



Terry E. Branstad *Governor of Iowa*
 Kim Reynolds *Lieutenant Governor*
 Stephen Larson *Administrator*

August 15, 2013

TO: Stephen Larson, Administrator, Alcoholic Beverages Division

FR: Jessica Ekman, Administrative Assistant, Alcoholic Beverages Division

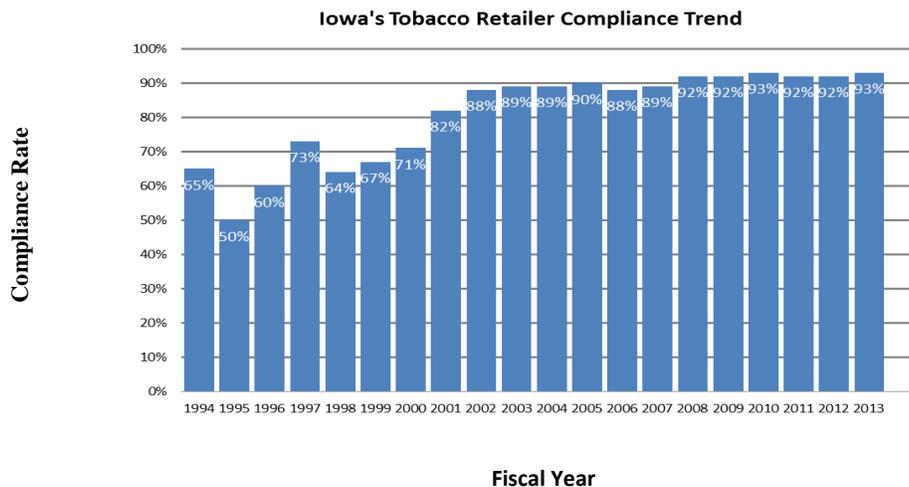
RE: Iowa Pledge Tobacco Enforcement Program Fiscal Year 2013

The Iowa Alcoholic Beverages Division partnered with 193 law enforcement agencies across the state, as well as the Iowa State Patrol, during FY 2013. The purpose of these partnerships were to complete tobacco enforcement activities in conjunction with Iowa Code § 453A.2.

According to the 28E agreements between the Iowa Alcoholic Beverages Division and each law enforcement partner, one inspection is to be attempted on each tobacco permit holder within the jurisdiction of the law enforcement partner. The law enforcement partner is also asked to perform a second compliance check on any tobacco retailer found to be non-compliant during the first round of compliance checks. A total of 3,379 compliance checks were completed between October 1, 2012, and June 30, 2013. Those compliance checks resulted in an overall compliance rate of 93 percent. This is a one percent increase from FY 2012. The compliance rate has varied between 92 percent and 93 percent over the last six years. This is a great improvement in the compliance rate when compared to the rates in the 1990s. Below is a comparison of the compliance rates for FY 2011, FY 2012 and FY 2013.

	FY 2011	FY 2012	FY 2013
% of Retailers in Compliance	92%	92%	93%
% of Retailers not in Compliance	8%	8%	7%
Number of Active Tobacco Retailers in Iowa	3,318*	3,390*	3,305*
Number of Inspections Attempted	3,617	3,619	3,503
Inspections Unable to Complete	88	200	124
Inspections Completed	3,529	3,419	3,379
Compliant Inspections	3,231	3,146	3,134
Non-compliant Inspections	298	273	245

*The number of active tobacco retailers can change frequently throughout the FY. Tobacco permits can be issued or cancelled at any time. The number of active retailers in the chart reflects the number active at the beginning of each FY.



COUNTIES WITH HIGHEST COMPLIANCE RATES

During FY 2013, 27 counties were found to be in 100 percent compliance. Those counties are listed in the table below. The majority of these counties have a population fewer than 15,000 and also 25 or less tobacco retailers countywide. Nine of the 27 counties had 100 percent compliance in FY 2012 and five of those counties also had 100 percent compliance in FY 2011. It is important to note that the number of tobacco retailers can change at any time. Tobacco permits are issued by the local authority and a new permit can be issued at any time during the fiscal year. All tobacco permits expire on June 30th, regardless of when the permit was issued.

