



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

December 2, 2014

TO: Stephen Larson, Administrator, Alcoholic Beverages Division

FR: Jessica Ekman, Administrative Assistant, Alcoholic Beverages Division

RE: I-Pledge Tobacco Enforcement Program Fiscal Year 2014 Analysis

INTRODUCTION

The Iowa Alcoholic Beverages Division (the Division) partnered with 186 law enforcement agencies across the state, as well as the Iowa State Patrol, during Fiscal Year 2014. The purpose of these partnerships was to complete tobacco enforcement activities in conjunction with Iowa Code § 453A.2.

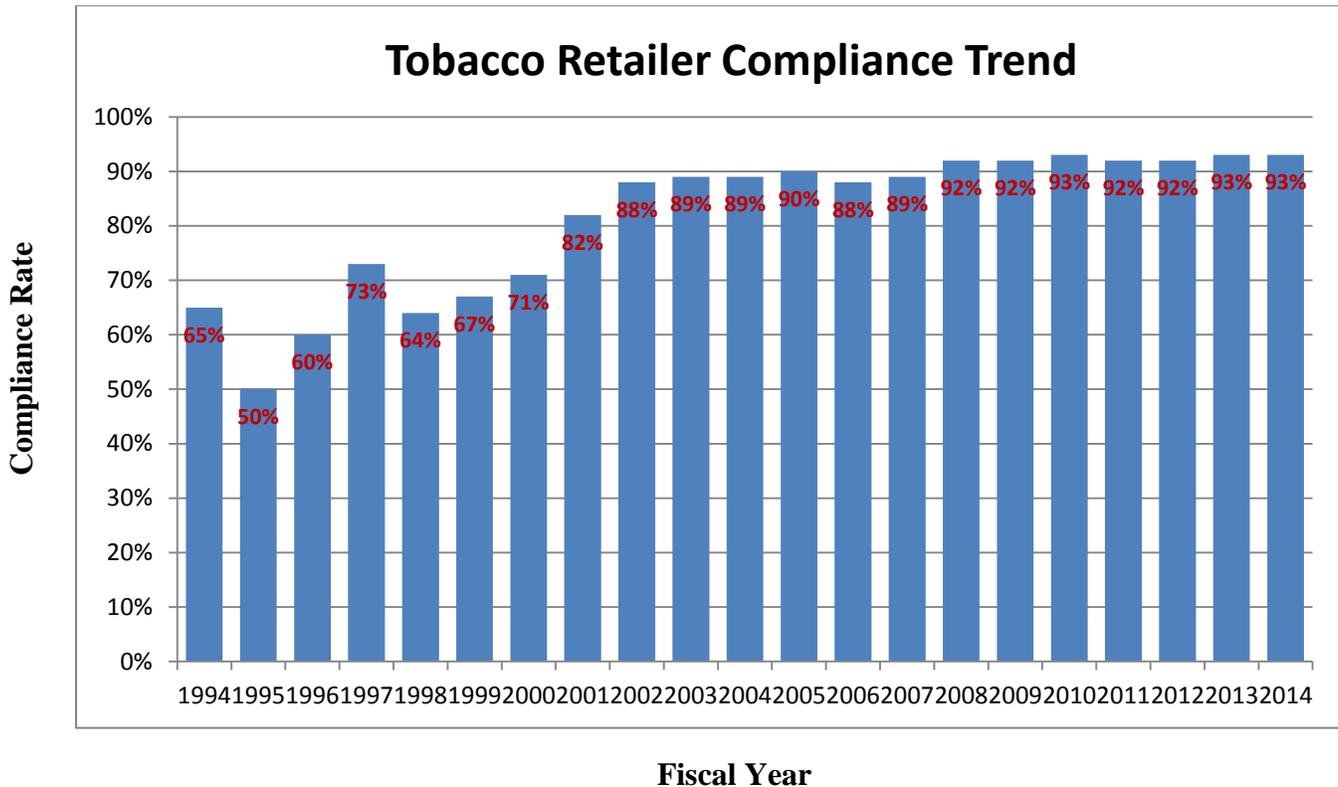
Pursuant to the 28E agreements between the Division and each law enforcement partner, one inspection is to be attempted on each tobacco permit holder within the jurisdiction of the law enforcement partner. The law enforcement partner is also asked to perform a second compliance check on any tobacco retailer found to be non-compliant during the first round of compliance checks.

