Tobacco Enforcement Initiative to Support Synar Compliance

Maryland Department of Health & Mental Hygiene
Prevention and Promotion Administration
Tobacco Enforcement and Synar

CRF Component and (education & compliance checks) + Enforcement to support Synar
Targeting Jurisdictions in Clusters Based on Non-Compliance Rates, Size and Retail Tobacco Sales Outlets

Cluster 1
- Baltimore City
- Baltimore
- Prince George’s
- Anne Arundel
- Montgomery

Cluster 2
- Cecil
- Charles
- Howard
- Worcester

Cluster 3
- Calvert
- Carroll
- Frederick
- Harford
- Washington
- Wicomico

Cluster 4
- Allegany
- Caroline
- Dorchester
- Garrett
- Kent
- Queen Anne’s
- Somerset
- Talbot
- St. Mary’s

Cluster 5
Why are you here?

- My county did not have any violations
- My county violation rate is very low
- I only have a few tobacco sales outlets
- My county’s non-compliance rate is over 20% but we don’t have a lot of tobacco sales outlets
Here’s Why

- Cluster #3 Rapid Interventions
- Cluster #4 Enhanced Prevention
- Cluster #5 Enhanced Prevention and Maintenance
Tobacco Enforcement Initiatives to Support Synar Compliance

- Funding (dedicated $ to all 24 jurisdictions)
- Staffing (other clusters dedicated 1 or .5 FTE)
- Guidance (DHMH, LRC)
- Training (today)
- Community Partnerships (involve community)
5 different RFA’s between August – November to local health departments.

Local Health Departments were prioritized and clustered based on non-compliance rates, # retail outlets, and population size.
### Standard Activities and Performance Measures

<table>
<thead>
<tr>
<th>Cluster</th>
<th>Awards</th>
<th>Compliance Checks (minimum)</th>
<th>Vendor Education (minimum)</th>
</tr>
</thead>
<tbody>
<tr>
<td>#1</td>
<td>$115K</td>
<td>150 checks</td>
<td>200 educated</td>
</tr>
<tr>
<td>#2</td>
<td>$80k</td>
<td>100 checks</td>
<td>125 educated</td>
</tr>
<tr>
<td>#3</td>
<td>$60k</td>
<td>80 checks</td>
<td>125 educated</td>
</tr>
<tr>
<td>#4</td>
<td>$25k</td>
<td>50 checks</td>
<td>75 educated</td>
</tr>
<tr>
<td>#5</td>
<td>$22-20k</td>
<td>35 checks</td>
<td>60 educated</td>
</tr>
</tbody>
</table>
### Standard Strategies/Activities

#### Goal: Reducing Youth Access to Tobacco Products – Tobacco Sales

<table>
<thead>
<tr>
<th>Strategies/Activities</th>
<th>Partners</th>
<th>Output</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract with police agencies to conduct routine compliance checks of tobacco sales outlet</td>
<td></td>
<td># tobacco sales compliance checks</td>
</tr>
<tr>
<td>Contract with non-governmental organizations to conduct vendor education and community information campaigns</td>
<td></td>
<td># tobacco sales citations issued</td>
</tr>
<tr>
<td>Vendor education and marketing campaigns conducted by LHD staff</td>
<td></td>
<td># tobacco sales vendors educated (face to face) on state tobacco sales laws – include # of owners/managers and # of employees</td>
</tr>
<tr>
<td>Community and/or retailer trainings conducted by LHD staff</td>
<td></td>
<td># of campaigns implemented</td>
</tr>
<tr>
<td>Youth Tobacco Education for youth cited for possession of Tobacco Products</td>
<td></td>
<td># of meetings held with partners, agencies, and community leaders</td>
</tr>
<tr>
<td></td>
<td></td>
<td># of youth educated</td>
</tr>
</tbody>
</table>
Confession

“It’s not your fault”

