



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

January 28, 2016

**TO:** Stephen Larson, Administrator, Alcoholic Beverages Division

**FR:** Jessica Ekman, Tobacco Program Coordinator, Alcoholic Beverages Division

**RE:** I-PLEDGE Tobacco/Alternative Nicotine/Vapor Product Enforcement Program Fiscal Year 2015 Analysis

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## INTRODUCTION

The Iowa Alcoholic Beverages Division (Division) partnered with 183 law enforcement agencies across the state, as well as the Iowa State Patrol, during Fiscal Year 2015. The purpose of these partnerships was to complete tobacco/alternative nicotine/vapor product enforcement activities in conjunction with Iowa Code § 453A.2.

Pursuant to the 28E agreements between the Division and each law enforcement partner, one compliance check is to be attempted on each tobacco/alternative nicotine/vapor 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 retailer found to be non-compliant during the first round of compliance checks.

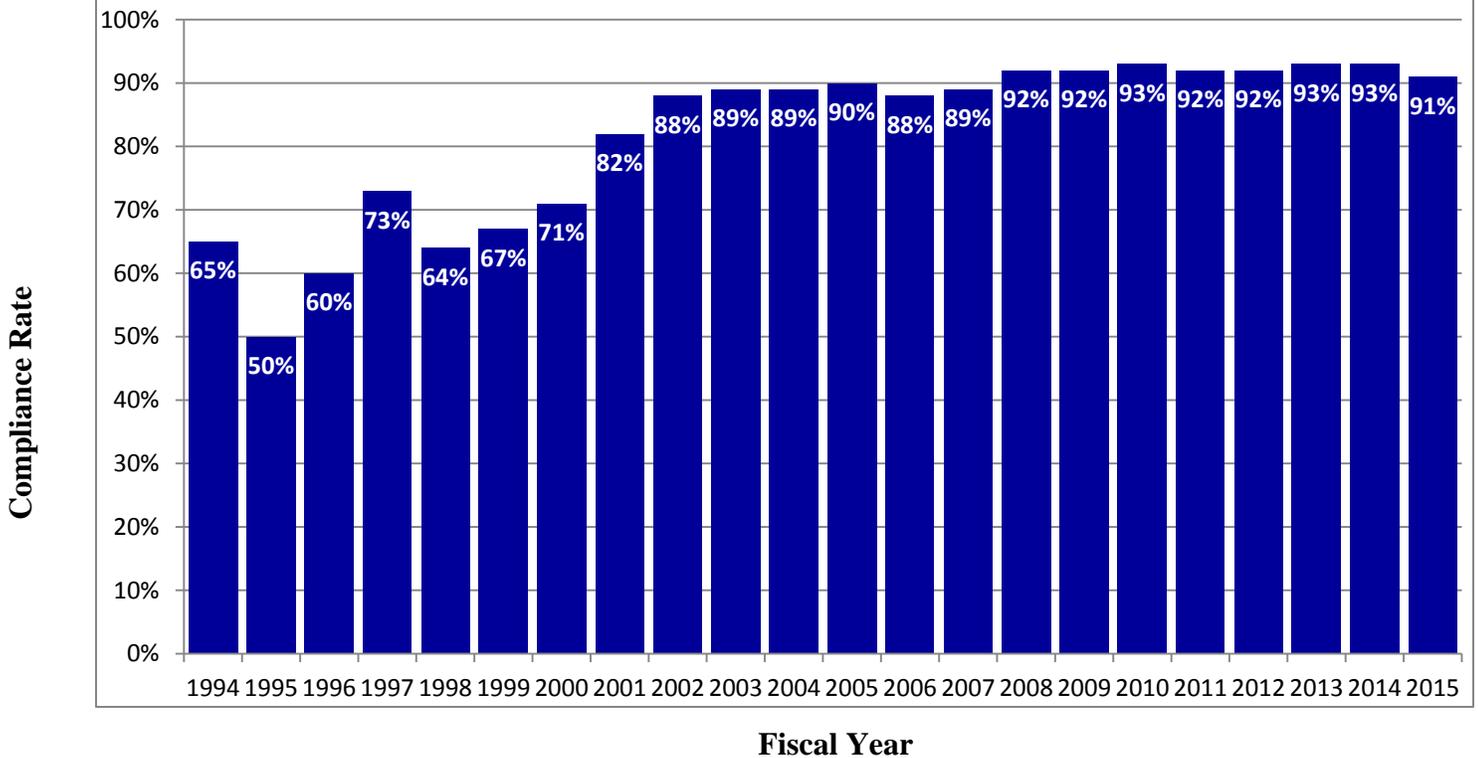
## OVERVIEW OF TOBACCO ENFORCEMENT ACTIVITIES

A total of 3,635 compliance checks were completed between October 1, 2014, and June 30, 2015. Those compliance checks resulted in an overall compliance rate of 91 percent. Below is a comparison of the compliance rates for fiscal years 2013, 2014 and 2015.

