MD Behavioral Health Administration
Population Based Behavioral Health Division

Enforce and Prevent Youth Access to Tobacco Initiatives

December 5, 2014
Executive Director - Brian Hepburn, MD
- Deputy Director Population-Based Behavioral Health
- Deputy Director Operations
- Deputy Director Clinical Services
- Deputy Director Children Services
- Deputy Director Facilities
Population Based Behavioral Health Division consists of the following offices:

- Prevention/Wellness for Public Health
- Overdose Prevention
- Workforce Development and Training
- Statewide Projects – Gambling, Tobacco and Smoking Cessation, HIV/AIDs
- Veterans Affairs
- Epidemiology and Evaluation
Population Based Behavioral Health Division

- Administrative oversight for the SAMHSA Substance Abuse Prevention and Treatment (SAPT) Block Grant

Coordinates the implementation of:

- Overdose Prevention
- MSPF
- SBIRT
- Substance Use Disorder Prevention and Intervention
- Tobacco Compliance and Cessation Services for Behavioral Health Populations
FDA Maryland Tobacco Enforcement Program

On June 22, 2009 the Family Smoking Prevention and Tobacco Control Act became law. This law granted the Food and Drug Administration (FDA) authority to regulate the manufacture, marketing and distribution of tobacco products to protect the public health and to reduce tobacco use by minors.

In FFY 2010 BHA applied for and was awarded a contract by FDA for the purpose of performing Undercover Buys and Advertising and Labeling inspections of retail establishments that sell cigarettes and/or smokeless tobacco products.

Teams consisting of an FDA Commissioned Officer and a minor (16-17 years of age) perform inspections statewide. Staff are required under penalty of law to adhere to strict policies and procedures so as to negate any legal challenges by tobacco retailers to the FDA.

Compliance check inspections completed under this reimbursable contract are submitted to the FDA for review and enforcement. Violations may lead to Warning Letters, Civil Money Penalties or other actions.

http://www.accessdata.fda.gov/scripts/oce/inspections/oe_insp_searching.cfm
As a condition of the SAMHSA Substance Abuse Prevention and Treatment (SAPT) Federal Block Grant, the BHA must comply with the Synar Amendment. This Amendment requires States to:

1. Enact and enforce laws prohibiting the sale or distribution of tobacco products to individuals less than 18 years of age.

2. Conduct annual, random, unannounced inspections of tobacco retailers and report the findings to SAMHSA.

Statewide Projects Tobacco staff consisting of adults and minors conduct random unannounced inspections of licensed tobacco retail outlets and provide an annual report to SAMHSA that measures retailer compliance with MD’s youth tobacco access law. States must adhere to a requirement that they maintain a Retailer Violation Rate (RVR) of 20% or less or be penalized up to 40% of their block grant.
Synar Inspection Process FFY 2014

- Synar sampling methodology same as FFY 2013
  State Licensed Tobacco Retailers list utilized
  10% Random Sample for each jurisdiction
- Synar inspection protocol changed in FFY 2014:
  (Inspection Protocol approved by SAMHSA prior to implementation)
  Inspections performed under the FDA contract, youth inspectors were 16-17 years of age, consummated purchases were conducted, and the required Synar data elements were extracted from the non public FDA data base.
- FDA sent non compliant (warning) letters to tobacco retailers
- Maryland’s RVR in FFY 2014 was 24.1%
Synar Inspection Process FFY 2015

- Synar sampling methodology same as FFY 2013
- Synar inspection protocol changed in FFY 2015:
  (Inspection Protocol approved by SAMHSA prior to implementation)
  Utilized the FDA and Synar inspection protocol, 10% of the State Tobacco Retailer list randomly selected, conducted inspections May-September 2014, youth inspectors were 16-17 years of age, purchases were consummated and BHA Synar Inspection form completed. Non compliant (warning letters) were sent by the FDA. Letters will be sent by BHA to compliant and non-compliant Tobacco Retailers, County Health Officers and Tobacco Coordinators.