BUT

“We need your help”
## Maryland Enforcement Efforts
### FY09 – FY14

<table>
<thead>
<tr>
<th>Total</th>
<th>FY09</th>
<th>FY10</th>
<th>FY11</th>
<th>FY12</th>
<th>FY13</th>
<th>FY14</th>
</tr>
</thead>
<tbody>
<tr>
<td>Product Placement Citations</td>
<td>130</td>
<td>37</td>
<td>136</td>
<td>1</td>
<td>28</td>
<td>0</td>
</tr>
<tr>
<td>Tobacco Merchant Sales Citations</td>
<td>408</td>
<td>122</td>
<td>185</td>
<td>156</td>
<td>162</td>
<td>225</td>
</tr>
<tr>
<td>Youth Access Compliance Checks</td>
<td>6538</td>
<td>2154</td>
<td>1795</td>
<td>2297</td>
<td>1233</td>
<td>2236</td>
</tr>
<tr>
<td>Youth Tobacco Possession Citations</td>
<td>700</td>
<td>90</td>
<td>50</td>
<td>25</td>
<td>33</td>
<td>71</td>
</tr>
<tr>
<td><strong>$ for Enforcement</strong></td>
<td><strong>$1,148,108</strong></td>
<td><strong>$226,258</strong></td>
<td><strong>$202,796</strong></td>
<td><strong>$185,249</strong></td>
<td><strong>$203,673</strong></td>
<td><strong>$253,698</strong></td>
</tr>
</tbody>
</table>

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</thead>
<tbody>
<tr>
<td>Synar Retailer Violation Rates</td>
<td><strong>17.0%</strong></td>
<td><strong>17.3%</strong></td>
<td><strong>16.8%</strong></td>
<td><strong>24.1%</strong></td>
<td><strong>31.9%</strong></td>
</tr>
</tbody>
</table>
Maryland Tobacco Sales Enforcement Initiative

- Community
- Non-Government Organizations
- Local Police Agencies
- Local Health
- Comptroller/Attorney General/LRC
- State Health
- SAMSHA
Enforcement activities are part of a comprehensive tobacco control effort that involves coalitions, community partners, police entities and local health departments and DHMH.
Recommendations for Preventing Tobacco Use Among Youth

- Mobilize the community to restrict minors’ access to tobacco products in combination with additional interventions.
  - Stronger local laws directed at retailers
  - Active enforcement of retailer sale laws
  - Retailer education with reinforcement

What have local health departments done?

In Baltimore County, it is ILLEGAL to:

- Sell tobacco products, tobacco paraphernalia and electronic cigarettes to anyone under the age of 18.
- Have tobacco products immediately accessible to customers. Products must be accessible to staff members ONLY.
- Sell single cigarettes. Cigarettes may only be sold in packages of 20.
- Sell tobacco products without a valid license that is visibly posted on the premises.
- Sell tobacco to anyone under the age of 27 without checking a photo ID.

Tobacco Products Include:

- Cigarettes
- Cigars, cigarillos and little cigars
- Bidis
- Kreteks
- Smokeless tobacco including chewing tobacco, snuff, snus, spit tobacco, dip and dissolvable tobacco

When selling tobacco products, ALWAYS ask for valid ID if the purchaser appears under the age of 27.

- Never guess a customer’s age.
- Always check ID. Never simply ask the customer’s birthday or if they are over 18.
- Always check the birth date on the ID and determine if the customer is over 18 years of age.
- Always check the photo on the ID and determine if the customer matches the photo.
- Do not allow the purchase if the ID appears to be fake.

Note: Maryland drivers licenses issued to those under 18 years of age are vertically-oriented not horizontally-oriented.

KNOW THE LAW

In Baltimore County, violating tobacco laws comes with consequences. Fines of $300 for the first violation and $500 for subsequent violations will be imposed for

- Selling tobacco or e-cigarettes to anyone under the age of 18.
- Not storing or displaying tobacco products out of the reach of customers.
- Not asking for a photo ID of individuals under the age of 27.
- Citations and fines can be issued to the sales clerk and/or the store owner.
- The state comptroller may suspend or revoke a tobacco retailers license for repeated violations of tobacco laws.

Train all employees so they know the laws and consequences.
**Wicomico County**

**Facts**

- Tobacco use is the leading cause of preventable illness and death in the United States.
- Each day in the U.S., more than 3,700 people younger than 18 years of age smoke their first cigarette.
- Starting smoking at a young age increases the risk of cancer, heart disease, and other health problems.
- 1/3 of youth smokers who continue smoking into adulthood will die prematurely from tobacco-related disease.

For questions or information on smoking cessation classes, call (410) 334-3480 or visit www.wicomicohealth.org.

**Reduction of Tobacco Retailer's Guide**

**Reducing Youth Access to Tobacco**

Be a Part of the Solution!

Publication Date: October 2014

**Know the Law**

IT IS ILLEGAL TO:

- Sell tobacco products, tobacco paraphernalia, and electronic cigarettes to anyone under the age of 18.
- Have tobacco products immediately accessible to customers. Products must be accessible to staff members ONLY.
- Sell single cigarettes. Cigarettes may only be sold in packages of 20.
- Sell tobacco products without a valid license that is visibly posted on the premises.