OVERVIEW OF TOBACCO ENFORCEMENT ACTIVITIES

A total of 3,578 compliance checks were completed between October 1, 2013, and June 30, 2014. Those compliance checks resulted in an overall compliance rate of 93 percent. This compliance rate matches fiscal Year 2013. In the last seven years, the compliance rate has varied between 92 and 93 percent (see chart on the top of the next page). Below is a comparison of the compliance rates for fiscal years 2012, 2013 and 2014.

	FY 2012	FY 2013	FY 2014
% of Retailers in Compliance	92%	93%	93%
% of Retailers not in Compliance	8%	7%	7%
Number of Active Tobacco Retailers in Iowa	3,390*	3,305*	3,433*
Number of Inspections Attempted	3,619	3,503	3,638
Inspections Completed	3,419	3,379	3,578
Inspections Unable to Complete	200	124	60
Compliant Inspections	3,146	3,134	3,316
Non-compliant Inspections	273	245	262

*The number of active tobacco permits can change frequently during the fiscal year because 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 fiscal year.



YEAR-TO-YEAR COMPARISON

- 3,578 tobacco compliance checks were completed in fiscal year 2014, with an overall compliance rate of 93 percent. This compliance rate is consistent with the rate in fiscal year 2013.
- 26 counties in Iowa had a 100 percent compliance rate in fiscal year 2014. Ten of the 26 counties had 100 percent compliance in fiscal year 2013 and three of those counties also had 100 percent compliance in fiscal year 2012.
- 7,616 individuals were certified in the I-Pledge Training Program in fiscal year 2014; this is consistent with the number certified in fiscal year 2013.
- According to the federal fiscal year 2013 Annual Synar Reports, Iowa achieved a retailer violation rate of 7.5 percent which is two percent below the national weighted average reported for federal fiscal year 2013. Iowa is one of thirty states to achieve a retailer violation rate fewer than ten percent according to the federal fiscal year 2013 report.

NON-COMPLIANT DATA

During fiscal year 2014, there were 262 compliance checks which resulted in a youth being able to purchase a tobacco product. Seventeen of the 262 non-compliant checks were second round violations*. In fiscal year 2014, 56 percent of the clerks selling 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, 5 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 fiscal year 2014. Minors under 16 years of age are not able to participate in the program due to federal regulations. There were two law enforcement agencies that used a 15 year old in error and two of those checks resulted in the youth being able to purchase a tobacco product.

Male	Female
58%	42%

15 years old	16 years old	17 years old
1%	42%	57%

*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.

Cigarettes are the most frequently attempted purchase item during the tobacco compliance checks but youth may also attempt to purchase smokeless tobacco or other tobacco products defined in Iowa Code § 453A.42. The type of tobacco product selected as the attempted purchase item is determined at the discretion of the law enforcement agency conducting the compliance checks. The chart below shows the percentage of tobacco products the youth were able to purchase by category.

Cigarettes	Smokeless Tobacco	Other
93%	5%	2%

COUNTIES WITH HIGHEST COMPLIANCE RATES

During fiscal year 2014, 26 counties were found to be in 100 percent compliance. Those counties are listed in the table below. Over half of these counties have a population fewer than 15,000 and the majority have 25 or fewer tobacco retailers countywide. Ten of the 26 counties had 100 percent compliance in fiscal year 2013 and three of those counties also had 100 percent compliance in fiscal year 2012. It is important to note that the number of tobacco retailers can change. 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 30, regardless of when the permit was issued.

