Maryland Youth Access to Tobacco Initiatives

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Regional Training 2.18.15
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

Changes in Underage Use of Tobacco Products: 2000 - 2013
("Underage" -- less than 18 years old)

- Any Tobacco Use: 29.4% (2000) vs. 17.7% (2013)
- Cigarette Smoking: 23.0% (2000) vs. 11.0% (2013)
- Cigar Smoking: 12.5% (2000) vs. 11.5% (2013)
- Smokeless Tobacco Use: 4.7% (2000) vs. 6.9% (2013)
Underage Use of Tobacco in Maryland

Cigar and Cigarette Smoking by Underage Youth

- Cigars: 23.0% (2000), 18.7% (2002), 14.7% (2006), 15.4% (2008), 13.9% (2010), 11.5% (2013)
- Cigarettes: 12.5% (2000), 11.0% (2002), 9.2% (2006), 11.0% (2013)
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>
</tr>
</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>Increased likelihood of smokers engaging in behavior</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>
Current Use of Tobacco, by Jurisdiction

Percentage of High School Youth Using Specific Types of Tobacco Products - 2013

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 under 27 years of age attempting to purchase a tobacco product, 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
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  Enforcement funding
  - 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.
- Random inspection protocol (must eventually check 100% of licensed retailers).
- 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.
  - 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)
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.
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>Jurisdiction</th>
<th>&quot;B&quot; Synar Violation Rate</th>
<th>&quot;C&quot; Number of Synar Violations</th>
<th>&quot;D&quot; Percentage of State Synar Violations</th>
<th>&quot;E&quot; Cumulative Percentage of State Synar Violations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baltimore City</td>
<td>25.9%</td>
<td>41</td>
<td>26.3%</td>
<td>26.3%</td>
</tr>
<tr>
<td>Baltimore Co.</td>
<td>40.0%</td>
<td>34</td>
<td>21.8%</td>
<td>48.1%</td>
</tr>
<tr>
<td>Prince George's</td>
<td>30.6%</td>
<td>26</td>
<td>16.7%</td>
<td>64.7%</td>
</tr>
<tr>
<td>Anne Arundel</td>
<td>20.8%</td>
<td>11</td>
<td>7.1%</td>
<td>71.8%</td>
</tr>
<tr>
<td>Howard</td>
<td>20.6%</td>
<td>7</td>
<td>4.5%</td>
<td>76.3%</td>
</tr>
<tr>
<td>Worcester</td>
<td>25.0%</td>
<td>4</td>
<td>2.6%</td>
<td>78.8%</td>
</tr>
<tr>
<td>Cecil</td>
<td>27.3%</td>
<td>3</td>
<td>1.9%</td>
<td>80.8%</td>
</tr>
<tr>
<td>Charles</td>
<td>23.1%</td>
<td>3</td>
<td>1.9%</td>
<td>82.7%</td>
</tr>
<tr>
<td>Maryland</td>
<td></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".
# 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>1  Worcester</td>
<td>145</td>
<td>28.09</td>
</tr>
<tr>
<td>2  Baltimore City</td>
<td>1,703</td>
<td>27.37</td>
</tr>
<tr>
<td>3  Dorchester</td>
<td>54</td>
<td>16.53</td>
</tr>
<tr>
<td>4  Kent</td>
<td>30</td>
<td>15.04</td>
</tr>
<tr>
<td>5  Queen Anne's</td>
<td>70</td>
<td>14.43</td>
</tr>
<tr>
<td>6  Caroline</td>
<td>43</td>
<td>13.15</td>
</tr>
<tr>
<td>7  Somerest</td>
<td>33</td>
<td>12.56</td>
</tr>
<tr>
<td>8  Cecil</td>
<td>127</td>
<td>12.46</td>
</tr>
<tr>
<td>9  Talbot</td>
<td>45</td>
<td>11.86</td>
</tr>
<tr>
<td>10 Charles</td>
<td>172</td>
<td>11.25</td>
</tr>
<tr>
<td>11 Baltimore Co.</td>
<td>925</td>
<td>11.24</td>
</tr>
<tr>
<td>12 St. Mary’s</td>
<td>123</td>
<td>11.22</td>
</tr>
<tr>
<td>13 Washington</td>
<td>166</td>
<td>11.10</td>
</tr>
<tr>
<td>14 Anne Arundel</td>
<td>605</td>
<td>10.89</td>
</tr>
<tr>
<td>15 Allegany</td>
<td>80</td>
<td>10.88</td>
</tr>
<tr>
<td>16 Wicomico</td>
<td>107</td>
<td>10.60</td>
</tr>
<tr>
<td>17 Prince George's</td>
<td>921</td>
<td>10.35</td>
</tr>
<tr>
<td>18 Carroll</td>
<td>167</td>
<td>9.97</td>
</tr>
<tr>
<td>19 Calvert</td>
<td>86</td>
<td>9.50</td>
</tr>
<tr>
<td>20 Frederick</td>
<td>221</td>
<td>9.15</td>
</tr>
<tr>
<td>21 Harford</td>
<td>215</td>
<td>8.63</td>
</tr>
<tr>
<td>22 Howard</td>
<td>230</td>
<td>7.55</td>
</tr>
<tr>
<td>23 Montgomery</td>
<td>710</td>
<td>6.98</td>
</tr>
<tr>
<td>24 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.
How do things look moving forward?