County	FY 2011 Compliance Rate	FY 2012 Compliance Rate	FY 2013 Compliance Rate	2012 Population Estimate According to US Census Bureau	Current # of Tobacco retailers
1. Adams	100%	100%	100%	3,911	6
2. Allamakee	79%	94%	100%	14,237	19
3. Boone	92%	86%	100%	26,195	24
4. Buchanan	96%	86%	100%	20,942	24
5. Butler	94%	82%	100%	14,986	16
6. Calhoun	87%	100%	100%	9,909	13
7. Davis	100%	100%	100%	8,689	8
8. Delaware	96%	91%	100%	17,574	23
9. Floyd	83%	82%	100%	16,056	18
10. Fremont	100%	82%	100%	7,147	13
11. Guthrie	95%	88%	100%	10,777	19
12. Hancock	81%	86%	100%	11,134	12
13. Henry	100%	96%	100%	20,236	21
14. Humboldt	100%	95%	100%	9,729	18
15. Lee	93%	97%	100%	35,617	41
16. Louisa	86%	92%	100%	11,278	16
17. Mahaska	96%	92%	100%	22,443	27
18. Monroe	90%	100%	100%	8,063	9
19. Page	89%	100%	100%	15,713	17
20. Plymouth	100%	96%	100%	24,907	22
21. Pocahontas	73%	100%	100%	7,150	12
22. Sac	90%	94%	100%	10,153	17
23. Taylor	89%	90%	100%	6,208	9
24. Van Buren	100%	100%	100%	7,449	10
25. Wayne	100%	100%	100%	6,344	9
26. Winnebago	95%	90%	100%	10,600	25
27. Worth	100%	100%	100%	7,519	13

NON-COMPLIANT DATA

During FY 2013, there were 245 compliance checks which resulted in a youth being able to purchase a tobacco product. Eleven of the 245 non-compliant checks were second round violations. Minors who participate in the program are required to carry their official identification and answer truthfully to any questions they are asked by the clerk. In FY 2013, 58 percent of the clerks that sold tobacco to a minor

asked for the minor’s ID. This data suggests that over half of the clerks who sold tobacco to a minor looked at the minor’s ID and then sold tobacco to the minor. In addition, 12 percent of the clerks who sold tobacco to a minor asked the minor how old they were before making the sale. Below are the demographics of the minors who were able to purchase a tobacco product in FY 2013. Minors that are under 16 years of age will not be able to participate in the program for FY 2014, due to federal regulations.

	Male	Female
	64%	36%

15 years old	16 years old	17 years old
9%	29%	62%

COMPLIANCE RATES IN RELATION TO RETAILER TYPE

The majority of tobacco permits in Iowa are held by convenience stores that sell gasoline, stand-alone bars and grocery stores. These three retail types were found to have a higher compliance rate or no change in compliance rate in FY 2013 when compared to FY 2012. It is important to note that the retailer type is chosen by the tobacco permit applicant.

RETAILER TYPE	FY 2011	FY 2012	FY 2013
Convenience Stores w/Gas	91%	92%	92%
Stand-Alone Bars	87%	91%	94%
Grocery Stores	87%	93%	95%

IPLEDGE TRAINING’S EFFECTS ON COMPLIANCE RATES

The core objective of the Iowa Pledge training program is to prevent illegal sales of tobacco by educating tobacco retailers and increasing awareness of changes in Iowa’s tobacco laws. Establishments who choose to have their employees participate in the IPledge training program are granted affirmative defense, which may be used once in a four-year period. A business can avoid civil prosecution if a tobacco sale to minor occurs in their establishment, and the employee who made the sale was certified at the time the violation occurred. The certification period for an employee is two-years and can be renewed. An employee found guilty of selling tobacco to a minor will have their certification revoked and they may take the training again for recertification.

