



## DEPARTMENT OF HEALTH

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

July 5, 2022

The Honorable Bill Ferguson  
President of the Senate  
H-107 State House  
Annapolis, MD 21401-1991

The Honorable Adrienne Jones  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401-1991

**Re: Ch. 773 of the Acts of 2017 (HB 185) and HG §24-307(f) - 2020 Annual Legislative Report on Tobacco Enforcement Strategies**

Dear President Ferguson and Speaker Jones:

Pursuant to Health-General Article, §24-307(f), Annotated Code of Maryland, the Maryland Department of Health (MDH) is directed to submit this annual legislative report on tobacco enforcement strategies. Specifically, the report includes information on: (1) the development of strategies for the enforcement of the Criminal Law Article §§10-107 and 10-108 Annotated Code of Maryland; and (2) training and assistance to tobacco retailers to improve compliance with §10-107 of the Criminal Law Article. It should be noted that Criminal Law Article § 10-108 was repealed in 2019 and is no longer applicable to this report.

If you have any questions about this report, please contact Director of Governmental Affairs, Heather Shek, at (410) 767-6481 or [heather.shek@maryland.gov](mailto:heather.shek@maryland.gov).

Sincerely,

Dennis R. Schrader  
Secretary

cc: Heather Shek, JD, MS, Director, Governmental Affairs  
Jinlene Chan, MD, MPH, FAAP, Deputy Secretary, Public Health Services  
Donna Gugel, MHS, Director, Prevention and Health Promotion Administration  
Pamela R. Williams, MHA, Director, Cancer and Chronic Disease Bureau  
Sarah Albert, MSAR #11240

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**2020 Annual Report on Enforcement Strategies for Distribution of Tobacco  
Products to Minors and Compliance Training and Assistance to Tobacco  
Retailers**

**2020 Annual Report**

**Larry Hogan**  
**Governor**

**Boyd K. Rutherford**  
**Lieutenant Governor**

***Statutory Authority and Requirements:***

***Health-General Article, §24-307(f), Annotated Code of Maryland requires the Maryland Department of Health to report to the General Assembly each year on the status of ongoing strategies for enforcement of §§10-107 and 10-108 of the Criminal Law Article, which aim to limit the availability of tobacco products to minors and ensure retailer compliance with youth access laws.***

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## Introduction

This report provides the General Assembly with an annual update of ongoing strategies for enforcement of §10-107 and §10-108 of the Criminal Law Article, Annotated Code of Maryland. These activities are conducted by the Maryland Department of Health (MDH), in collaboration and consultation with the Office of the Comptroller (the Comptroller), local health departments (LHDs), and local law enforcement agencies. Information contained in this report was compiled from the noted entities and highlights programmatic activities and policies that help limit the availability of tobacco products to minors, and ensure retailer compliance with youth access laws.

Specifically, Chapter 773 requires an annual report on the following:

1. The development of enforcement strategies prohibiting distribution to and possession of tobacco products by minors (§10-107 and §10-108 of the Criminal Law Article, Annotated Code of Maryland).
2. Training and assistance to tobacco retailers to improve compliance with §10-107 of the Criminal Law Article.

Please note, the following issues have a significant impact on the content of this report:

- With the 2019 passage of “Chapter 396 of the Acts of 2019, House Bill (HB) 1169: Business Regulation – Tobacco Products and Electronic Smoking Devices – Revisions,” §10-108 of the Criminal Law Article, Annotated Code of Maryland was revoked, and therefore, will no longer be applicable to this report. MDH will however continue to report on strategies and activities to prevent youth from accessing tobacco products.
- As of the submission of this report, the ongoing impact of the COVID-19 pandemic is far reaching and has affected the health, security, safety, livelihood and normalcy for many Maryland residents. Many state and LHD staff have been reassigned to COVID-related activities.
- Due to noted safety concerns and staff reassignments, many retailer education, training, and enforcement efforts were suspended or significantly reduced in the fourth quarter of State Fiscal Year 2020 (SFY 2020), with the health and safety of Maryland residents being of the highest priority. Many uncertainties remain as to how retailer education, compliance checks and enforcement will be conducted given this ongoing public health crisis. MDH and its partners will continue to assess the situation moving into SFY 2021, following state and federal guidelines.