	FY 2013	FY 2014	FY 2015
% of Retailers in Compliance	93%	93%	91%
% of Retailers not in Compliance	7%	7%	9%
Number of Active Retailers in Iowa	3,305*	3,433*	3,472*
Number of Inspections Attempted	3,503	3,638	3,700
Inspections Completed	3,379	3,578	3,635
Inspections Unable to Complete	124	60	65
Compliant Inspections	3,134	3,316	3,325
Non-compliant Inspections	245	262	310

\*The number of active tobacco/alternative nicotine/vapor permits can change frequently during the fiscal year due to the ability of permits to be issued or cancelled at any time. The number of active retailers in the chart reflects the number active at the beginning of each program year.

## Retailer Compliance Trend



### YEAR-TO-YEAR COMPARISON

- 3,635 tobacco/alternative nicotine/vapor product compliance checks were completed in fiscal year 2015, with an overall compliance rate of 91 percent. This compliance rate is 2% lower than the rates in fiscal years 2013 and 2014.
- 32 counties in Iowa had a 100 percent compliance rate in fiscal year 2015. Ten of the 32 counties had 100 percent compliance in fiscal year 2014 and seven of those ten counties also had 100 percent compliance in fiscal year 2013.
- 10,285 individuals were certified in the I-PLEDGE Training Program in fiscal year 2015; this is roughly 2,700 more individuals certified than in fiscal years 2013 and 2014.
- 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 30 states to achieve a retailer violation rate of less than 10 percent, according to the federal fiscal year 2013 report.

### NON-COMPLIANT DATA

During fiscal year 2015, there were 310 compliance checks which resulted in a minor being able to purchase a tobacco/alternative nicotine/vapor product. Thirty-three of the 310 non-compliant compliance 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 fiscal year 2015, 49 percent of the clerks selling tobacco/alternative nicotine/vapor products to a minor asked for the minor’s ID. This data suggests that almost half of the clerks who sold to a minor looked at the minor’s ID and then sold tobacco/alternative nicotine/vapor products to the minor. In addition, 4 percent of the clerks who sold 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 tobacco/alternative nicotine/vapor products in fiscal year 2015. Minors under 16 years of age are not able to participate in the program due to federal regulations. However, there were two law enforcement agencies that used a 15 year old minor in error and six of those checks resulted in the minor being able to purchase a tobacco/alternative nicotine/vapor product.

Male	Female
59%	41%

15 years old	16 years old	17 years old
2%	29%	69%

Prior to July 1, 2014, the only items that minors could attempt to purchase during compliance checks were cigarettes, smokeless tobacco and other tobacco products as defined in Iowa Code § 453A.42. On July 1, 2014, Iowa Code section 453A.2 was amended to include alternative nicotine and vapor products. Pursuant to this law change, alternative nicotine and vapor products were included in the fiscal year 2015 I-PLEDGE program. The type of product selected as the attempted purchase item is determined at the discretion of the law enforcement agency conducting the compliance checks. During fiscal year 2015, cigarettes continued to be the most frequently attempted purchase item during the tobacco/alternative nicotine/vapor compliance checks. The chart below shows the percentage of products the youth were able to purchase by category.

Cigarettes	Smokeless Tobacco	Other Tobacco Product	Alternative Nicotine/ Vapor Product
77%	14%	3%	6%

The following chart contains information for each attempted purchase item category. The information detailed per category includes; the total number of inspections, number of inspections per result and compliance rate. There were three compliance checks of the total 3,635 where the law enforcement agency reported two attempted purchase items. This was an error on the part of the law enforcement agency and only one attempted purchase item should be reported per compliance check. The three compliance checks mentioned all had a compliant result.

