Maryland Youth Access to Tobacco Initiatives

Dawn S. Berkowitz, MPH, CHES
Director, DHMH Center for Tobacco Prevention and Control
Dawn.Berkowitz@Maryland.gov
Regional Training 12.5.14
Tobacco Use among Maryland Adults

- Twenty-one percent decrease in cigarette use since 2000 (21% in 2000; 16% in 2012)
- Less than 1% of MD adults reported starting to use tobacco during the last 12 months.
- Seventy-four percent of current adult smokers want to quit.
- “Never smokers” increased from 56% in 2000 to 61% in 2013.
Underage Use of Tobacco in Maryland
Underage Use of Tobacco in Maryland

Cigar and Cigarette Smoking by Underage Youth

- Cigars
  - 2000: 23.0%
  - 2002: 18.7%
  - 2006: 9.2%
  - 2008: 15.4%
  - 2010: 13.9%
  - 2013: 11.5%

- Cigarettes
  - 2000: 12.5%
  - 2002: 11.0%
  - 2006: 14.7%
  - 2008: 15.4%
  - 2010: 13.9%
  - 2013: 11.0%
Underage Use of FLAVORED Tobacco in Maryland

- Between 2010 and 2013 the use of flavored tobacco products increased by almost 7% among underage high school youth who smoked cigars or used smokeless tobacco.

- Among youth who smoke cigars or use smokeless tobacco, 77% were using flavored tobacco.

- Among youth who only smoked cigars, 71% were using flavored cigars.

- Among youth who only used smokeless tobacco, 57% were using flavored smokeless tobacco.
# Underage Use of Tobacco in Maryland

<table>
<thead>
<tr>
<th>Smoking Status</th>
<th>Past 30 Day Use/Abuse of Alcohol</th>
<th>Past 30 Day Use/Abuse of Marijuana</th>
<th>Past 30 Day Use/Abuse of Rx Drugs</th>
<th>Ever Used Other Illegal Drugs</th>
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</thead>
<tbody>
<tr>
<td>Smokers</td>
<td>79.4%</td>
<td>67%</td>
<td>37.9%</td>
<td>51.1%</td>
</tr>
<tr>
<td>Non-smokers</td>
<td>23.7%</td>
<td>12.6%</td>
<td>4.2%</td>
<td>8.9%</td>
</tr>
<tr>
<td><strong>Increased likelihood of smokers engaging in behavior</strong></td>
<td><strong>3 times</strong></td>
<td><strong>5 times</strong></td>
<td><strong>9 times</strong></td>
<td><strong>6 times</strong></td>
</tr>
</tbody>
</table>
Restrictions on the Sale of Tobacco

- No tobacco product may be sold to a person less than 18 years of age. (State and federal law)

- All persons attempting to purchase a tobacco product, if appearing to be less than 27 years of age, must be asked to produce photo identification for the purpose of establishing that the person attempting to purchase the tobacco product is at least 18 years of age. (Federal law)
Maryland Youth Say it is Easy to Buy Tobacco

- Among Maryland underage students who smoked on at least 20 of the past 30 days, 26% reported that they usually bought their own cigarettes from a gas station, convenience or other store.

- Among all students under 18 who reported current smoking and purchasing their cigarettes from a retail outlet during the previous 30 days, only 38% of those attempting to purchase cigarettes were asked to show photo identification.
Maryland Youth Say it is Easy to Buy Tobacco

- **When not** asked for photo identification...
  - 79% reported that they were able to buy cigarettes

- **When asked** for photo identification...
  - 33% reported that they were able to buy cigarettes
Why Retail Environments Matter

- Tobacco industry cares a lot about the retail environment
- Retail environment exposes youth to tobacco ads and products
  - + access/availability
  - + perception of prevalence
  - + odds of smoking
- Tobacco availability makes quit attempts more difficult
- Disproportionate tobacco retailer density
- Potential prevention partnerships with nutrition and alcohol.
Retailer Compliance/Youth Enforcement Efforts in Maryland