## Background

Enforcement, education, and training related to federal, state, and local laws that restrict youth access to tobacco products are conducted through both the Comptroller and the MDH Prevention and Health Promotion Administration, Center for Tobacco Prevention and Control (CTPC). CTPC provides retailer outreach, education, and training, and funds local inspections through LHDs. Additionally, CTPC facilitates federal Substance Abuse and Mental Health Services Administration (SAMHSA) Synar Program State inspections and federal Food and Drug Administration (FDA) inspections. The Comptroller conducts hearings and issues warnings, license suspensions, and revocations to repeat violators.

As a condition of the SAMHSA Substance Abuse Prevention and Treatment Block Grant (SABG), MDH must comply with the federal Synar Amendment, adopted in 1992. The Synar Amendment requires states to enact and enforce laws prohibiting the sale or distribution of tobacco products to minors. To comply with this amendment, random unannounced inspections of tobacco retail outlets and vending machines must occur annually to ensure adherence to Maryland's prohibition on the sale of tobacco products to minors. The findings from such inspections are reported to SAMHSA each federal fiscal year (FFY). States have historically been required to maintain a retailer violation rate (RVR) of 20 percent or less to avoid penalization. Such penalization would include losing up to 40 percent of SABG funds, or more than \$13M for Maryland.

Maryland's RVR was 24.1 percent in FFY 2014 and 31.4 percent in FFY 2015, exceeding the 20 percent allowable threshold. SAMHSA offered Maryland an alternative penalty; if Maryland allocated new, additional state funds for retailer education and enforcement activities in both SFY 2015 and 2016 (\$1,387,390 and \$3,860,126, respectively), full SABG funding would be maintained.

Due to coordinated enforcement and training efforts by MDH, the Comptroller, and LHDs, Maryland retailers have been back in compliance with the Synar Amendment since FFY 2016, eliminating the requirement of penalty expenditures. The most recent RVR derived from MDH compliance checks for FFY 2020 was 13.1 percent.<sup>1</sup>

To sustain the success of statewide efforts to reduce youth access to tobacco – and avoid costly penalties that could jeopardize state substance use treatment dollars – Governor Hogan created a Tobacco Enforcement line item in the Cigarette Restitution Fund budget for approximately \$2,000,000 annually beginning in SFY 2017. These dedicated funds are crucial for MDH to maintain enforcement efforts and help keep the RVR below the 20 percent threshold.

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<sup>1</sup> Maryland Department of Health, "FFY2020 SSES Survey Results," September 6, 2019, Center for Tobacco Prevention and Control, Accessed 5 October 2020 at <https://phpa.health.maryland.gov/ohpetup/Documents/FFY2020%20Synar%20SSES%20Results.pdf>

In addition to the collaborative efforts described above, recent legislation and regulations that have also helped to strengthen and support tobacco enforcement efforts in Maryland are outlined below:

- Chapter 396 of the Acts of 2019 (HB 1169) Business Regulation – Tobacco Products and Electronic Smoking Devices – Revisions, effective October 1, 2019: Increases the minimum legal sales age (MLSA) from 18 to 21. Known as “Tobacco 21,” the new law renames electronic nicotine delivery systems (ENDS) as electronic smoking devices (ESDs) to be inclusive of expanded product types. Tobacco 21 also classifies ESDs as “tobacco products,” and makes several important enforcement-related changes, including elimination of youth purchase, use, and possession laws (Criminal Law Article §10-108, Annotated Code of Maryland). Other enforcement changes include two new requirements for tobacco retailers and vape shops: 1) posting age-of-sale warning signs with specific language in visible locations, and 2) using government-issued ID (not school or employer ID) to verify customer age. Additionally, the law specifies that the licensee, not the individual clerk, is responsible for remunerating civil penalties for illegal tobacco sales (Health General Article §§24-305 and 24-307). There is no grandfathering provision for those 18 to 20 years old, however, active duty military 18 years and older with valid military ID are exempt.
- Chapter 12 of the Acts of 2019 (HB 1052), (effective date delayed): Establishes the Alcohol and Tobacco Commission (the Commission), which transfers tobacco retail outlet licensing and enforcement responsibilities from the Comptroller to the Executive Director of the Commission. Responsibilities of the Commission include conducting studies of similar laws in different states, developing best practices for compliance, ensuring appropriate licensing and enforcement, and collaborating with MDH on legislatively mandated data and reporting requirements. The original effective date was June 1, 2020; however, during the 2020 Legislative Session, this legislation was clarified, and the effective date was delayed as per Chapter 359, detailed below.
- Federal Further Consolidated Appropriations Act (HR 1865/Public Law 116-94), 2020, effective December 20, 2019: Amends the Federal Food, Drug, and Cosmetic Act to raise the national MLSA for tobacco from 18 to 21, implementing a Federal Tobacco 21 Law. The amendment does not include any exemptions, including for members of the military, or grandfathering of age groups.<sup>2, 3</sup>
- FDA Unauthorized Flavored ESD Enforcement Policy, effective February 2, 2020: The FDA