The number of individuals certified in FY 2013 exceeded FY 2012 by almost fifteen hundred people. The one percent increase in the compliance rate may be related to the increase in the number of individuals certified in FY 2013. Below is a comparison of the IPledge training program in FY 2011, FY 2012 and FY 2013.

	FY 2011	FY 2012	FY 2013
Persons Who Completed Quiz	7,499	6,183	7,658
Persons Who Passed Quiz	7,435	6,128	7,599
Persons Who Failed Quiz	64	55	59
Passing Rate	99%	99%	99%
Persons Decertified as a Result of Selling Tobacco Products to a Minor	43	33	40

The decrease in the number of individuals trained from FY 2011 compared to FY 2012 may be due to the two-year certification period. Those individuals trained in FY 2011 would not need to retake the training in FY 2012, unless they were decertified for selling tobacco to a minor. However, they would need to retake the training in FY 2013 to renew their certification.

IOWA'S COMPLIANCE RATE COMPARED TO OTHER STATES'

According to the FFY 2011 Annual Synar Reports, the national weighted average of tobacco sales to minors reported by States and the District of Columbia is 8.5 percent. Iowa reported a retailer violation rate of 8.7 percent for the Synar compliance checks performed in FFY 2011. This is slightly more than the national weighted average reported for that year. Iowa is one of thirty-four states that achieved a retailer violation rate fewer than 10 percent according to the FFY 2011 report. FFY 2012 Annual Synar Reports will not be released until the end of August 2013.

FY 2013 SUMMARY

- 3,397 tobacco compliance checks were completed in FY 2013, with an overall compliance rate of 93 percent. This is one percent increase from FY 2012.
- 27 counties in Iowa had a 100 percent compliance rate in FY 2013.
- The retailer types that hold the majority of the tobacco permits in Iowa are convenience stores with gasoline, stand-alone bars and grocery stores. All three of these retail types were found to have a higher compliance rate or no change in compliance rate for FY 2013 when compared to FY 2012.
- 7,599 individuals were certified in the IPledge Training Program in FY 2013; this exceeds the number certified in FY 2012 by almost 1,500 people.
- According to the FFY 2011 Annual Synar Reports, Iowa is one of thirty-four states to achieve a retailer violation rate fewer than ten percent.

IOWA TOBACCO COMPLIANCE DATA

FY13 YEAR END REPORT

Compliance Rate: 93%	Checks Non-Compliant: 245
Checks Compliant: 3134	Checks Completed: 3379
Non-Compliance Rate: 7%	Unable to Complete: 124