- LHD inspections
- FDA inspections
  Conducted by the DHMH Behavioral Health Administration
- Synar inspections
  Conducted by the DHMH Behavioral Health Administration
LHD Enforcement Efforts

- Funding history – CRF statewide budget reductions led to targeted areas of focus:
  - SFY09 - $1.1M
  - SFY13 - $197K
  - SFY14 - $254K

- CRF LHD grants required by all jurisdictions in SFY 2015
  “To address the rising concern about youth access to tobacco products from tobacco sales outlets, all jurisdictions must have an enforcement element with at least a vendor education initiative. Local health departments should incentivize at least two non-governmental partners to conduct face to face vendor education in addition to local health department vendor education activities.”
FDA Compliance Checks and Enforcement

- After the Tobacco Control Act, funding became available to states in 2010 to become “commissioned officers” of FDA.

- DHMH’s Behavioral Health Administration (BHA) has the Maryland contract to conduct FDA checks.

- FDA/BHA conducts compliance check inspections of tobacco product retailers to determine a retailer's compliance with federal laws and regulations, and generally issues
  - Warning Letters for first-time violations.
  - Civil Money Penalties for violations found on subsequent inspections.
FDA Compliance Checks and Enforcement

- Random inspection protocol (must eventually check 100% of licensed retailers)

- Underage sales, photo ID, products behind the counter

- Concurrent State enforcement permitted, requires separate State documentation

- FDA results only available on website, store name and zip code driven, not by political subdivision
Synar Compliance Checks and Enforcement

- In 1992 Congress enacted the Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act, which includes an amendment aimed at decreasing youth access to tobacco.

- Requires states to enact *and enforce* laws prohibiting the sale or distribution of tobacco products to individuals under the age of 18.

- States *must* comply with the Synar Amendment (named after Oklahoma Congressman Mike Synar) in order to receive their full Substance Abuse Prevention and Treatment Block Grant (SABG) awards.
Synar Compliance Checks and Enforcement

In 1996, Substance Abuse and Mental Health Administration (SAMHSA) issued the Synar regulation to provide guidance to states:

- 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 (random sample each year)

- Achieve a non-compliance rate of no more than 20% (i.e. 80% compliance rate)

- Submit an annual report detailing activities to enforce the law
Synar Penalties

• For FFY13, Maryland’s non-compliance rate was 24.1%. Only state out of compliance since 2005.

• Failure to achieve the Synar target compliance rate can result in a penalty in the form of a loss of up to 40% of its SABG funds.

  Current SABG Grant Amount: $33,838,777
  40% Penalty: $13,535,511
  Adjusted SABG Grant Amount: $20,303,266

• Alternative penalty structure:
  • The amount of the alternative penalty is 1% of the SABG grant for each 1% above the maximum non-compliance rate of 20%.
  • Alternative penalty offered to/accepted by Maryland totaled $1,387,390.
Synar Alternative Penalty Requirements

- Commit $1,387,390 in additional state funds to ensure compliance with youth tobacco access laws.

- Certify that these additional state funds will be used to supplement and not supplant funds used for tobacco prevention.

- Provide reports to the Secretary of the Department of Health and Human Services on all state resources spent in the previous fiscal year and obligated in the current fiscal year for tobacco prevention and compliance activities by program activity.
## Number and Density of Licensed Retail Cigarette Sellers

