

Tobacco Enforcement and Compliance Report 2025



WEST VIRGINIA DEPARTMENT OF

**HUMAN
SERVICES**

Bureau for Behavioral Health

Synar & FDA Youth
Tobacco Enforcement

Bureau for Behavioral Health
September 30, 2025

Introduction

Pursuant to W. Va. Code §16-9A-7(a), the West Virginia Department of Human Services (DoHS)' Bureau for Behavioral Health (BBH), conducts two different types of annual tobacco compliance inspections, Synar inspections and Food and Drug Administration (FDA) Youth Tobacco Enforcement Inspections. For both tobacco compliance inspections, a youth inspector aged 16 to 20 years old enters an establishment and attempts to purchase a tobacco product.

This Tobacco Enforcement and Compliance Report, as required by W. Va. Code §16-9A-7(d), outlines the enforcement and compliance activities undertaken by BBH. The most recent tobacco buy rates were 7.3% Synar inspections and 7.6% for FDA inspections. The buy rates for both tobacco compliance inspections buy-rates improved over the previous year.

Synar Tobacco Compliance Inspections

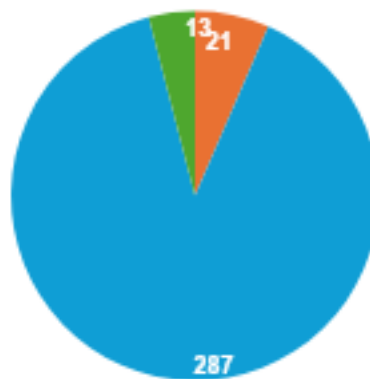
The Synar Amendment¹ to the Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act², named for its sponsor, Congressman Mike Synar of Oklahoma, requires states to enact and enforce laws prohibiting the sale or distribution of tobacco products to individuals under the age of 21. Retail violation rates of more than 20% could result in penalties to the state's Substance Use Prevention, Treatment, and Recovery Services Block Grant (SUBG) award.

The West Virginia State Tax Division (Tax Division) provides a list of tobacco retailers to the West Virginia Health Statistics Center. A statistician creates a random list of retailers that will receive compliance inspections. BBH works with the West Virginia State Police (WVSP) to conduct compliance inspections. The team consists of a West Virginia State Trooper, an adult inspector, and a youth inspector. The team visits the selected retailers and attempts to purchase a tobacco product. Additionally, BBH provides merchant education to help businesses be compliant. Businesses and store clerks that sell to the youth inspector are subject to the penalties contained in W. Va. Code §16-9A-1, *et seq.*

For the past Synar year (October 1, 2024, through September 30, 2025), 300 retailers were selected for inspections. Thirteen stores could not be inspected for various reasons, e.g., the store was not open at the time of inspection, the inspector knew the clerk, or the store went out of business. Of the 287 stores inspected, 21 businesses sold to the

Synar Tobacco Compliance Inspections
10-1-24 to 9-30-25
(300 Total)

■ Sold ■ Compliant ■ Not Inspected



¹ 42 U.S.C. § 300x-26.

² PL 102-321, July 10, 1992, 106 Stat. 323.

youth inspector, which is 7.3%³. The buy rate for the previous year was 10.8%.

A list of the retailers in compliance, previous Annual Synar Reports, and educational materials are located on BBH's website.⁴

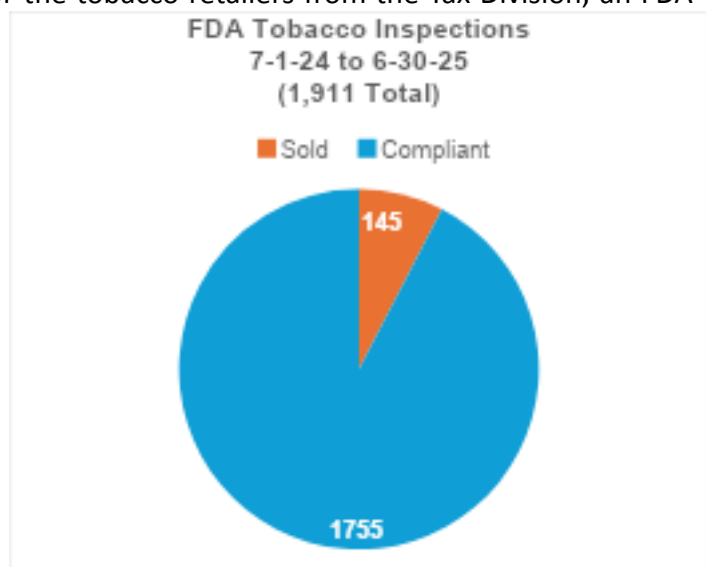
FDA Youth Tobacco Enforcement

The Family Smoking Prevention and Tobacco Control Act⁵ permits the FDA to regulate the manufacturing, marketing, and distribution of tobacco products to protect public health and reduce tobacco use by minors. It further authorizes the FDA to enter into contracts with states to assist with inspections of retail establishments.

Since 2011, BBH has contracted with the FDA to conduct youth tobacco enforcement inspections, advertising, and labeling inspections. The current contract between BBH and the FDA runs through September 29, 2029.

BBH contracts with the WVSP to conduct inspections and ensure compliance with federal law. Inspection sites are selected from a list of the tobacco retailers from the Tax Division, an FDA tobacco information management system, complaints, or knowledge about a new retailer opening. A retailer may only be inspected once per calendar year, unless otherwise directed by the FDA.

Between July 2024 and June 2025, 1,911 undercover tobacco purchase inspections were conducted. Those inspections resulted in 145 purchases of tobacco products by the youth inspectors. The overall buy rate for that time period is 7.6%. The buy rate in the previous year was 10.1%.



Documents for Reference:

Appendix 1: Synar Spreadsheet 2025

Appendix 2: FDA Spreadsheet 2025

³ Only the 287 stores actually inspected count towards the compliance rate.

⁴ <https://bbh.wv.gov/page/synar-program-and-retailer-education-material>

⁵ Pub. L. No. 111-31, 123 Stat. 1776 (2009).