



Maryland Alcohol and  
Tobacco Commission  
*Office of the Executive Director*

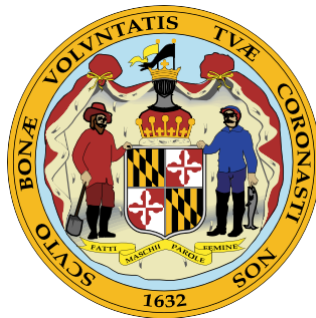
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# Enforcement of Tobacco Sales to Underage Persons Annual Report

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Executive Director

Chairman

# Enforcement of Tobacco Sales to Underage Persons Annual Report



## State of Maryland Alcohol and Tobacco Commission

80 Calvert St., Suite 310

Annapolis, Maryland, 21401

**Hon. Larry Hogan**  
Governor

**Hon. Boyd Rutherford**  
Lieutenant Governor

**Jeffrey A. Kelly**  
Executive Director

**Alan Silverstein**  
Commission Chairman

**Barbara Wahl**  
Vice Chair

**Robert Poole**  
Secretary

**Eric Morrisette**  
Commissioner

**Betty Buck**  
Commissioner

September 19, 2022

**The Honorable Bill Ferguson  
President  
Senate of Maryland State  
House, H-107  
Annapolis Maryland 21401**

**The Honorable Adrienne A. Jones  
Speaker  
Maryland House of Delegates  
State House, H-101  
Annapolis Maryland 21401**

**RE: Report required by Tax General Article § 2-107(e) (MSAR # 11358)**

Dear President and Speaker:

Pursuant to Tax General Article §2-107 E, in accordance with § 2-1246 of the State Government Article, the Alcohol and Tobacco Commission respectfully submits this report on the Enforcement of Sales of Tobacco Products to Underage Persons.

Sincerely,

  
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Jeffrey A. Kelly  
Executive Director

**cc: Sarah Albert, Department of Legislative Services (5 copies)**

## **Background**

The Alcohol and Tobacco Commission (ATC) was established through legislative action by the Maryland General Assembly and was enacted on January 1st, 2021. Prior to the creation of the ATC, related regulatory and enforcement duties fell under the purview of the Comptroller of Maryland. Today, the ATC is the regulatory and law enforcement agency. Pursuant to Tax General Article §2-107 E in accordance with § 2-1246 of the State Government Article, the Alcohol and Tobacco Commission respectfully submits this report.

This report includes, as requested:

- the aggregate number of licensed tobacco retailers that committed a violation of §10-107 of the Criminal Law Article during the reporting period.
- the number of prior violations for licensed tobacco retailers and minors that committed a violation (cited under Criminal framework) during the reporting period (Tobacco Sales to underage persons);
- the subsequent action taken by the Alcohol and Tobacco Commission against each violator and, for each action taken, the number of violations committed by the violator.

The ATC does not conduct compliance checks of retailers related to the sale of tobacco products to underage individuals. Rather, local jurisdictions, often working with underage “consumers,” conduct unannounced compliance checks and issue citations to those who sell tobacco products to these underage “consumers.” The ATC complements the work of local jurisdictions by conducting hearings that target the retail license itself to encourage compliance with the law, limit the availability of tobacco products to underage persons, and evaluate the effort the retailer has taken to prevent sales to underage consumers. The local jurisdictions initiate the hearing process by referring retail stores that have committed violations to the ATC.

## **Data**

The local jurisdictions consist of 23 counties and Baltimore City. The Health Departments of these jurisdictions reported the number of violations they discovered during the reporting period to the ATC. Not all jurisdictions had reportable violations. Table 1 depicts the aggregate number of licensed tobacco retailers that committed a violation of §10-107 of the Criminal Law Article during the reporting period of July 1<sup>st</sup>, 2021 – June 30<sup>th</sup>, 2022. No violator’s identities are revealed in this report.

**Table 1**

<b>Number of Violations</b>	<b>July 1st - December 31st</b>	<b>January 1st - June 30th</b>	<b>FY 2022 Total</b>
<b>Criminal Law Article, §10-107 ("tobacco sales to underage persons criminal citation")</b>	<b>222</b>	<b>530</b>	<b>752</b>
<b>Health-General Article, §24- 305 ("e-cigarette sales to underage persons civil citation")</b>	<b>11</b>	<b>23</b>	<b>34</b>
<b>Health-General Article, §24- 307 ("tobacco sales to underage persons civil citation")</b>	<b>240</b>	<b>534</b>	<b>774</b>
<b>County sales to underage persons or those under 21 ordinances</b>	<b>16</b>	<b>19</b>	<b>35</b>

Table 2 contains the number of repeat retail violators from the aggregate of all violation categories in Table 1. Repeating a violation does not mandate a referral to the ATC.

**Table 2**

<b>Number of retailers with multiple violations during the reporting period</b>	<b>July 1st - December 31st</b>	<b>January 1st - June 30th</b>	<b>FY 2022 Total</b>
<b>TOTAL</b>	<b>23</b>	<b>74</b>	<b>97</b>

Table 3 reports the dispositions of each tobacco license hearing request to the ATC during the reporting period of July 1<sup>st</sup>, 2021 – June 30<sup>th</sup> 2022. Of the twelve (12) referrals received by the ATC, all 12 violators had 2 or more violations.

**Table 3**

<b>Disposition of Referrals</b>	
<b>July 1st 2021 - June 30th 2022</b>	
<b>Referrals Received</b>	12
<b>Prior Year Carry Over</b>	0
<b>Dispositions</b>	
<b>No action</b> (ex. business closed or new ownership)	0
<b>Merged</b>	0
<b>Pending</b> (ex. postponement)	0
<b>Warning</b>	2
<b>Reprimand</b>	10
<b>Suspension</b>	0

Table 4 reveals a sustained decline in total referrals since FY 2019. Due to COVID-19, enforcement activities and compliance inspections were greatly reduced, however there has been a noticeable increase in violations reported by the local jurisdictions since the end of FY21.

**Table 4**

<b>Year to Year Comparison</b>				
	<b>FY 19</b>	<b>FY 20<sup>1</sup></b>	<b>FY 21<sup>2</sup></b>	<b>FY 22</b>
<b>Referrals Received</b>	116	23	7	12
<b>Prior Year Carry Over</b>	45	16	0	0
<b>Dispositions</b>				
<b>No action</b> (ex. business closed or new ownership)	22	10	0	0
<b>Merged</b>	0	0	0	0
<b>Pending</b> (ex. postponement)	7	2	0	0
<b>Warning</b>	72	9	7	2
<b>Reprimand</b>	41	13	0	10
<b>Suspension</b>	19	5	0	0

If you have any questions regarding this report, please contact the Regulatory and Research Section of Alcohol and Tobacco Commission at 443-300-6990 or [info@mdatc.gov](mailto:info@mdatc.gov) .

<sup>1</sup> Total FY2020 referrals decreased due to COVID-19

<sup>2</sup> Total FY2021 referrals decreased due to COVID-19