County	FY 2012 Compliance Rate	FY 2013 Compliance Rate	FY 2014 Compliance Rate	2013 Population Estimate According to US Census Bureau	Current # of Tobacco retailers
1. Adams	100%	100%	100%	3,894	6
2. Appanoose	77%	88%	100%	12,692	18
3. Audubon	100%	83%	100%	5,873	5
4. Benton	93%	91%	100%	25,699	27
5. Buchanan	86%	100%	100%	20,976	24
6. Butler	82%	100%	100%	15,021	16
7. Greene	92%	69%	100%	9,139	11
8. Grundy	100%	92%	100%	12,314	14
9. Guthrie	88%	100%	100%	10,687	18
10. Henry	96%	100%	100%	20,222	22
11. Jackson	88%	97%	100%	19,587	32
12. Jefferson	92%	93%	100%	16,810	15
13. Louisa	92%	100%	100%	11,282	17
14. Lucas	100%	80%	100%	8,746	13
15. Mitchell	86%	93%	100%	10,709	18
16. O'Brien	92%	96%	100%	14,044	23
17. Osceola	100%	86%	100%	6,211	12
18. Plymouth	96%	100%	100%	24,957	21
19. Sac	94%	100%	100%	10,071	18
20. Sioux	84%	88%	100%	34,547	31
21. Tama	100%	96%	100%	17,576	25
22. Union	80%	81%	100%	12,583	19
23. Van Buren	100%	100%	100%	7,436	10
24. Washington	96%	92%	100%	22,015	26
25. Wayne	100%	100%	100%	6,402	10
26. Winneshiek	92%	96%	100%	20,994	24

I-PLEDGE RETAILER TRAINING'S EFFECTS ON COMPLIANCE RATES

The core objective of the I-Pledge Retailer Training Program is to prevent illegal sales of tobacco by educating tobacco retailers and increasing awareness of changes in Iowa's tobacco laws. Establishments choosing to have their employees participate in the I-Pledge Retailer 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 a 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 his or her certification revoked and may take the training again for recertification.

The number of individuals certified in fiscal year 2014 is consistent with the number of individuals trained in fiscal year 2013. A chart comparing the I-Pledge Retailer Training Program in fiscal years 2012, 2013 and 2014 is located on the top of the following page.

	FY 2012	FY 2013	FY 2014
Persons Who Completed Quiz	6,183	7,658	7,651
Persons Who Passed Quiz	6,128	7,599	7,616
Persons Who Failed Quiz	55	59	35
Passing Rate	99%	99%	99%
Persons Decertified as a Result of Selling Tobacco Products to a Minor	33	40	39

IOWA’S COMPLIANCE RATE COMPARED TO OTHER STATES

The Synar Amendment was enacted by Congress in July 1992 as part of the Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act. According to the Substance Abuse and Mental Health Services Administration (SAMSHA), the Synar Amendment requires states (including the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and six Pacific jurisdictions) to enact and enforce laws prohibiting the sale or distribution of tobacco products to individuals under the age of 18. SAMHSA issued the Synar regulation in July 1996 to provide guidance to the states. The regulation requires that states enact and enforce laws prohibiting any manufacturer, retailer, or distributor of tobacco products from selling or distributing such products to any individual younger than age 18; conduct annual unannounced inspections that provide a valid probability sample of tobacco sales outlets accessible to minors; negotiate interim targets and a date to achieve a noncompliance rate of no more than 20 percent and submit an annual report detailing activities to enforce the law.

According to the federal fiscal year 2013 Annual Synar Reports, the national weighted average of tobacco sales to minors reported by states and the District of Columbia is 9.6 percent. Iowa reported a retailer violation rate of 7.5 percent for the Synar compliance checks performed in federal fiscal year 2013. This is two percent less than the national weighted average reported for federal fiscal year 2013. Iowa is one of thirty states that achieved a retailer violation rate fewer than 10 percent according to the federal fiscal year 2013 report.

CONCLUSION

This report and analysis accurately reflects the tobacco enforcement activities that occurred in fiscal year 2014. Please feel free to contact Jessica Ekman at ekman@iowaabd.com with questions or comments.