<table>
<thead>
<tr>
<th>JURISDICTION</th>
<th>Number of Cigarette Licenses</th>
<th>Licenses per 10,000 Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Worcester</td>
<td>145</td>
<td>28.09</td>
</tr>
<tr>
<td>Baltimore City</td>
<td>1,703</td>
<td>27.37</td>
</tr>
<tr>
<td>Dorchester</td>
<td>54</td>
<td>16.53</td>
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<tr>
<td>Kent</td>
<td>30</td>
<td>15.04</td>
</tr>
<tr>
<td>Queen Anne's</td>
<td>70</td>
<td>14.43</td>
</tr>
<tr>
<td>Caroline</td>
<td>43</td>
<td>13.15</td>
</tr>
<tr>
<td>Somerset</td>
<td>33</td>
<td>12.56</td>
</tr>
<tr>
<td>Cecil</td>
<td>127</td>
<td>12.46</td>
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<tr>
<td>Talbot</td>
<td>45</td>
<td>11.86</td>
</tr>
<tr>
<td>Charles</td>
<td>172</td>
<td>11.25</td>
</tr>
<tr>
<td>Baltimore Co.</td>
<td>925</td>
<td>11.24</td>
</tr>
<tr>
<td>St. Mary's</td>
<td>123</td>
<td>11.22</td>
</tr>
<tr>
<td>Washington</td>
<td>166</td>
<td>11.10</td>
</tr>
<tr>
<td>Anne Arundel</td>
<td>605</td>
<td>10.89</td>
</tr>
<tr>
<td>Allegany</td>
<td>80</td>
<td>10.88</td>
</tr>
<tr>
<td>Wicomico</td>
<td>107</td>
<td>10.60</td>
</tr>
<tr>
<td>Prince George's</td>
<td>921</td>
<td>10.35</td>
</tr>
<tr>
<td>Carroll</td>
<td>167</td>
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<tr>
<td>Calvert</td>
<td>86</td>
<td>9.59</td>
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<tr>
<td>Frederick</td>
<td>221</td>
<td>9.15</td>
</tr>
<tr>
<td>Harford</td>
<td>215</td>
<td>8.63</td>
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<tr>
<td>Howard</td>
<td>230</td>
<td>7.55</td>
</tr>
<tr>
<td>Montgomery</td>
<td>710</td>
<td>6.98</td>
</tr>
<tr>
<td>Garrett</td>
<td>52</td>
<td>1.74</td>
</tr>
</tbody>
</table>

### Challenges

- Large numbers of licensed tobacco outlets and/or a high density of such outlets in a community creates a challenging environment for enforcement of state and federal restrictions on the sale of tobacco products.

- Baltimore City has the largest number of licensed cigarette retailers of any jurisdiction in the State and the second highest retailer density.
Primary Sources of FFY 2014 Non-Compliance

Eight Maryland jurisdictions were responsible for more than 80% of the Synar violations that resulted in the penalty being assessed against Maryland. The remaining jurisdictions were compliant with violation rates of 20% or less.

<table>
<thead>
<tr>
<th></th>
<th>“A” Jurisdictions</th>
<th>“B” Synar Violation Rate</th>
<th>“C” Number of Synar Violations</th>
<th>“D” Percentage of State Synar Violations</th>
<th>“E” Cumulative Percentage of State Synar Violations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Baltimore City</td>
<td>25.9%</td>
<td>41</td>
<td>26.3%</td>
<td>26.3%</td>
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<td>2</td>
<td>Baltimore Co.</td>
<td>40.0%</td>
<td>34</td>
<td>21.8%</td>
<td>48.1%</td>
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<tr>
<td>3</td>
<td>Prince George's</td>
<td>30.6%</td>
<td>26</td>
<td>16.7%</td>
<td>64.7%</td>
</tr>
<tr>
<td>4</td>
<td>Anne Arundel</td>
<td>20.8%</td>
<td>11</td>
<td>7.1%</td>
<td>71.8%</td>
</tr>
<tr>
<td>5</td>
<td>Howard</td>
<td>20.6%</td>
<td>7</td>
<td>4.5%</td>
<td>76.3%</td>
</tr>
<tr>
<td>6</td>
<td>Worcester</td>
<td>25.0%</td>
<td>4</td>
<td>2.6%</td>
<td>78.8%</td>
</tr>
<tr>
<td>7</td>
<td>Cecil</td>
<td>27.3%</td>
<td>3</td>
<td>1.9%</td>
<td>80.8%</td>
</tr>
<tr>
<td>8</td>
<td>Charles</td>
<td>23.1%</td>
<td>3</td>
<td>1.9%</td>
<td>82.7%</td>
</tr>
<tr>
<td></td>
<td>Maryland</td>
<td>156</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Column “D” = Column “C” divided by 156 (total number of Maryland violations). Column “E” is the cumulative sum of Column “D”.