Product	Number of Total Inspections	Number of Compliant Inspections	Number of Non-Compliant Inspections	Compliance Rate
Cigarettes	3,127	2,890	237	92%
Smokeless Tobacco	357	313	44	88%
Other Tobacco Product	43	33	10	78%
Alternative Nicotine/ Vapor Product	111	92	19	83%

### **COUNTIES WITH HIGHEST COMPLIANCE RATES**

During fiscal year 2015, 32 counties were found to be in 100 percent compliance. Those counties are listed in the table on page 5. Over half of these counties have a total population of less than 15,000 and the majority have 25 or fewer tobacco/alternative nicotine/vapor product retailers countywide. Ten of the 32 counties had 100 percent compliance in fiscal year 2014 and seven of those ten counties also had 100 percent compliance in fiscal year 2013. It is important to note that the number of tobacco/alternative nicotine/vapor retailers can change throughout the fiscal year. Tobacco/alternative nicotine/vapor permits are issued by the local authority and a new permit can be issued or cancelled at any time. All tobacco/alternative nicotine/vapor permits expire on June 30, regardless of when the permit is issued.

County	FY 2013 Compliance Rate	FY 2014 Compliance Rate	FY 2015 Compliance Rate	2014 Population Estimate According to U.S. Census Bureau	Current # of Retailers
1. Adair	88%	90%	100%	7,454	9
2. Adams	100%	100%	100%	3,875	6
3. Boone	100%	96%	100%	26,433	24
4. Buchanan	100%	100%	100%	21,038	23
5. Butler	100%	100%	100%	15,006	16
6. Clarke	81%	94%	100%	9,217	15
7. Crawford	92%	92%	100%	17,228	21
8. Delaware	100%	95%	100%	17,398	23
9. Floyd	100%	94%	100%	16,077	17
10. Fremont	100%	92%	100%	7,022	12
11. Hancock	100%	92%	100%	11,027	11
12. Harrison	87%	86%	100%	14,324	29
13. Jackson	97%	100%	100%	19,482	28
14. Keokuk	94%	89%	100%	10,231	19
15. Lyon	97%	96%	100%	11,683	22
16. Marshall	97%	83%	100%	40,866	41
17. Mills	94%	88%	100%	14,831	16
18. Monona	84%	94%	100%	8,996	19
19. Montgomery	95%	95%	100%	10,421	20
20. Page	100%	88%	100%	15,496	16
21. Palo Alto	85%	78%	100%	9,099	18
22. Plymouth	100%	100%	100%	24,874	21
23. Pocahontas	100%	85%	100%	7,138	12
24. Poweshiek	90%	96%	100%	18,668	22
25. Sac	100%	100%	100%	10,035	19
26. Taylor	100%	90%	100%	6,143	8
27. Van Buren	100%	100%	100%	7,468	11
28. Washington	92%	100%	100%	22,070	27
29. Wayne	100%	100%	100%	6,395	8
30. Winnebago	100%	96%	100%	10,559	24
31. Winneshiek	96%	100%	100%	20,768	24
32. Worth	100%	76%	100%	7,624	15

### **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/alternative nicotine/vapor products by educating retailers and increasing awareness of changes in Iowa's tobacco/alternative nicotine/vapor product 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/alternative nicotine/vapor product 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 a tobacco/alternative nicotine/vapor product to a minor will have his or her certification revoked but may take the training again for recertification.

Roughly 2,700 more individuals were certified in fiscal year 2015 than in fiscal years 2013 and 2014. The chart below compares the I-PLEDGE Retailer Training Program in fiscal years 2013, 2014 and 2015.

	FY 2013	FY 2014	FY 2015
Persons Who Completed Quiz	7,681	7,690	10,541
Persons Who Passed Quiz	7,623	7,616	10,285
Persons Who Failed Quiz	58	74	256
Passing Rate	99%	99%	97%
Persons Decertified as a Result of Selling to a Minor	40	39	42

### **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 January 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 30 states that achieved a retailer violation rate of less than 10 percent, according to the federal fiscal year 2013 report. The federal fiscal year 2014 Annual Synar Reports are not available at this time.

## **CONCLUSION**

The I-pledge Enforcement Program has continued to demonstrate success since its inception in fiscal year 2001. Despite a two percent decrease in the compliance rate in fiscal year 2015 as compared to the previous two fiscal years, the program has maintained compliance rates in the 90 percent range over the last eight fiscal years. This is a significant improvement compared to the compliance rates reported prior to the program's implementation. The number of individuals successfully completing the I-pledge Retailer Training will hopefully continue to grow, increasing both the awareness of Iowa's tobacco/alternative nicotine/vapor product laws and the compliance rate.