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<sup>2</sup> Federal Food, Drug, and Cosmetic Act Legislation HR 1865. Accessed 5 August 2020 at <https://docs.house.gov/billsthisweek/20191216/BILLS-116HR1865SA-RCP116-44.PDF>

<sup>3</sup> Food and Drug Administration. Tobacco 21, February 12, 2020. Accessed 5 August 2020 at <https://www.fda.gov/tobacco-products/retail-sales-tobacco-products/tobacco-21>



issued guidance that prohibits the manufacturing, distribution, and sale of any flavored, cartridge-based ESDs other than menthol or tobacco flavor, as well as all ESDs for which the manufacturer has not taken adequate measures to prevent minors' access, and ESDs targeted to minors or likely to promote the use of ESDs by minors.<sup>4</sup>

- Comptroller's Field Enforcement Division Directive (Maryland), effective February 10, 2020: The Comptroller's Field Enforcement Division issued a directive to prioritize enforcement actions against unauthorized products most widely used by youth – specifically, cartridge-based and disposable ESDs with flavors other than tobacco or menthol. “While the FDA’s enforcement actions are solely targeting cartridge-based products, the FDA rule states that “no ENDS products have been authorized by the FDA — meaning that all [ESD] products currently on the market are considered illegally marketed” under federal law and, as such, are unauthorized for sale and subject to regulation at the discretion of the Comptroller’s Field Enforcement Division”.<sup>5</sup> Under Business Regulation §16.7-207(a)(5), retailer licenses to sell tobacco and ESD products in Maryland may be subject to disciplinary action if the directives are not followed, as these products are being sold and marketed in direct violation of federal law.<sup>6</sup>
- Chapter 359 of the Acts of 2020 (HB 900), effective January 1, 2021: Modifies Chapter 12 of the Acts of 2019 (HB1052), see above, by establishing a new effective date and clarifying the authority and duties of officers and employees of the Field Enforcement Division in the Office of the Executive Director of the Alcohol and Tobacco Commission. Requires the Commission and the Comptroller to cooperate in the sharing of certain information and personnel for specified purposes.

## **Development and Success of Enforcement Strategies to Improve Compliance**

MDH follows evidence-based recommendations for reducing youth access to tobacco products, which are outlined in the Centers for Disease Control and Prevention (CDC) Best Practices for Comprehensive Tobacco Control Programs – 2014.<sup>6</sup> These recommendations include: (1) mobilizing the community to restrict minor access to tobacco products, in combination with additional interventions including stronger local laws directed at retailers, active enforcement of retailer sales laws, and retailer education with reinforcement; and (2) conducting mass-media education

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<sup>4</sup> Food and Drug Administration. FDA finalizes enforcement policy on unauthorized flavored cartridge-based e-cigarettes that appeal to children, including fruit and mint, January 2, 2020. Accessed 14 August 2020 at <https://www.fda.gov/news-events/press-announcements/fda-finalizes-enforcement-policy-unauthorized-flavored-cartridge-based-e-cigarettes-appeal-children>

<sup>5</sup> Comptroller of Maryland, Field Enforcement Division Bulletin, February 10, 2020, Accessed 18 August 2020 at [https://content.govdelivery.com/attachments/MDCOMP/2020/02/10/file\\_attachments/1376534/Tobacco%20Bulletin%2077%20-%2002.10.2020%20-%20Flavored%20ESDs%20Unlawful.pdf](https://content.govdelivery.com/attachments/MDCOMP/2020/02/10/file_attachments/1376534/Tobacco%20Bulletin%2077%20-%2002.10.2020%20-%20Flavored%20ESDs%20Unlawful.pdf)

<sup>6</sup> Centers for Disease Control and Prevention. Best Practices for Comprehensive Tobacco Control Programs—2014. Atlanta: US Department of Health and Human Services, Center for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014. Accessed 5 August 2020 at [https://www.cdc.gov/tobacco/stateandcommunity/best\\_practices/index.htm](https://www.cdc.gov/tobacco/stateandcommunity/best_practices/index.htm)

campaigns, in combination with other community interventions. MDH collaborates with partners and agencies across the state to implement these best practice enforcement strategies. Specific strategies are outlined below.