Eight Maryland jurisdictions were responsible for more than 80% of the Synar violations that resulted in the penalty being assessed against Maryland. The remaining jurisdictions were compliant with violation rates of 20% or less.
How do things look moving forward?

Preliminary results of SYNAR inspections conducted in 2014 for the FFY 2015 SYNAR Report ...
### Preliminary FFY 2015 Maryland SYNAR Inspection Results

(Un-weighted, conducted in calendar 2014)

<table>
<thead>
<tr>
<th>RANK</th>
<th>Jurisdiction</th>
<th>Number of Inspections</th>
<th>Number of Incomplete Inspections</th>
<th>Number of Compliant Retailers</th>
<th>Number of Inspected Non-Compliant Retailers (Violations)</th>
<th>Un-weighted Violation Rate D/(A-B)</th>
<th>Contribution to Total Maryland Violations (%)</th>
<th>D/168</th>
<th>Total Violations (%)</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Baltimore City</td>
<td>151</td>
<td>32</td>
<td>75</td>
<td>44</td>
<td>37.0%</td>
<td>26.2%</td>
<td>168</td>
<td>615</td>
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<tr>
<td>2</td>
<td>Baltimore County</td>
<td>74</td>
<td>10</td>
<td>29</td>
<td>35</td>
<td>54.7%</td>
<td>20.8%</td>
<td>168</td>
<td>615</td>
</tr>
<tr>
<td>3</td>
<td>Prince George's</td>
<td>80</td>
<td>8</td>
<td>37</td>
<td>35</td>
<td>48.6%</td>
<td>20.8%</td>
<td>168</td>
<td>615</td>
</tr>
<tr>
<td>4</td>
<td>Anne Arundel</td>
<td>52</td>
<td>5</td>
<td>28</td>
<td>19</td>
<td>40.4%</td>
<td>11.3%</td>
<td>168</td>
<td>615</td>
</tr>
<tr>
<td>5</td>
<td>Howard</td>
<td>21</td>
<td>3</td>
<td>13</td>
<td>5</td>
<td>27.8%</td>
<td>3.0%</td>
<td>168</td>
<td>615</td>
</tr>
<tr>
<td>6</td>
<td>Montgomery</td>
<td>64</td>
<td>13</td>
<td>46</td>
<td>5</td>
<td>9.8%</td>
<td>3.0%</td>
<td>168</td>
<td>615</td>
</tr>
<tr>
<td>7</td>
<td>Charles</td>
<td>14</td>
<td>1</td>
<td>9</td>
<td>4</td>
<td>30.8%</td>
<td>2.4%</td>
<td>168</td>
<td>615</td>
</tr>
<tr>
<td>8</td>
<td>Harford</td>
<td>18</td>
<td>1</td>
<td>13</td>
<td>4</td>
<td>23.5%</td>
<td>2.4%</td>
<td>168</td>
<td>615</td>
</tr>
<tr>
<td>9</td>
<td>Wicomico</td>
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<td>0</td>
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<td>3</td>
<td>33.3%</td>
<td>1.8%</td>
<td>168</td>
<td>615</td>
</tr>
<tr>
<td>10</td>
<td>St. Mary's</td>
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<td>0</td>
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<td>3</td>
<td>30.0%</td>
<td>1.8%</td>
<td>168</td>
<td>615</td>
</tr>
<tr>
<td>11</td>
<td>Worcester</td>
<td>15</td>
<td>5</td>
<td>7</td>
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<td>30.0%</td>
<td>1.8%</td>
<td>168</td>
<td>615</td>
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<td>12</td>
<td>Washington</td>
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<td>23.1%</td>
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<td>33.3%</td>
<td>0.6%</td>
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<td>615</td>
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<td>0.6%</td>
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<td>15</td>
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<td>14.3%</td>
<td>0.6%</td>
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<td>615</td>
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<td>16</td>
<td>Carroll</td>
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<td>8.3%</td>
<td>0.6%</td>
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<tr>
<td>17</td>
<td>Frederick</td>
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<td>1</td>
<td>18</td>
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<td>5.3%</td>
<td>0.6%</td>
<td>168</td>
<td>615</td>
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<tr>
<td>18</td>
<td>Allegany</td>
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<td>0.0%</td>
<td>0.0%</td>
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<td>615</td>
</tr>
<tr>
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<td>0.0%</td>
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<td>615</td>
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<tr>
<td>20</td>
<td>Dorchester</td>
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<td>3</td>
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<td>615</td>
</tr>
<tr>
<td>21</td>
<td>Garrett</td>
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<td>6</td>
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<td>0.0%</td>
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<tr>
<td>22</td>
<td>Queen Anne's</td>
<td>6</td>
<td>0</td>
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<td>0.0%</td>
<td>0.0%</td>
<td>168</td>
<td>615</td>
</tr>
<tr>
<td>23</td>
<td>Somerset</td>
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<td>1</td>
<td>1</td>
<td>0</td>
<td>0.0%</td>
<td>0.0%</td>
<td>168</td>
<td>615</td>
</tr>
<tr>
<td>24</td>
<td>Talbot</td>
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<td>0.0%</td>
<td>0.0%</td>
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<tr>
<td></td>
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<td><strong>87</strong></td>
<td><strong>360</strong></td>
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<td><strong>31.8%</strong></td>
<td><strong>100.1%</strong></td>
<td><strong>168</strong></td>
<td><strong>615</strong></td>
</tr>
</tbody>
</table>