This report and analysis accurately reflects the tobacco/alternative nicotine/vapor product enforcement activities that occurred during fiscal year 2015. Please feel free to contact Jessica Ekman at [Ekman@IowaABD.com](mailto:Ekman@IowaABD.com) with questions or comments.

## **ATTACHMENTS**

I-pledge Tobacco, Alternative Nicotine & Vapor Product Compliance Data- Fiscal Year 2015 Year End Report

## I-PLEDGE TOBACCO, ALTERNATIVE NICOTINE & VAPOR PRODUCT COMPLIANCE DATA

### FY15 YEAR END REPORT

Compliance Rate: 91%	Checks Non-Compliant: 310
Checks Compliant: 3325	Checks Completed: 3635
Total Checks: 3700	Unable To Complete: 65

	COUNTY	FY2014 COMPLIANCE	FY2015 COMPLIANCE	NET CHANGE	TOTAL CHECKS	UNABLE TO COMPLETE	TOTAL CHECKS COMPLETED	COMPLIANT	NON-COMPLIANT
	<b>TOTALS</b>	<b>93%</b>	<b>91%</b>	<b>-2%</b>	<b>3700</b>	<b>65</b>	<b>3635</b>	<b>3325</b>	<b>310</b>
1	ADAIR	90%	100%	10%	9	0	9	9	0
2	ADAMS	100%	100%	0%	6	0	6	6	0
3	ALLAMAKEE	94%	94%	0%	18	1	17	16	1
4	APPANOOSE	100%	95%	-5%	21	0	21	20	1
5	AUDUBON	100%	83%	-17%	6	0	6	5	1
6	BENTON	100%	96%	-4%	25	0	25	24	1
7	BLACK HAWK	92%	85%	-7%	174	5	169	143	26
8	BOONE	96%	100%	4%	26	0	26	26	0
9	BREMER	88%	95%	7%	21	0	21	20	1
10	BUCHANAN	100%	100%	0%	22	0	22	22	0
11	BUENA VISTA	94%	81%	-13%	31	0	31	25	6
12	BUTLER	100%	100%	0%	16	1	15	15	0
13	CALHOUN	93%	94%	1%	16	0	16	15	1
14	CARROLL	97%	94%	-3%	31	0	31	29	2
15	CASS	83%	91%	8%	22	0	22	20	2
16	CEDAR	84%	83%	-1%	29	0	29	24	5
17	CERRO GORDO	89%	94%	5%	51	0	51	48	3
18	CHEROKEE	94%	94%	0%	16	0	16	15	1
19	CHICKASAW	88%	78%	-10%	18	0	18	14	4
20	CLARKE	94%	100%	6%	15	0	15	15	0
21	CLAY	80%	68%	-12%	25	0	25	17	8
22	CLAYTON	93%	97%	4%	31	0	31	30	1
23	CLINTON	95%	84%	-11%	76	1	75	63	12
24	CRAWFORD	92%	100%	8%	22	0	22	22	0
25	DALLAS	92%	89%	-3%	40	2	38	34	4
26	DAVIS	78%	78%	0%	9	0	9	7	2
27	DECATUR	91%	86%	-5%	14	0	14	12	2
28	DELAWARE	95%	100%	5%	23	0	23	23	0
29	DES MOINES	95%	95%	0%	43	0	43	41	2
30	DICKINSON	97%	90%	-7%	40	0	40	36	4
31	DUBUQUE	94%	93%	-1%	122	1	121	112	9
32	EMMET	83%	77%	-6%	13	0	13	10	3
33	FAYETTE	90%	94%	4%	32	0	32	30	2
34	FLOYD	94%	100%	6%	19	0	19	19	0
35	FRANKLIN	88%	94%	6%	16	0	16	15	1
36	FREMONT	92%	100%	8%	11	0	11	11	0
37	GREENE	100%	93%	-7%	14	0	14	13	1
38	GRUNDY	100%	93%	-7%	15	0	15	14	1