COUNTY	FY2012 COMPLIANCE	FY2013 COMPLIANCE	NET CHANGE	TOTAL CHECKS	UNABLE TO COMPLETE	TOTAL CHECKS COMPLETED	COMPLIANT	NON-COMPLIANT
TOTALS	92%	93%	1%	3503	124	3379	3134	245
1 ADAIR	100%	88%	-12%	9	0	9	8	1
2 ADAMS	100%	100%	0%	5	0	5	5	0
3 ALLAMAKEE	94%	100%	6%	19	2	17	17	0
4 APPANOOSE	77%	88%	11%	17	0	17	15	2
5 AUDUBON	100%	83%	-17%	6	0	6	5	1
6 BENTON	93%	91%	-2%	24	1	23	21	2
7 BLACK HAWK	96%	86%	-10%	160	4	156	134	22
8 BOONE	86%	100%	14%	24	1	23	23	0
9 BREMER	90%	95%	5%	19	0	19	18	1
10 BUCHANAN	86%	100%	14%	24	1	23	23	0
11 BUENA VISTA	76%	90%	14%	31	2	29	26	3
12 BUTLER	82%	100%	18%	17	3	14	14	0
13 CALHOUN	100%	100%	0%	14	1	13	13	0
14 CARROLL	83%	91%	8%	36	1	35	32	3
15 CASS	73%	95%	22%	23	1	22	21	1
16 CEDAR	88%	91%	3%	24	2	22	21	1
17 CERRO GORDO	98%	96%	-2%	47	1	46	44	2
18 CHEROKEE	100%	88%	-12%	17	0	17	15	2
19 CHICKASAW	73%	85%	12%	13	0	13	11	2
20 CLARKE	92%	81%	-11%	16	0	16	13	3
21 CLAY	83%	100%	17%	21	0	21	21	0
22 CLAYTON	89%	96%	7%	26	0	26	25	1
23 CLINTON	86%	94%	8%	63	1	62	58	4
24 CRAWFORD	85%	92%	7%	25	1	24	22	2
25 DALLAS	97%	95%	-2%	39	1	38	36	2
26 DAVIS	100%	100%	0%	7	0	7	7	0
27 DECATUR	100%	89%	-11%	10	1	9	8	1
28 DELAWARE	91%	100%	9%	23	0	23	23	0
29 DES MOINES	92%	95%	3%	38	1	37	35	2
30 DICKINSON	95%	95%	0%	42	1	41	39	2
31 DUBUQUE	98%	91%	-7%	107	11	96	87	9
32 EMMET	100%	91%	-9%	12	1	11	10	1
33 FAYETTE	94%	88%	-6%	33	1	32	28	4
34 FLOYD	82%	100%	18%	17	0	17	17	0
35 FRANKLIN	93%	92%	-1%	13	0	13	12	1
36 FREMONT	82%	100%	18%	13	0	13	13	0
37 GREENE	92%	69%	-23%	14	1	13	9	4
38 GRUNDY	100%	92%	-8%	13	0	13	12	1

	COUNTY	FY2012 COMPLIANCE	FY2013 COMPLIANCE	NET CHANGE	TOTAL CHECKS	UNABLE TO COMPLETE	TOTAL CHECKS COMPLETED	COMPLIANT	NON-COMPLIANT
39	GUTHRIE	88%	100%	12%	20	2	18	18	0
40	HAMILTON	72%	84%	12%	21	2	19	16	3
41	HANCOCK	86%	100%	14%	11	1	10	10	0
42	HARDIN	92%	96%	4%	24	0	24	23	1
43	HARRISON	96%	87%	-9%	31	0	31	27	4
44	HENRY	96%	100%	4%	21	0	21	21	0
45	HOWARD	85%	93%	8%	15	1	14	13	1
46	HUMBOLDT	95%	100%	5%	17	0	17	17	0
47	IDA	100%	87%	-13%	16	1	15	13	2
48	IOWA	90%	95%	5%	22	1	21	20	1
49	JACKSON	88%	97%	9%	32	0	32	31	1
50	JASPER	78%	90%	12%	44	2	42	38	4
51	JEFFERSON	92%	93%	1%	15	1	14	13	1
52	JOHNSON	92%	84%	-8%	126	5	121	102	19
53	JONES	83%	90%	7%	23	2	21	19	2
54	KEOKUK	100%	94%	-6%	18	1	17	16	1
55	KOSSUTH	96%	91%	-5%	24	1	23	22	1
56	LEE	97%	100%	3%	40	2	38	38	0
57	LINN	90%	89%	-1%	184	11	173	154	19
58	LOUISA	92%	100%	8%	14	1	13	13	0
59	LUCAS	100%	80%	-20%	10	0	10	8	2
60	LYON	86%	97%	11%	24	0	24	22	2
61	MADISON	76%	92%	16%	13	0	13	12	1
62	MAHASKA	92%	100%	8%	23	0	23	23	0
63	MARION	100%	97%	-3%	36	1	35	34	1
64	MARSHALL	95%	97%	2%	38	1	37	36	1
65	MILLS	87%	94%	7%	18	1	17	16	1
66	MITCHELL	86%	93%	7%	15	0	15	14	1
67	MONONA	89%	84%	-5%	19	0	19	16	3
68	MONROE	100%	100%	0%	9	1	8	8	0
69	MONTGOMERY	100%	95%	-5%	19	0	19	18	1
70	MUSCATINE	89%	88%	-1%	53	3	50	44	6
71	O'BRIEN	92%	96%	4%	25	0	25	24	1
72	OSCEOLA	100%	86%	-14%	14	0	14	12	2
73	PAGE	100%	100%	0%	16	1	15	15	0
74	PALO ALTO	100%	85%	-15%	21	2	19	17	2
75	PLYMOUTH	96%	100%	4%	23	0	23	23	0
76	POCAHONTAS	100%	100%	0%	11	0	11	11	0
77	POLK	98%	94%	-4%	445	5	440	413	27
78	POTTAWATTAMIE	94%	96%	2%	113	6	107	103	4
79	POWESHIEK	100%	90%	-10%	22	1	21	19	2
80	RINGGOLD	86%	83%	-3%	12	0	12	10	2
81	SAC	94%	100%	6%	16	0	16	16	0
82	SCOTT	91%	92%	1%	169	2	167	154	13
83	SHELBY	95%	91%	-4%	23	1	22	20	2
84	SIoux	84%	88%	4%	38	4	34	30	4