Un-weighted Violation Rate D/(A-B) = Contribution to Total Maryland Violations (%) = D/168

Total Violations (%) = Un-weighted Violation Rate D/(A-B) * Contribution to Total Maryland Violations (%)
<table>
<thead>
<tr>
<th>Rank</th>
<th>Jurisdiction</th>
<th>FFY 2014 Synar Report Violation Rate**</th>
<th>FFY 2015 Synar Report Violation Rate***</th>
<th>FFY 2014 FDA Violation Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Allegany</td>
<td>50.00%</td>
<td>0.00%</td>
<td>0.00%</td>
</tr>
<tr>
<td>2</td>
<td>Caroline</td>
<td>50.00%</td>
<td>25.00%</td>
<td>20.00%</td>
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<tr>
<td>3</td>
<td>Somerset</td>
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<td>33.30%</td>
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<td>48.60%</td>
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<td>Cecil</td>
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<td>0.00%</td>
<td>13.70%</td>
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<td>30.00%</td>
<td>9.10%</td>
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<tr>
<td>9</td>
<td>Talbot</td>
<td>25.00%</td>
<td>0.00%</td>
<td>0.00%</td>
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<tr>
<td>10</td>
<td>Charles</td>
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<td>30.80%</td>
<td>30.00%</td>
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<tr>
<td>11</td>
<td>Anne Arundel</td>
<td>20.80%</td>
<td>40.40%</td>
<td>20.00%</td>
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<tr>
<td>12</td>
<td>Howard</td>
<td>20.60%</td>
<td>27.80%</td>
<td>10.70%</td>
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<td>13</td>
<td>Montgomery</td>
<td>16.20%</td>
<td>9.80%</td>
<td>17.00%</td>
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<td>14</td>
<td>Washington</td>
<td>15.40%</td>
<td>23.10%</td>
<td>23.10%</td>
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<tr>
<td>15</td>
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Local Level Tobacco Retailer Violation Rates by Inspection Type and Year


** Table is sorted (highest to lowest) on the county-level FFY 2014 Synar Report violation rates.

*** The FFY 2015 violation rates are currently raw “unweighted” violation rates.
Anticipated next Synar alternative penalty for Maryland

- Preliminary un-weighted non-compliance rate for Maryland tobacco retailers is 31.8%, or 11.8% over accepted violation rate.