- Maryland’s preliminary RVR is 31.9%
ADAA SYNAR SURVEY TOBACCO OUTLET INSPECTION FORM

INSPECTION DATE: ____________________________

TIME OF VISIT: ______________________________ AM □ PM □

INSPECTOR: ________________________________

YOUTH INSPECTOR’S ID NUMBER: ____________

YOUTH INSPECTOR’S GENDER: F □ M □

YOUTH INSPECTOR’S AGE: __________________

OUTLET ID: ______________________ COUNTY CODE: ____________

WAS INSPECTION COMPLETED?: Y □ (EC) N □

INCOMPLETE REASON:
☐ Does not sell Tobacco Products (I2)
☐ Duplicate (I9)
☐ In operation but closed at the time of visit (N1)
☐ Inaccessible by youth (I3)
☐ Moved to a new location (N5)
☐ Out of Business (I1)
☐ Presence of Police (N3)
☐ Private Club/Private Residence (I4)
☐ Run Out of Time (N8)
☐ Temporary Closure (I5)

☒ Tobacco Out of Stock (N7)
☒ Un-locatable (I6)
☒ Unsafe to Access (N2)
☒ Vending Machine Broken (I8)
☒ Wholesale Only/Carton Sale Only (I7)
☒ Youth Inspector Knows Salesperson (N4)
☒ Other Non-completion Reasons (N9)
☒ Other Ineligibility Reasons (I10)
☒ Drive Thru Only/Youth Inspector has no Driver’s License (N6)

TYPE OF SALE: OVER THE COUNTER □ VENDING MACHINE □

WAS BUY ATTEMPT SUCCESSFUL?: Y □ (0) N □ (1)

WAS AGE ASKED?: Y □ N □

WAS ID REQUESTED?: Y □ N □
Maryland SYNAR Retailer Violation Rates by Retailer County
Behavioral Health Administration
FFY 2014 and FFY 2015*

- Allegany: FFY 2014: 0.0, FFY 2015: 0.0
- Anne Arundel: FFY 2014: 20.3, FFY 2015: 40.4
- Baltimore: FFY 2014: 40.0, FFY 2015: 54.7
- Caroline: FFY 2014: 25.0, FFY 2015: 50.0
- Cecil: FFY 2014: 23.1, FFY 2015: 27.9
- Dorchester: FFY 2014: 0.0, FFY 2015: 11.1
- Frederick: FFY 2014: 5.3, FFY 2015: 11.1
- Garrett: FFY 2014: 0.0, FFY 2015: 0.0
- Harford: FFY 2014: 15.0, FFY 2015: 22.2
- Howard: FFY 2014: 20.6, FFY 2015: 27.8
- Kent: FFY 2014: 0.0, FFY 2015: 33.3
- Prince George's: FFY 2014: 3.3, FFY 2015: 47.2
- Queen Anne's: FFY 2014: 7.7, FFY 2015: 7.7
- St. Mary's: FFY 2014: 0.0, FFY 2015: 0.0
- Somerset: FFY 2014: 0.0, FFY 2015: 0.0
- Talbot: FFY 2014: 15.4, FFY 2015: 25.0
- Wicomico: FFY 2014: 25.0, FFY 2015: 33.3
- Worcester: FFY 2014: 25.9, FFY 2015: 30.0
- Baltimore City: FFY 2014: 25.9, FFY 2015: 36.7

*FFY 2015 figures are preliminary
Maryland SYNAR Retailer Violation Rates over 20 Percent in FFY 2015 by Retailer County
Behavioral Health Administration
FFY 2014 and FFY 2015*

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<thead>
<tr>
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*FFY 2015 figures are preliminary
To address this critical issue, Population Based Behavioral Health has partnered with the Prevention and Health Promotion Administration’s Center for Tobacco Prevention and Control to educate and provide technical assistance to tobacco retailers and their employees, local health departments, law enforcement and the community on how to effectively reduce the retailer non-compliance rate.

The penalty funds will be provided to the Center for Tobacco Prevention and Control to implement these activities.

This is a high priority for the Governor, DHMH Secretary, BHA and PHPA
Tobacco Compliance and Cessation contacts:

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