IOWA TOBACCO COMPLIANCE DATA

FY14 YEAR END REPORT

Compliance Rate: 93%	Checks Non-Compliant: 262
Checks Compliant: 3316	Checks Completed: 3578
Total Checks: 3638	Unable To Complete: 60

COUNTY	FY2013 COMPLIANCE	FY2014 COMPLIANCE	NET CHANGE	TOTAL CHECKS	UNABLE TO COMPLETE	TOTAL CHECKS COMPLETED	COMPLIANT	NON-COMPLIANT
TOTALS	93%	93%	0%	3638	60	3578	3316	262
1 ADAIR	88%	90%	2%	10	0	10	9	1
2 ADAMS	100%	100%	0%	6	0	6	6	0
3 ALLAMAKEE	100%	94%	-6%	18	0	18	17	1
4 APPANOOSE	88%	100%	12%	19	1	18	18	0
5 AUDUBON	83%	100%	17%	5	0	5	5	0
6 BENTON	91%	100%	9%	27	0	27	27	0
7 BLACK HAWK	86%	92%	6%	155	1	154	142	12
8 BOONE	100%	96%	-4%	26	1	25	24	1
9 BREMER	95%	88%	-7%	24	0	24	21	3
10 BUCHANAN	100%	100%	0%	24	0	24	24	0
11 BUENA VISTA	90%	94%	4%	34	1	33	31	2
12 BUTLER	100%	100%	0%	15	0	15	15	0
13 CALHOUN	100%	93%	-7%	15	0	15	14	1
14 CARROLL	91%	97%	6%	33	2	31	30	1
15 CASS	95%	83%	-12%	24	0	24	20	4
16 CEDAR	91%	84%	-7%	25	0	25	21	4
17 CERRO GORDO	96%	89%	-7%	55	0	55	49	6
18 CHEROKEE	88%	94%	6%	16	0	16	15	1
19 CHICKASAW	85%	88%	3%	17	0	17	15	2
20 CLARKE	81%	94%	13%	16	0	16	15	1
21 CLAY	100%	80%	-20%	25	0	25	20	5
22 CLAYTON	96%	93%	-3%	30	1	29	27	2
23 CLINTON	94%	95%	1%	66	2	64	61	3
24 CRAWFORD	92%	92%	0%	25	0	25	23	2
25 DALLAS	95%	92%	-3%	40	1	39	36	3
26 DAVIS	100%	78%	-22%	9	0	9	7	2
27 DECATUR	89%	91%	2%	11	0	11	10	1
28 DELAWARE	100%	95%	-5%	22	0	22	21	1
29 DES MOINES	95%	95%	0%	40	0	40	38	2
30 DICKINSON	95%	97%	2%	40	1	39	38	1
31 DUBUQUE	91%	94%	3%	156	2	154	144	10
32 EMMET	91%	83%	-8%	12	0	12	10	2
33 FAYETTE	88%	90%	2%	31	0	31	28	3
34 FLOYD	100%	94%	-6%	19	1	18	17	1
35 FRANKLIN	92%	88%	-4%	16	0	16	14	2
36 FREMONT	100%	92%	-8%	13	0	13	12	1
37 GREENE	69%	100%	31%	11	0	11	11	0
38 GRUNDY	92%	100%	8%	13	0	13	13	0