Preliminary results of SYNAR inspections conducted in 2014 for the FFY 2015 SYNAR Report ...
## Final FFY 2015 Maryland SYNAR Inspection Results – Half of Jurisdictions are Non-Compliant

<table>
<thead>
<tr>
<th>JURISDICTION</th>
<th>Non-compliance Rate</th>
<th>Number of Outlets in Inspection Sample</th>
<th>Number of Outlets Inspected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baltimore Co.</td>
<td>54.7%</td>
<td>748</td>
<td>75</td>
</tr>
<tr>
<td>Prince George's</td>
<td>47.2%</td>
<td>798</td>
<td>80</td>
</tr>
<tr>
<td>Anne Arundel</td>
<td>40.4%</td>
<td>519</td>
<td>52</td>
</tr>
<tr>
<td>Baltimore City</td>
<td>36.7%</td>
<td>1,524</td>
<td>152</td>
</tr>
<tr>
<td>Kent</td>
<td>33.3%</td>
<td>30</td>
<td>3</td>
</tr>
<tr>
<td>Wicomico</td>
<td>33.3%</td>
<td>81</td>
<td>9</td>
</tr>
<tr>
<td>Charles</td>
<td>30.8%</td>
<td>137</td>
<td>14</td>
</tr>
<tr>
<td>St. Mary's</td>
<td>30.0%</td>
<td>94</td>
<td>10</td>
</tr>
<tr>
<td>Worcester</td>
<td>30.0%</td>
<td>148</td>
<td>15</td>
</tr>
<tr>
<td>Howard</td>
<td>27.8%</td>
<td>206</td>
<td>21</td>
</tr>
<tr>
<td>Caroline</td>
<td>25.0%</td>
<td>35</td>
<td>4</td>
</tr>
<tr>
<td>Washington</td>
<td>23.1%</td>
<td>131</td>
<td>14</td>
</tr>
<tr>
<td>Harford</td>
<td>22.2%</td>
<td>183</td>
<td>19</td>
</tr>
<tr>
<td>Calvert</td>
<td>14.3%</td>
<td>79</td>
<td>8</td>
</tr>
<tr>
<td>Montgomery</td>
<td>9.8%</td>
<td>633</td>
<td>64</td>
</tr>
<tr>
<td>Carroll</td>
<td>8.3%</td>
<td>137</td>
<td>14</td>
</tr>
<tr>
<td>Frederick</td>
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<td>194</td>
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</tr>
<tr>
<td>Allegany</td>
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<td>62</td>
<td>7</td>
</tr>
<tr>
<td>Cecil</td>
<td>0.0%</td>
<td>123</td>
<td>13</td>
</tr>
<tr>
<td>Dorchester</td>
<td>0.0%</td>
<td>47</td>
<td>5</td>
</tr>
<tr>
<td>Garrett</td>
<td>0.0%</td>
<td>51</td>
<td>6</td>
</tr>
<tr>
<td>Queen Anne's</td>
<td>0.0%</td>
<td>54</td>
<td>6</td>
</tr>
<tr>
<td>Somerset</td>
<td>0.0%</td>
<td>20</td>
<td>2</td>
</tr>
<tr>
<td>Talbot</td>
<td>0.0%</td>
<td>42</td>
<td>5</td>
</tr>
<tr>
<td>Maryland</td>
<td>31.9%</td>
<td>6,076</td>
<td>618</td>
</tr>
<tr>
<td>Rank</td>
<td>Jurisdiction</td>
<td>FFY2014 Synar Report Violation Rate**</td>
<td>FFY2015 Synar Report Violation Rate***</td>
</tr>
<tr>
<td>------</td>
<td>-------------------</td>
<td>--------------------------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>1</td>
<td>Allegany</td>
<td>50.00%</td>
<td>0.00%</td>
</tr>
<tr>
<td>2</td>
<td>Caroline</td>
<td>50.00%</td>
<td>25.00%</td>
</tr>
<tr>
<td>3</td>
<td>Somerset</td>
<td><strong>50.00%</strong></td>
<td>0.00%</td>
</tr>
<tr>
<td>4</td>
<td>Baltimore County</td>
<td>40.00%</td>
<td>54.70%</td>
</tr>
<tr>
<td>5</td>
<td>Prince George's</td>
<td>30.60%</td>
<td>47.20%</td>
</tr>
<tr>
<td>6</td>
<td>Cecil</td>
<td>27.30%</td>
<td>0.00%</td>
</tr>
<tr>
<td>7</td>
<td>Baltimore City</td>
<td>25.90%</td>
<td>36.70%</td>
</tr>
<tr>
<td>8</td>
<td>Worcester</td>
<td>25.00%</td>
<td><strong>30.00%</strong></td>
</tr>
<tr>
<td>9</td>
<td>Talbot</td>
<td>25.00%</td>
<td>0.00%</td>
</tr>
<tr>
<td>10</td>
<td>Charles</td>
<td>23.10%</td>
<td>30.80%</td>
</tr>
<tr>
<td>11</td>
<td>Anne Arundel</td>
<td>20.80%</td>
<td>40.40%</td>
</tr>
<tr>
<td>12</td>
<td>Howard</td>
<td>20.60%</td>
<td>27.80%</td>
</tr>
<tr>
<td>13</td>
<td>Montgomery</td>
<td>16.20%</td>
<td>9.80%</td>
</tr>
<tr>
<td>14</td>
<td>Washington</td>
<td>15.40%</td>
<td>23.10%</td>
</tr>
<tr>
<td>15</td>
<td>Harford</td>
<td>15.00%</td>
<td>22.20%</td>
</tr>
<tr>
<td>16</td>
<td>Calvert</td>
<td>14.30%</td>
<td>14.30%</td>
</tr>
<tr>
<td>17</td>
<td>Dorchester</td>
<td><strong>14.30%</strong></td>
<td>0.00%</td>
</tr>
<tr>
<td>18</td>
<td>Frederick</td>
<td>11.10%</td>
<td>5.30%</td>
</tr>
<tr>
<td>19</td>
<td>Wicomico</td>
<td>8.30%</td>
<td><strong>33.30%</strong></td>
</tr>
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<td>20</td>
<td>Queen Anne's</td>
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<td>0.00%</td>
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<tr>
<td>21</td>
<td>Carroll</td>
<td>7.10%</td>
<td>8.30%</td>
</tr>
<tr>
<td>22</td>
<td>Garrett</td>
<td>0.00%</td>
<td>0.00%</td>
</tr>
<tr>
<td>23</td>
<td>Kent</td>
<td>0.00%</td>
<td>33.30%</td>
</tr>
<tr>
<td>24</td>
<td>St. Mary's</td>
<td>0.00%</td>
<td>30.00%</td>
</tr>
<tr>
<td></td>
<td>Maryland</td>
<td>24.10%</td>
<td>31.90%</td>
</tr>
</tbody>
</table>