- The final weighted non-compliance rate is historically slightly higher than the un-weighted rate.

- Multiplying the excess rate by the SABG grants results in a new penalty of $3,992,976.

- Subtracting the existing penalty amount of $1,387,390 means that Maryland must identify and spend an additional $2,605,586 in non-supplanting non-federal funds into additional enforcement of underage tobacco sales enforcement activities next fiscal year.
Next Steps

- A significant minority of licensed tobacco retailers in our counties are not complying with either State or Federal law and are selling tobacco to youth less than 18 years of age.

- Responsible tobacco retailing (and federal law) requires that photo identification be requested of anyone attempting to purchase tobacco that appears to be less than 27 years of age.

- Increased efforts are required to change retailer behavior and eliminate future year penalties to Maryland.
DHMH Alternative Penalty Implementation Plan – Multifaceted Approach

- Funding to all LHDs, with largest amounts going to jurisdictions >20% non-compliance and >100 tobacco retailers.
  - Implementation of $1,387,390 penalty for FFY2014 24.1% retailer violation rate.
  - Funding to MOTA partners to assist with retailer education in their communities.
- Development of statewide materials and activities.
- Policy initiative addressing responsible retailing.
LHD Synar Implementation Plan Deliverables

- Key staff members in each LHD will be required to attend a regional training provided by CTPC and the Legal Resource Center.
- LHDs will be required to host a Youth Access Tobacco Sales Compliance meeting from to mobilize local partners, police agencies, local state attorneys, community action agencies, and local leadership around reducing tobacco sales to minors.
- LHDs should expect to conduct a min. # of tobacco sales compliance checks using youth under 18 years of age and visit a min. # of outlets for vendor education.
- LHDs are required to dedicate salaried staff to coordinate enforcement efforts.
- LHDs must conduct Youth Education Programs (if possible) for youth cited for possession of Tobacco Products.
Synar Alternative Penalty Reporting Requirements

DHMH must report to SAMHSA spending at the state and local level in the following categories:

- Enforcement Compliance Checks
- Tobacco Retailer Licensing and Registration
- Tobacco Retailer Education and Diversion Programs
- Youth Education Programs
Statewide Implementation Plan

• Development of statewide materials and activities
• LHD regional trainings provided by DHMH and the Legal Resource Center
• Statewide media-led public education campaign
  • Increase public awareness of youth access to tobacco and retailer responsibility
  • Promote community norms to make underage tobacco use unacceptable
Dear fellow Marylanders:

You are receiving this letter because your establishment is licensed to sell tobacco in Maryland. Selling tobacco products to youth under the age of 18 is illegal in our state. It is crucial for licensed retailers to comply with the law to ensure youth are not illegally sold tobacco on your premises.

Maryland is serious about reducing tobacco sales to minors and is increasing enforcement efforts and compliance checks across the state. The sale of tobacco products to a minor is a criminal misdemeanor, punishable with increasing fines up to $5,000, as well as additional federal penalties listed through the Food and Drug Administration (see below): http://www.fda.gov/TobaccoProducts/GuidanceComplianceEnforcementInformat www/cig2109.htm

Several Maryland jurisdictions have stricter laws for sales offenses and placement of tobacco products. This, along with other tobacco-related laws and information on reducing youth access can be found in the enclosed brochure and online at: http://www.law.umaryland.edu/programs/publichealth/documents/TobaccoRetailersGuide.pdf

Retailers must check a government-issued photo ID for every customer less than 27 years old purchasing tobacco and the ID must show a date of birth proving the customer is at least 18 years old. As the licensed tobacco retailer/owner, it is your responsibility to be aware of the federal, state, and local tobacco laws and to provide this information and training to all of your employees to ensure that every customer who purchases a tobacco product is at least 18 years of age.