	COUNTY	FY2013 COMPLIANCE	FY2014 COMPLIANCE	NET CHANGE	TOTAL CHECKS	UNABLE TO COMPLETE	TOTAL CHECKS COMPLETED	COMPLIANT	NON-COMPLIANT
39	GUTHRIE	100%	100%	0%	18	0	18	18	0
40	HAMILTON	84%	80%	-4%	25	0	25	20	5
41	HANCOCK	100%	92%	-8%	13	0	13	12	1
42	HARDIN	96%	93%	-3%	27	0	27	25	2
43	HARRISON	87%	86%	-1%	29	0	29	25	4
44	HENRY	100%	100%	0%	21	0	21	21	0
45	HOWARD	93%	89%	-4%	19	0	19	17	2
46	HUMBOLDT	100%	95%	-5%	19	0	19	18	1
47	IDA	87%	93%	6%	15	0	15	14	1
48	IOWA	95%	96%	1%	26	3	23	22	1
49	JACKSON	97%	100%	3%	33	0	33	33	0
50	JASPER	90%	95%	5%	41	1	40	38	2
51	JEFFERSON	93%	100%	7%	15	1	14	14	0
52	JOHNSON	84%	86%	2%	124	1	123	106	17
53	JONES	90%	86%	-4%	23	1	22	19	3
54	KEOKUK	94%	89%	-5%	18	0	18	16	2
55	KOSSUTH	91%	85%	-6%	27	0	27	23	4
56	LEE	100%	95%	-5%	42	2	40	38	2
57	LINN	89%	89%	0%	190	5	185	165	20
58	LOUISA	100%	100%	0%	15	0	15	15	0
59	LUCAS	80%	100%	20%	12	0	12	12	0
60	LYON	97%	96%	-1%	23	0	23	22	1
61	MADISON	92%	93%	1%	14	0	14	13	1
62	MAHASKA	100%	93%	-7%	28	1	27	25	2
63	MARION	97%	80%	-17%	44	0	44	35	9
64	MARSHALL	97%	83%	-14%	47	0	47	39	8
65	MILLS	94%	88%	-6%	18	1	17	15	2
66	MITCHELL	93%	100%	7%	18	1	17	17	0
67	MONONA	84%	94%	10%	19	1	18	17	1
68	MONROE	100%	80%	-20%	10	0	10	8	2
69	MONTGOMERY	95%	95%	0%	21	0	21	20	1
70	MUSCATINE	88%	96%	8%	51	1	50	48	2
71	O'BRIEN	96%	100%	4%	23	0	23	23	0
72	OSCEOLA	86%	100%	14%	12	0	12	12	0
73	PAGE	100%	88%	-12%	17	0	17	15	2
74	PALO ALTO	85%	78%	-7%	23	0	23	18	5
75	PLYMOUTH	100%	100%	0%	21	0	21	21	0
76	POCAHONTAS	100%	85%	-15%	13	0	13	11	2
77	POLK	94%	95%	1%	437	4	433	410	23
78	POTTAWATTAMIE	96%	90%	-6%	113	4	109	98	11
79	POWESHIEK	90%	96%	6%	23	0	23	22	1
80	RINGGOLD	83%	90%	7%	10	0	10	9	1
81	SAC	100%	100%	0%	18	0	18	18	0
82	SCOTT	92%	96%	4%	168	4	164	157	7
83	SHELBY	91%	91%	0%	22	0	22	20	2
84	SIoux	88%	100%	12%	31	0	31	31	0

	COUNTY	FY2013 COMPLIANCE	FY2014 COMPLIANCE	NET CHANGE	TOTAL CHECKS	UNABLE TO COMPLETE	TOTAL CHECKS COMPLETED	COMPLIANT	NON-COMPLIANT
85	STORY	91%	90%	-1%	77	5	72	65	7
86	TAMA	96%	100%	4%	24	0	24	24	0
87	TAYLOR	100%	90%	-10%	10	0	10	9	1
88	UNION	81%	100%	19%	18	0	18	18	0
89	VAN BUREN	100%	100%	0%	10	0	10	10	0
90	WAPELLO	92%	98%	6%	43	0	43	42	1
91	WARREN	94%	94%	0%	33	0	33	31	2
92	WASHINGTON	92%	100%	8%	25	0	25	25	0
93	WAYNE	100%	100%	0%	10	1	9	9	0
94	WEBSTER	91%	91%	0%	49	3	46	42	4
95	WINNEBAGO	100%	96%	-4%	27	0	27	26	1
96	WINNESHIEK	96%	100%	4%	23	1	22	22	0
97	WOODBURY	99%	95%	-4%	131	4	127	121	6
98	WORTH	100%	76%	-24%	17	0	17	13	4
99	WRIGHT	88%	76%	-12%	22	1	21	16	5