***Retailer enforcement strategies for §10-107 of the Criminal Law Article***

MDH works collaboratively with LHDs, law enforcement, and the Comptroller to enforce existing laws, educate retailers, and sanction repeat violators of the law through the following new and existing strategies:

***A. Recording and tracking sales violations through the online Point of Sale Toolkit (POST):***

MDH uploads the Comptroller’s annual list of over 6,000 tobacco retailer licenses into a data collection and mapping software tool – the Counter Tools Point of Sale Toolkit (POST), <https://md.countertools.org/>. This robust program allows for real-time data uploads and provides a single list of retail locations, which reduces time spent visiting stores that are no longer in business. The centralized list that this tool provides also assists in determining where to provide face-to-face education and undertake assessments of the retail environment, in addition to where to mail educational materials that help retailers to remain compliant with youth access laws.

POST allows users to access a complete list of tobacco retailers within the State and monitor tobacco retailer compliance with existing state and federal restrictions on the sale of tobacco products to persons less than 21 years of age. This password-protected system provides LHDs and law enforcement agencies with historical information as well as real-time data on individual retailer compliance.

As of June 30, 2020, there were 119 registered POST users across all 24 jurisdictions. Additionally, the proprietary database houses historical data collected by MDH and LHDs for over 37,000 enforcement visits since calendar year 2012, including more than 12,000 LHD visits, 21,000 FDA compliance checks, and 3,900 state Synar inspection visits.

***B. Local inspections through LHDs/ Local Law Enforcement:***

To coordinate enforcement efforts across the state, MDH uses the Comptroller’s annual list of licensees. This licensing information provides the basis for determining jurisdiction-level funding, which is used for conducting local enforcement checks. LHDs work with community partners, youth, law enforcement (when applicable), and district courts to conduct compliance checks and cite retailers that violate these laws. LHDs have leeway in scheduling checks throughout the fiscal year.

In SFY 2020, LHDs conducted 4,456 compliance checks:

- 4,203 for routine surveillance of tobacco retailer;

- 195 follow-up compliance checks after local citations for tobacco sales to minors; and
- 58 follow-up compliance checks after failing Synar compliance checks.

Local law enforcement agencies issued 340 citations for illegal sales of tobacco products to minors, and LHDs referred 38 tobacco retailers to the Comptroller for multiple or repeat violations.

In the latter part of SFY 2020, the level of enforcement activity was hindered by COVID-19 shutdowns and the deployment of LHD staff to bolster COVID-19 response activities. Most LHDs stopped tobacco sales compliance checks at the start of the “stay-at-home” order in March, however, four LHDs sustained tobacco sales compliance checks through June 2020. These checks continued with a focus on problem retailers and in response to public complaints about illegal sale of tobacco products. Many LHDs were, however, able to continue some retailer and community education projects using safety measures and technology for virtual communication.

*C. State inspections through the Maryland Synar Program:*

To ensure adherence with the federal Synar Amendment, which requires states to enact and enforce laws prohibiting the sale or distribution of tobacco products to minors, MDH conducts annual unannounced inspections on 10 percent of tobacco outlets and vending machines. MDH reports findings from these inspections to SAMHSA each federal fiscal year. Through FFY 2020 the following protocols have been in place:

- MDH utilizes the Comptroller’s annual list of licensed tobacco retail outlets to obtain a random sample of 10 percent of outlets for each jurisdiction, ensuring that every jurisdiction, even those with a small number of outlets, is included.
- To accommodate youth inspector availability, inspections take place April through September, and include over-the-counter purchases as well as purchases from vending machines that are accessible to minors. Synar inspections must be completed by September 30 of each year.
- Youth inspectors (16 to 18 years of age) conduct Synar inspections, along with an adult inspector.
- MDH uses a consummated buy attempt process for inspections, in which the youth inspector pays for the tobacco product(s) and then exits the store. During the Synar inspection process, youth inspectors have immunity from youth tobacco purchase and possession laws.
- Adult and youth inspectors complete forms for each inspection. The MDH Synar Coordinator analyzes the forms and sends the analysis and a letter regarding their compliance status (including a link to MDH’s website:

[www.NoTobaccoSalesToMinors.com](http://www.NoTobaccoSalesToMinors.com)) to each inspected tobacco retail outlet. Copies of the letters are also sent to local health officers and LHDs.

Inspection data are uploaded into the Synar Survey Estimation System, which automatically generates Maryland's RVR. This rate is included in the mandated annual Synar Report due to SAMHSA by December 31.