In the upcoming months, DHMH will be developing a “responsible retailer” campaign—providing retailers with educational materials, resources, and messaging to prevent youth tobacco sales. In the meantime, here are some brief tips on how to comply with existing federal and state laws. Two quick ways to ensure the customer is 18 are:

1. Maryland driver’s licenses/IDs of minors under 21 are VERTICAL instead of HORIZONTAL. Above the photograph on the ID it reads “Under 18 Until [date listed on ID]” and “Under 21 until [date listed]” in BOLD RED TYPE. See accompanying brochure for example.

2. Tape a piece of paper on the cash register facing the clerk that says “Tobacco can NOT be sold to customers born after today’s date in 1998.” The note will serve as a constant reminder and will be good for the rest of 2014. When 2015 begins, change the date on the sign to 1997.

Sincerely,

Joshua M. Sharfstein, M.D.
Secretary

Nearly 7,000 Marylanders die from tobacco-related causes each year. Please help us keep these harmful products out of the hands of our children. For more information, please contact Dawn Berkowitz, Director, Center for Tobacco Prevention and Control at dawn.berkowitz@maryland.gov. Thank you for your help in this important endeavor.
Nearly 9 out of 10 adult smokers began smoking before the age of 18. As a tobacco retailer, you play a leading role in keeping tobacco products out of the hands of Maryland youth, and limiting the negative health effects of tobacco use on those too young to make an informed decision about using tobacco. To assist in this effort, this Guide provides basic information on the various laws and regulations governing the sale of tobacco products in Maryland.

LICENSING

To sell tobacco at retail in Maryland, you must obtain a license. The type of license required depends on the tobacco products being offered for sale. Licenses can be applied for by applying to the appropriate county clerk for each place of business and paying the applicable fee. Licenses must be clearly displayed in the place of business. Licenses must be renewed by April 30th of each year.

A tobacco license may be suspended or revoked if law enforcement or health officials determine that a retailer sold tobacco products to customers under the age of 18. Store owners and sales personnel may also be subject to the criminal penalties for tobacco sales to minors.

CONTACT INFORMATION

Legal Resource Center for Public Health Policy
University of Maryland
Francis King Carey School of Law
500 W. Baltimore Street
Baltimore, Maryland 21201
(410) 706-0842
tobacco@law.umaryland.edu
www.law.umaryland.edu/tobacco

Comptroller of Maryland
Revenue Administration Division
P.O. Box 2999
Annapolis, Maryland 21411
(410) 260-7980
att@comp.state.md.us
www.comp.state.md.us

Maryland Dept. of Health & Mental Hygiene
201 W. Preston Street
Baltimore, Maryland 21201
(410) 767-6500
dhmh.healthmd@maryland.gov
http://dhmh.maryland.gov/

Office of the Maryland Attorney General
200 St. Paul Place
Baltimore, Maryland 21202
(410) 576-6300
oag@oag.state.md.us
www.oag.state.md.us

A Tobacco Retailer’s Guide

Reducing Youth Access to Tobacco Products
SALES TO MINORS
Maryland law prohibits the sale of tobacco products, including tobacco paraphernalia and electronic nicotine devices (e-cigarettes), to anyone under the age of 18. The sale of e-cigarettes to a minor is a criminal misdemeanor, punishable by a fine of up to $1,000. The sale of tobacco products to a minor is a criminal misdemeanor, punishable by:

1st offense: Fine of up to $300
2nd offense: Fine of up to $1,000

Additional offenses: Fines of up to $3,000 if within 24 months of a prior violation.

In addition to State criminal law, the following counties have imposed additional civil prohibitions and fines for tobacco sales to minors:

**Montgomery County**
- $500 fine for first violation
- $750 fine for subsequent violations

**Prince George’s County**
- Owners: fines of up to $300 for first violation and up to $1,000 for subsequent violations
- Employees: fines of up to $50 for first violation and $100 for subsequent violations

**St. Mary’s County**
- $300 fine for first violation
- $500 fine for subsequent violations within 24 months from the prior violation

**SELF-SERVICE TOBACCO**
Cigarettes and smokeless tobacco products **MUST** be sold in face-to-face transactions. Self-service displays or vending machines are prohibited unless located in a facility prohibiting entry by anyone under 18.

