



COMPTROLLER
of MARYLAND
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Enforcement of Tobacco Sales to Minors Annual Report

Fiscal Year 2019



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Comptroller of Maryland

September 18, 2019

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

Honorable Adrienne A. Jones
Speaker of the House
State House
Annapolis, Maryland 21404

Dear President and Speaker:

Background

Pursuant to Tax General Article §2-107 E, 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, limit the availability of tobacco products to minors, and evaluate the effort the retailer has taken to prevent sales to under aged consumers. The local jurisdictions initiate the hearing request against the license itself by referring retail stores that have committed violations 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 reportable violations. Table 1 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 July 1st 2018 – June 30th 2019. No violator’s identities are revealed in this report.

Table 1

Number of Violations	July 1st - December 31st	January 1st - June 30th	FY 2019 Total
Criminal Law Article, §10-107 ("tobacco sales to minor criminal citation")	74	46	120
Criminal Law Article, §10-108 ("tobacco use, possession, or purchase by a minor")	0	1	1
Health-General Article, §24-305 ("e-cigarette sales to minor civil citation")	8	14	22
Health-General Article, §24-307 ("tobacco sales to minor civil citation")	86	95	181
County sales to minor ordinance	177	144	321

Table 2

Number of retailers with multiple violations	July 1st - December 31st	January 1st - June 30th	FY 2019 Total
TOTAL	37	52	89

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 FED.

Table 3 reports the dispositions of each tobacco license hearing request to the FED during the reporting period of July 1st 2018 – June 30th 2019. FED received 44 referrals for 10 repeat violators, of those 10 repeat violators, 3 had 2 violations referred, 2 had 3 violations referred, and 5 had 4 or more violations referred.

Table 3

Disposition of Referrals	
July 1st 2018 - June 30th 2019	
Referrals Received	116
Prior Year Carry Over	45
Dispositions	
No action (ex. business closed or new ownership)	22
Merged	0
Pending (ex. postponement)	7
Warning	72
Reprimand	41
Suspension	19

Table 4 reveals a remarkable reduction in total referrals of the FED from FY 2018 to FY 2019. This reduction may be an indicator that aggressive local compliance operations and predictable FED dispositions are helping to create an increased level of compliance among tobacco retailers.

Table 4

Year to Year Comparison		
	FY 18	FY 19
Referrals Received	343	116
Prior Year Carry Over	0	45
Dispositions		
No action (ex. business closed or new ownership)	22	22
Merged	0	0
Pending (ex. postponement)	29	7
Warning	182	72
Reprimand	69	41
Suspension	41	19

If you have any questions regarding this report, please contact Mr. Charles Howeth, Agent in Charge, Field Enforcement Division, 410-260-7469 or choweth@comp.state.md.us.