	COUNTY	FY2012 COMPLIANCE	FY2013 COMPLIANCE	NET CHANGE	TOTAL CHECKS	UNABLE TO COMPLETE	TOTAL CHECKS COMPLETED	COMPLIANT	NON-COMPLIANT
85	STORY	89%	91%	2%	84	4	80	73	7
86	TAMA	100%	96%	-4%	25	1	24	23	1
87	TAYLOR	90%	100%	10%	8	0	8	8	0
88	UNION	80%	81%	1%	21	0	21	17	4
89	VAN BUREN	100%	100%	0%	11	0	11	11	0
90	WAPELLO	97%	92%	-5%	40	1	39	36	3
91	WARREN	97%	94%	-3%	34	0	34	32	2
92	WASHINGTON	96%	92%	-4%	25	1	24	22	2
93	WAYNE	100%	100%	0%	8	0	8	8	0
94	WEBSTER	88%	91%	3%	47	2	45	41	4
95	WINNEBAGO	90%	100%	10%	24	0	24	24	0
96	WINNESHIEK	92%	96%	4%	26	0	26	25	1
97	WOODBURY	95%	99%	4%	119	10	109	108	1
98	WORTH	100%	100%	0%	9	0	9	9	0
99	WRIGHT	100%	88%	-12%	18	2	16	14	2
	RETAILER TYPE	FY2012 COMPLIANCE	FY2013 COMPLIANCE	NET CHANGE	TOTAL CHECKS	UNABLE TO COMPLETE	TOTAL CHECKS COMPLETED	COMPLIANT	NON-COMPLIANT
	Convenience w/No Gas	86%	87%	1%	114	6	108	94	14
	Convenience w/Gas	92%	92%	0%	1746	12	1734	1601	133
	Department Store	97%	95%	-2%	60	1	59	56	3
	Entertainment	97%	89%	-8%	42	4	38	34	4
	Gas Station	90%	98%	8%	56	0	56	55	1
	Golf Course	71%	100%	29%	9	1	8	8	0
	Grocery	93%	95%	2%	387	4	383	363	20
	Hookah Bar	50%	50%	0%	2	0	2	1	1
	Hotel/Motel	100%	83%	-17%	7	1	6	5	1
	Liquor Store	91%	90%	-1%	140	3	137	123	14
	Other	92%	95%	3%	258	48	210	199	11
	Pharmacy/Drug	90%	89%	-1%	114	1	113	100	13
	Small Grocery	94%	96%	2%	123	4	119	114	5
	Stand Alone Bar	91%	94%	3%	364	33	331	312	19
	Tobacco Outlet	90%	89%	-1%	80	6	74	68	6
	Vending Machine	100%	100%	0%	1	0	1	1	0

*Retailer type is determined by the tobacco permit applicant.

Iowa's Tobacco Retailer Compliance Trend