In addition to statewide vending machine restrictions, the following local jurisdictions require **ALL** tobacco products to be placed in a location inaccessible to customers and impose civil penalties for violations:

- Baltimore City
- Baltimore County
- Charles County
- Harford County
- Howard County
- Kent County
- Montgomery County
- Prince George’s County
- Talbot County
- Wicomico County

**IDENTIFICATION CHECKS**
Retailers **MUST** check a photo ID of every tobacco customer who is under 27 years old.

The photo ID must contain a birth date and show that the customer’s age is at least 18.

Maryland IDs of those under age 21 are vertically-oriented, rather than horizontally-oriented. For those under age 18 the ID also shows in **red** the date until which the individual is under 18.

Other acceptable forms of identification include military identification cards, passports, and immigration cards.

**FLAVORED CIGARETTES**
The sale of flavored cigarettes (excluding menthol) is prohibited under federal law, and is subject to action by the FDA. In addition, the sale of clove cigarettes in Maryland is a criminal misdemeanor punishable by a fine of $500.

**PACKAGING AND PROMOTIONS**
Cigarettes may **ONLY** be sold in packages of at least 20. Sale or distribution of un packaged cigarettes is punishable by a fine of $500 and up to 3 months imprisonment.

Retailers may **NOT** distribute free samples of tobacco products or offer gifts with the purchase of tobacco products. This includes coupons or credits on any product other than tobacco. Smokeless tobacco may be sold only packaged by the manufacturer.
Campaign Materials

- Educational Packet Content Overview
  - Youth tobacco use in Maryland, tobacco sales laws, and fines
  - How to properly check an ID and refuse a tobacco sale to a minor
  - Licensing requirements for tobacco products

- Education Packet Components
  - Retailer and Quick Reference Guides
  - Tips for Refusing Sales to Minors
  - Window Clings, Stickers, Magnets for Cash Register
  - Floor Decals and Posters
Campaign Materials

- **Web Training Module**
  - Convert retailer guide to online training
  - Interactive components and assessments

- **Mass Media – transit, billboard, radio**
  - Multiple versions of out-of-home and radio ads will be developed to represent racial/ethnic diversity in Maryland (African American, Caucasian, Asian and Hispanic, as appropriate)
  - Radio, Transit and Billboard ads will be placed statewide; special attention will be given to areas with the highest rates of selling tobacco to minors
Responsible Retailer Education Initiative Campaign (under development)

- Campaign Themes
  - It is illegal to sell or give tobacco products to anyone under 18.
  - Fines associated with selling tobacco to minors can be as high as $10,000 and these laws are being enforced in Maryland.
  - Retailers are required to check the ID of anyone who looks under 27 and not sell tobacco to anyone under 18.

- Campaign Messages
  - “Selling tobacco to kids—it’s not a minor thing.”
  - “It’s not an inconvenience. It’s the LAW.”
  - “Be a responsible retailer and refuse to sell to kids.”
Policy Options

- Restrict/eliminate sale of flavored tobacco products; require licensure
- Minimum packaging requirements (address pre-emption)
- Restrict time, place, manner of sales (density and location)
- Increase retailer license fees (dedicate revenue to enforcement)
- Increase penalties for violations and allow for license suspension/revocation
- Establish a civil enforcement framework
- Create a statewide responsible retailer program
- Address licensing and usage of electronic smoking devices
MD Quit’s 9th Annual Best Practices Conference

Thursday, January 22, 2015
8 am - 3:30 pm
Turf Valley Resort - Ellicott City, MD

Medical and Clinical Interventions and Systems Change to Support Smoking Cessation

www.mdquit.org