	COUNTY	FY2014 COMPLIANCE	FY2015 COMPLIANCE	NET CHANGE	TOTAL CHECKS	UNABLE TO COMPLETE	TOTAL CHECKS COMPLETED	COMPLIANT	NON-COMPLIANT
39	GUTHRIE	100%	94%	-6%	18	0	18	17	1
40	HAMILTON	80%	91%	11%	22	0	22	20	2
41	HANCOCK	92%	100%	8%	11	1	10	10	0
42	HARDIN	93%	74%	-19%	34	0	34	25	9
43	HARRISON	86%	100%	14%	29	0	29	29	0
44	HENRY	100%	92%	-8%	24	0	24	22	2
45	HOWARD	89%	90%	1%	20	0	20	18	2
46	HUMBOLDT	95%	83%	-12%	23	0	23	19	4
47	IDA	93%	93%	0%	16	1	15	14	1
48	IOWA	96%	92%	-4%	24	0	24	22	2
49	JACKSON	100%	100%	0%	29	0	29	29	0
50	JASPER	95%	88%	-7%	43	0	43	38	5
51	JEFFERSON	100%	82%	-18%	17	0	17	14	3
52	JOHNSON	86%	84%	-2%	124	4	120	101	19
53	JONES	86%	96%	10%	25	1	24	23	1
54	KEOKUK	89%	100%	11%	19	0	19	19	0
55	KOSSUTH	85%	76%	-9%	29	0	29	22	7
56	LEE	95%	95%	0%	45	1	44	42	2
57	LINN	89%	91%	2%	196	5	191	174	17
58	LOUISA	100%	93%	-7%	15	1	14	13	1
59	LUCAS	100%	93%	-7%	14	0	14	13	1
60	LYON	96%	100%	4%	21	0	21	21	0
61	MADISON	93%	76%	-17%	17	0	17	13	4
62	MAHASKA	93%	86%	-7%	29	0	29	25	4
63	MARION	80%	88%	8%	41	0	41	36	5
64	MARSHALL	83%	100%	17%	36	0	36	36	0
65	MILLS	88%	100%	12%	16	2	14	14	0
66	MITCHELL	100%	94%	-6%	18	1	17	16	1
67	MONONA	94%	100%	6%	16	0	16	16	0
68	MONROE	80%	89%	9%	9	0	9	8	1
69	MONTGOMERY	95%	100%	5%	20	0	20	20	0
70	MUSCATINE	96%	91%	-5%	53	0	53	48	5
71	O'BRIEN	100%	92%	-8%	25	1	24	22	2
72	OSCEOLA	100%	83%	-17%	12	0	12	10	2
73	PAGE	88%	100%	12%	16	0	16	16	0
74	PALO ALTO	78%	100%	22%	18	0	18	18	0
75	PLYMOUTH	100%	100%	0%	20	0	20	20	0
76	POCAHONTAS	85%	100%	15%	12	0	12	12	0
77	POLK	95%	94%	-1%	470	9	461	433	28
78	POTTAWATTAMIE	90%	94%	4%	114	9	105	99	6
79	POWESHIEK	96%	100%	4%	22	1	21	21	0
80	RINGGOLD	90%	90%	0%	10	0	10	9	1
81	SAC	100%	100%	0%	19	0	19	19	0
82	SCOTT	96%	88%	-8%	181	5	176	155	21
83	SHELBY	91%	87%	-4%	24	1	23	20	3
84	SIOUX	100%	84%	-16%	38	0	38	32	6

	COUNTY	FY2014 COMPLIANCE	FY2015 COMPLIANCE	NET CHANGE	TOTAL CHECKS	UNABLE TO COMPLETE	TOTAL CHECKS COMPLETED	COMPLIANT	NON-COMPLIANT
85	STORY	90%	90%	0%	84	3	81	73	8
86	TAMA	100%	84%	-16%	27	2	25	21	4
87	TAYLOR	90%	100%	10%	8	0	8	8	0
88	UNION	100%	95%	-5%	19	0	19	18	1
89	VAN BUREN	100%	100%	0%	10	0	10	10	0
90	WAPELLO	98%	98%	0%	42	0	42	41	1
91	WARREN	94%	92%	-2%	37	0	37	34	3
92	WASHINGTON	100%	100%	0%	26	0	26	26	0
93	WAYNE	100%	100%	0%	8	0	8	8	0
94	WEBSTER	91%	95%	4%	43	2	41	39	2
95	WINNEBAGO	96%	100%	4%	24	0	24	24	0
96	WINNESHIEK	100%	100%	0%	24	0	24	24	0
97	WOODBURY	95%	90%	-5%	140	2	138	124	14
98	WORTH	76%	100%	24%	15	0	15	15	0
99	WRIGHT	76%	89%	13%	21	2	19	17	2