Following the completion of the Statewide Synar compliance inspection cycle, adult inspectors revisit noncompliant tobacco outlets to provide one-on-one training with relevant educational materials. This activity was initiated in 2015 to address rising RVRs and to enhance tobacco retailer compliance with youth access laws. Since FFY 2016, Maryland retailers have remained well under the 20 percent RVR threshold, eliminating the requirement of penalty expenditures.

**Maryland Synar Retailer Violation Rate by Federal Fiscal Year**

	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018	FFY 2019	FFY 2020
<b>RVR</b>	24.1%	31.4%	13.8%	10.8%	13.9%	8.5%	13.1%
<b># of Outlets</b>	7,059	6,076	5,667	6,034	6,698	6,600	6,478
<b># of Inspections</b>	745	618	567	604	670	663	648
<b># Compliant</b>	499	363	469	527	545	563	519
<b># of Incomplete*</b>	90	88	23	13	37	48	51
<b># Noncompliant</b>	156	167	75	64	88	52	78
*An inspection may be incomplete because a retailer does not sell tobacco products, is inaccessible to youth, is out of business, is a private club or private residence, or is wholesale or carton sale only.							

### *Synar Program Modifications and COVID-19-Related Program Impacts*

#### SAMHSA “Revision to Guidance”<sup>7</sup>

On June 12, 2020, SAMHSA issued a “Revision to Guidance” modifying provisions of the Synar program and updating inspection protocol requirements to include the following:

- Align with the new federal law that increases the MLSA from 18 to 21 (see pages 4-5 of this report).

<sup>7</sup> Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention. “Revision to Guidance: June 12, 2020” Accessed 18 August 2020 at <https://www.samhsa.gov/sites/default/files/synar-guidance-tobacco-21.pdf>

- Expand the definition of a violation to include tobacco-selling outlets in a state that are accessible to anyone under the age of 21.
- Require states to revise their methodology, inspection reports, and inspection protocols to include the revised age requirements (under 21). In addition, Synar survey results must now include results for sales to youth and young adults under the age of 21.
- Reduce penalties from 40 percent to up to 10 percent of SABG funds if states are found to exceed the 20 percent RVR threshold.
- Provide a three-year amnesty period to states prior to levying penalties, allowing states a transition period to comply with the new Synar Amendment requirements.

The "Revision to Guidance" provisions impact Synar compliance checks beginning in FFY 2021 (April 2020-September 2020). See below for further information.

#### COVID-19-Related Program Impact

MDH typically conducts compliance checks annually from April to September. These checks involve an adult inspector physically visiting retail locations with the underage purchasers. Due to the COVID-19 pandemic, MDH, along with many other states, did not conduct Synar checks during this inspection cycle. This prevents MDH from calculating an RVR for FFY21, however, SAMHSA has allowed a three-year transition period, as discussed above, and has reported they will not levy penalties for any reason during this time.

#### *D. Federal FDA inspections through MDH*

To ensure retailer compliance with the Family Smoking Prevention and Tobacco Control Act, MDH has a contractual agreement with the FDA to conduct undercover purchases, inspect retail advertising and labeling, and undertake other directed inspections on behalf of the FDA.<sup>8</sup> MDH is currently in the tenth year of this agreement. Such inspections include the following:

- Inspections are conducted by MDH staff who are commissioned as FDA agents and perform inspections on behalf of the FDA.
- Each of the four regions of the State (Central, Eastern, Southern, and Western) is assigned a full-time Commissioned Officer and two youth inspectors (one male, one female, ages 16 to 17). Youth inspectors only perform undercover buy inspections; they are not permitted to accompany a Commissioned Officer during any other type of inspection.
- Immediately following each inspection, results are submitted electronically to the FDA for final review and enforcement action.
- Violations may lead to warning letters, civil money penalties, no-tobacco-sales orders, or other enforcement actions. Since the FDA regulates all tobacco products, including

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<sup>8</sup> Title 21 USC 301 (2009)

e-cigarettes, hookah, smokeless tobacco and cigars, retailers selling tobacco products must comply with all applicable federal laws and regulations, in addition to state laws.

**COVID-19-related Program Impact**

As a result of the COVID-19 pandemic, the FDA issued an immediate partial stop work order on March 19, 2020, which was further extended three times. The stop work order suspended all inspections, while maintaining communication with key state staff who have direct oversight of the state program and are the main points of contact with the FDA. Because of this federal order, MDH has been unable to perform previously planned and assigned inspections during this time period. During this shut down, the FDA Commissioned Officers that typically perform inspections have been temporarily reassigned to support COVID-19 activities or to assist other state MDH programs.