In Wicomico County, selling to minors comes with consequences.

First offense: Fine of $750.00
Second offense: Fine of $500.00
Third offense: Fine of $750.00
Fourth or subsequent offense: Fine of $1,000.00

Each day a violation continues may constitute a separate offense.

As a tobacco retailer, you play an important role in keeping tobacco products out of the hands of youth.
January 20, 2015

Market Street Café
315 Market Street
Charlestown, MD 21914

Dear Tobacco Vendor:

This letter is to inform you that there will additional tobacco retailer compliance checks in Cecil County, as part of the Center for Tobacco Prevention and Control, Tobacco Enforcement Initiative to Support Synar Compliance Grant. Since 2006, retailer compliance checks have been conducted to prevent tobacco sales to minors. As you know, it is illegal to sell tobacco products to a person under the age of 18. Please refer to the following tobacco control law regarding sales to minors:

Pursuant to Md. Ann. Code art. 24, § 15-102.1, “In Cecil County, a person who violates this section is committing a civil infraction and is subject to a civil penalty of: (i) $300 for the first violation; (ii) $500 for a second violation; and (iii) $750 for each subsequent violation.”

Repeat offenders will be referred to the Comptroller of Maryland, who can suspend or revoke tobacco retail licenses. On referral, the Comptroller of Maryland will issue a notice to the retailer, hold an administrative hearing, and issue an appropriate penalty. The facts of each case will determine the outcome. Please refer to:

Pursuant to §16-210 of the Business Regulation Article of the Maryland Annotated Code, the Comptroller of Maryland may take disciplinary action against a tobacco retail licensee who sells cigarettes to minors.

Also, I encourage you to attend a vendor ID Check training available through the Cecil County Liquor Board on March 19, 2015 and June 11, 2015. Remember, when checking ID, it is always important to directly ask the customer his/her age.

On behalf of the Cecil County Tobacco Task Force and the Cecil County Health Department, thank you for your cooperation as we work together to both reduce tobacco sales to minors in Cecil County and improve the health of our community. If you have any questions or concerns, please contact Jennifer Padgett in the Division of Health Promotion at 410-996-5168 or via email at jennifer.padgett@maryland.gov.

Thank you.

Stephanie Garrity, M.S.
Health Officer
Queen Anne’s County Department of Health
206 North Commerce Street
Centreville, Maryland 21617
Dr. Joseph A. Glotola, Jr., M.D.
Health Officer
410-758-0720 or 410-778-0993
Maryland Relay 800-735-2258
Web Page: www.qahhealth.org
Facebook: www.facebook.com/QACDOH
Twitter: @QACDOH

This booklet is provided by
the Queen Anne’s County Department of Health’s
Cigarette Restitution Fund Program,
in partnership with the Queen Anne’s County State’s Attorney’s Office,
and the Maryland State Police, Centreville Barracks “G,”
for distribution to tobacco/nicotine sales retailers.

Iris Carter, R.N.C., Program Manager
For more information on Tobacco Prevention and Cessation,
please contact Dorine Fasset at 410-758-0720, Extension 4424

In accordance with Federal and State mandates,
The Maryland Department of Health & Mental Hygiene prohibits discrimination
in the delivery of services on the basis of race, sex, age, color, national origin,
religion or belief, marital status, sexual orientation, gender identity and expression,
gender identity: information, political opinion or affiliation, and mental and/or physical disability.
October 22, 2014

To: Holders of Tobacco Licenses in Queen Anne’s County:

We applaud your efforts in supporting the health and welfare of the youth in Queen Anne’s County. We are asking for your assistance in providing continued support for our youth. The tobacco license which you have been granted brings with it not only the right to sell tobacco, but also the responsibility to do so in accordance with the laws of the State of Maryland. Those laws include the following:

It is Illegal for people under 18 to buy, possess, or use tobacco products, including cigarettes, smokeless tobacco and cigarette rolling papers.

Fines up to $5,000 per offense to merchants who sell tobacco products to minors.

This letter does not mean to imply that we are targeting your business; rather we regard you as a significant component in the public sector. In the near future our non-governmental partners will visit holders of tobacco licenses in the county and provide them with information to help county merchants avoid illegal sales to minors. The information will contain useful items such as:

- A Tobacco/ Nicotine Retailer’s Guide
- Maryland Tobacco Sales Laws
- Resource to purchase “2015 We Card” kit.