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

*** The FFY 2015 violation rates are the final “weighted” violation rates.
Anticipated next Synar alternative penalty for Maryland

- Preliminary un-weighted non-compliance rate for Maryland tobacco retailers is 31.9%, or 11.9% 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 $4,026,014.

- Subtracting the existing penalty amount of $1,387,390 means that Maryland must identify and spend an additional $2,638,624 in non-supplanting non-federal funds into additional enforcement of underage tobacco sales enforcement activities next fiscal year.
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

- LHD regional trainings provided by DHMH and the Legal Resource Center
- Development of statewide materials and activities
- 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
- Legislative Options
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 issued through the Food and Drug Administration (see below):

http://www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/ucm321198.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:


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:

☐ 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.

☐ 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 1996.” 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 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 obtained 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.
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 $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: Fine 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:

**Baltimore County**
- $300 fine for first violation
- $500 fine for subsequent violations

**Cecil County**
- $300 fine for first violation
- $500 fine for second violation
- $750 fine for subsequent violations

**Carroll County**
- $300 fine for first violation
- $500 fine for subsequent violations within 24 months from the previous violation

**Garrett County**
- Fines of up to $300

**Howard County**
- Owners – fines of $250 to $500 for first violation and $500 to $1,000 for subsequent violations within one year of a prior violation
- Employees – fines of $50 to $100 for first violation and $100 to $250 for subsequent violations within one year of a prior violation

**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 **bold red type** 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 unpackaged 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.
DHMH Press Release
December 22, 2014

“It is embarrassing that cigarettes are easier for kids to get in Maryland than everywhere else,” said Dr. Joshua M. Sharfstein, Secretary of the Maryland Department of Health and Mental Hygiene. “Legislation is needed so that retailers who violate the law and sell tobacco to minors are at risk of losing their licenses.”

“DHMH is working with local health departments to increase youth-access enforcement efforts across the state. Further solutions will require legislation to accomplish a sustained reduction of tobacco sales to youth. Recommended steps include:

1. Increasing penalties on retailers who sell to minors, to include suspension and revocation of licenses to sell tobacco products;
2. Facilitating enforcement by making violations a civil, rather than criminal, offense;
3. Increasing retailer license fees to cover federal youth-access penalties incurred by the state; and
4. Requiring supplemental licenses for flavored tobacco products and electronic smoking devices, enabling more targeted enforcement efforts on products that are especially appealing to children.”
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
Campaign Materials

Retailer Educational Packets/Toolkits

- 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
- Quick reference guides
- Window clings, stickers, magnets for registers, floor decals, 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.”