwork Reduction Act submissions.

## B. Collection of Information Employing Statistical Methods

This information collection does not involve statistical methods.

List of Attachments

1. Annual Synar Report 2020-2022
2. Instructions to States for Completing the Annual Synar Report 2020-2022