Non-governmental partners can help in reducing tobacco sales to minors

Many local merchants are already working to prevent sales to minors, and we applaud these efforts. Forthcoming will be information provided by Non-governmental partners that can help to protect your business, help prevent youth from initiating tobacco use and nicotine use, shows responsibility and accountability, and can help reduce the number of youth becoming addicted to tobacco and/or nicotine products. When received, please take the time to review the information regarding tobacco sales to minors with your employees.

Compliance Checks

The compliance checks conducted by the Maryland State Police to determine compliance with the law in Queen Anne’s County will continue. We urge you to take action before that time to educate your employees and make sure your business is in compliance.

For more information, please feel free to contact Dorine Fastett at 410-262-4424.

Lance Richardson
Queen Anne’s County State’s Attorney

Joseph A. Cotola Jr.
Queen Anne’s County Health Officer

Robert Connolly
Commander MSP Barrack “S” Centreville

An Equal Opportunity Employer

Q.A. State’s Attorney, H.O. and Commander Barrack
Non-Governmental Organization(s) Role

- Compliment local health department activity.
- Take enforcement messages to local meetings.
- Conduct face to face discussions with local store owner’s.
- Provide a different perspective on the same enforcement goal.
- Go where some local health department don’t.
- Normalize our public health message.
- Make our concern more relevant to the public and high risk communities.
Local Examples
Non-Governmental Organizations Conducting Enforcement Education

- Calvert County
  - Calvert County Alliance Against Substance Abuse
  - Prince Frederick Rotary Club
- Charles
  - Health Partners
  - Lifestyles
- Talbot County
  - Talbot Mentors
  - Talbot County Partnership
Local Examples
Non-Governmental Organizations Conducting Enforcement Education

- Wicomico County
  - Emanuel Wesley Church
  - Sanctuary of Praise

- Baltimore City
  - Black Mental Health Alliance
  - New Visions

- Washington County
  - Brothers Who Dare to Care, Inc.
  - Neighborhood First
Local Examples
Non-Governmental Organizations Conducting Enforcement Education

- Queen Anne’s County
  - American Legion
  - Citizens Against Tobacco
- Caroline County
  - NAACP
  - Drug Free Coalition
- Somerset County
  - Delta Sigma Theta Sorority
Utilizing Minority Outreach & Technical Assistance (MOTA) Across Multiple Tobacco Control Areas

MOTA (9 Organizations)

CTG/Smoke-free Multi-Unit Housing Surveys

* 326 Total Surveys completed
* 24 Housing Complexes
* 13 Counties

DHMH

PATCH

* Number of pregnant women in LHD cessation programs in Phase I & Phase II counties increased from (21) in FY12 to (68) in FY14.

SYNAR Vendor Education

* 180 Planned Tobacco Sales Vendor Outreach visits
* 18 Planned Tobacco Youth Access Community Meetings
Caroline: Union Bethel AME

Dorchester: Associated Black Charities

Frederick: Asian American Center of Frederick

Harford: Inner County Outreach

Kent: Mt. Olive AME Church

St. Mary’s: Minority Outreach Coalition

Washington: Brother’s United Who Dare to Care, Inc.

Wicomico: St. James AME Zion Church
You should know better and this can help:

WE ASK FOR IDENTIFICATION
If a buyer does not look at least 30 years old, WE ASK FOR ID

WE VERIFY IDENTIFICATION
We make sure the identification IS YOURS (and it must look like you). We verify that identification is: NOT EXPIRED, it is NOT FAKE or NOT DEFECTIVE (we Hold, Check, Flex)

WE DO THE MATH (Drop 20+2)
We will SUBTRACT 20 years from the date of today and ADD 2 years EXAMPLE: If today is July 4, 2015 we subtract 20= July 4, 1995 add 2 = July 4, 1997 then you would have to be born on or before: July 4, 1997

NO EXCEPTIONS, NO EXCUSES IT’S THE LAW!
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IT’S THE LAW!

“(Drop 20 + 2)” Concept

February 18, 2015
2015-20 = 1995
1995 + 2=1997

Must have been born on or before February 18, 1997
Tobacco Enforcement to Support Synar Compliance must consider all aspects of government, community, policing and political structures to broker change.
At the local level it’s all hands on deck

- Point of sale/cut off supply
- Addressing demand/youth violators/DJS collaborations
- Renormalize the contributions of culture and community norms
- Renormalization of police efforts
Thank you!
http://phph.dhmh.Maryland.gov
Lawrence.carter@maryland.gov