



COMPTROLLER
of MARYLAND
Serving the People

Enforcement of Tobacco Sales to Minors Annual Report

Fiscal Year 2018



Peter Franchot

Comptroller of Maryland

September 17, 2018

Honorable Thomas V. “Mike” Miller, Jr.
President of the Senate
State House
Annapolis, Maryland 21404

Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, Maryland 21404

Dear President and Speaker:

Background

Pursuant to House Bill 185, in accordance with § 2-1246 of the State Government Article, the Office of the Comptroller respectfully submits the report on the Enforcement of Sales to Minors Violations.

This report includes, as requested:

- the aggregate number of licensed tobacco retailers that committed a violation of §10-107 of the Criminal Law Article and the aggregate number of minors who committed a violation of §10-108 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;
- the subsequent action taken by the Office of the Comptroller against each violator and, for each action taken, the number of violations committed by the violator.

The Field Enforcement Division (FED) does not conduct compliance checks of cigarette retailers. Rather, local jurisdictions, often working with under aged “consumers,” conduct unannounced compliance checks and issue citations to those who sell cigarettes to these “consumers.” The FED complements the work of the local jurisdictions by conducting hearings that target the retail license itself to encourage compliance with the law and limit the availability of tobacco products to minors. The local jurisdictions initiate the hearing process by referring retail stores that have committed violations to the FED with a request for a hearing, though, not every violation is referred to the FED.

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 FED. Not all jurisdictions had violations to report. The table below depicts the aggregate number of licensed tobacco retailers that committed a violation of §10-107 of the Criminal Law Article and the aggregate number of minors who committed a violation of §10-108 of the Criminal Law Article during the reporting period of October 1st 2017 – June 30th 2018. No violator’s identities are revealed in this report.

Number of Violations	October 1st - December 31st	January 1st - June 30th	FY 2018 Total
Criminal Law Article, §10-107 ("tobacco sales to minor criminal citation")	16	81	97
Criminal Law Article, §10-108 ("tobacco use, possession, or purchase by a minor")	15	8	23
Health-General Article, §24-305 ("e-cigarette sales to minor civil citation")	3	7	10
Health-General Article, §24-307 ("tobacco sales to minor civil citation")	130	612	742
County sales to minor ordinance	n/a	n/a	n/a

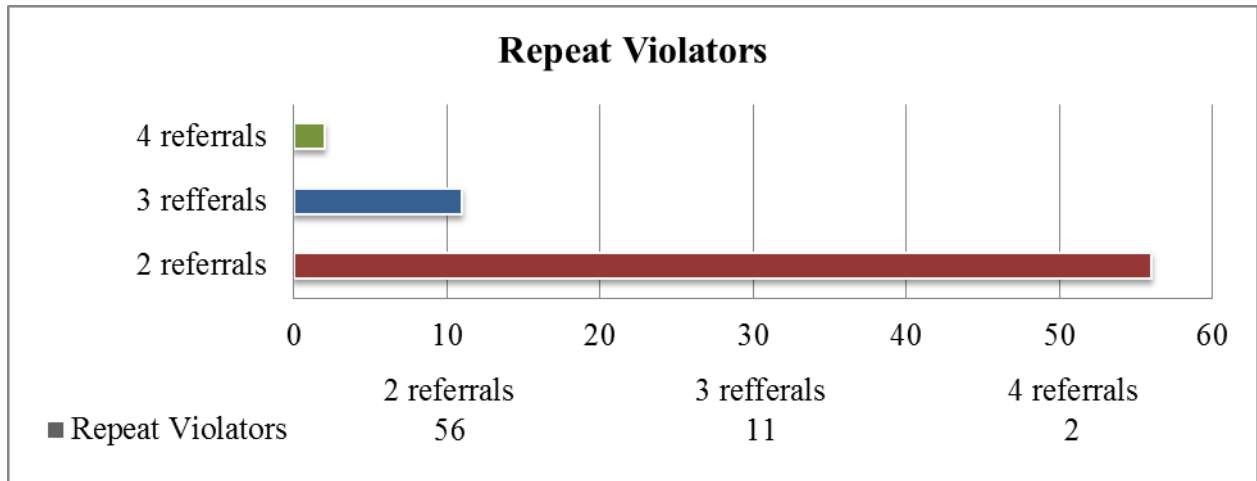
Number of retailers with multiple violations during the reporting period (i.e. §10-107, §10-108, §24-305, §24-307, or county ordinance)	October 1st - December 31st	January 1st - June 30th	FY 2018 Total
TOTAL	90	74	164

The table also includes the number of prior violations for licensed tobacco retailers and minors that committed a violation (cited under Criminal framework) during the reporting period. The Field Enforcement Division does not interact with any minors who have committed violations.

The following table shows the subsequent action taken by the Office of the Comptroller against each tobacco license upon referral to the FED during the reporting period of October 1st 2017 – June 30th 2018.

Disposition of Referrals Received by FED	
October 1st 2017 - June 30th 2018	
Referrals Received	343
Dispositions	
Warning – No Hearing Held	182
Hearing Held	125
Reprimand	69
Suspension	41
Postponed/merged/pending	29
No action	22

Local jurisdictions referred several repeat violators to the FED during the reporting period of October 1, 2017 through June 30, 2018 as depicted below.



If you have any questions regarding this report, please contact Mr. Anthony Hatcher, Agent in Charge, Field Enforcement Division, 410-260-6154 or ahatcher@comp.state.md.us.