Public FDA enforcement data for Maryland detailing retailer violations since FFY 2014 are outlined in the below table. The FFY 2020 inspections reflect those that were conducted through March 19, 2020.

**Public FDA Enforcement Data, Maryland\***

	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018	FFY 2019	FFY 2020
<b>No Tobacco Sale Orders</b>	0	0	3	4	4	0	0
<b>Civil Money Penalties</b>	88	176	71	104	87	143	76
<b>Warning Letter Issued</b>	260	236	139	143	276	350	128
<b>No Violation Observed</b>	1,081	2,574	2,940	2,006	1,632	1,928	1,254
<b>Total Inspections Posted on FDA Website</b>	<b>1,429</b>	<b>2,986</b>	<b>3,153</b>	<b>2,257</b>	<b>1,999</b>	<b>2,421</b>	<b>1,458</b>

*\*Notes: These data are from the FDA's public website:  
[https://www.accessdata.fda.gov/scripts/oc/inspections/oc\\_insp\\_searching.cfm](https://www.accessdata.fda.gov/scripts/oc/inspections/oc_insp_searching.cfm).*

*These dates do not necessarily represent the date of inspection; rather the date reflects when FDA made a decision related to the inspection.*

*Data for FFY 2020 inspection results through March 19, 2020. Due to the COVID-19 pandemic, FDA issued a partial stop work order, suspending all inspections through September 29, 2020.*

FDA enforcement protocols will be revised to align with the new federal Tobacco 21 law once inspections are reinstated.

### *E. Enforcement through the Comptroller*

Through its Field Enforcement Division, the Comptroller supports LHD staff and law enforcement with the implementation of youth access laws. Specifically, the Field Enforcement Division:

- Maintains current lists of licensed tobacco retailers across the State and shares the list annually with MDH.
- Participates in training events for LHDs. In February 2020, the Field Enforcement Division took part in a webinar with LHDs on the new enforcement authority for the Comptroller to prohibit the sale of flavored cartridge-based and disposable ESD products. The Field Enforcement Division also presented at the statewide tobacco control policy virtual conference on June 4, 2020 to discuss state retailer enforcement, including the new enforcement authority for flavored ESDs.
- Acts as a liaison between MDH and the Maryland Court's e-license system to ensure the accuracy of tobacco outlet license information.
- Works with local jurisdictions that present evidence of multiple convictions and/or civil liabilities against licensed tobacco outlets for illegally selling tobacco products to minors.
- Holds hearings with tobacco outlet licensees or owners that are in violation of youth access laws.

By law, the Comptroller has discretion to suspend, revoke, or refuse to renew a license as a result of these violations. Information highlighting the number of referrals from LHDs and related sanctions is provided in a companion report submitted by the Comptroller.

In response to the dramatic rise in the use of ESDs among youth and the E-cigarette or Vaping Associated-Lung Injury (EVALI) outbreak, the Comptroller created a statewide E-Facts Taskforce (the Taskforce) in 2019, bringing together public health experts and tobacco retailer groups to develop strategies to reduce youth e-cigarette use. The Taskforce met four times between December 2019 and February 2020 and developed a final report, "Electronic Smoking Devices in Maryland: A Safer Path Forward," which provides a background of the issue, regulatory actions taken, as well as a list of 12 policy recommendations for restricting sales of ESDs to youth and enhancing current prevention and enforcement activities, including:<sup>9</sup>

- Requiring separate manufacturing, wholesale, and retail licenses for each category of product (cigarette/other tobacco product/ESD) and increasing licensure fees for each category.
- Requiring education for retailers upon renewal or issuance of licenses by the Comptroller.
- Passing corrective legislation to bring Maryland in compliance with the new

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<sup>9</sup> Office of the Comptroller of Maryland. "Electronic Smoking Devices in Maryland: A Safer Path Forward," Accessed 5 October 2020 at <https://marylandtaxes.gov/forms/etaskforce/FINAL-E-Facts-Report02172020.pdf>

Federally-mandated minimum age of 21 to purchase tobacco and ESDs – without exceptions.

- Restricting sales of flavored e-liquids and refillable “tank” systems exclusively to “vape shop vendors,” prohibiting entry to these retailers by anyone under the age of 21, and prohibiting these retailers from selling all other tobacco/nicotine products.

On February 10, 2020, the Comptroller issued a directive to Maryland tobacco retailers stating the Field Enforcement Division would prioritize enforcement actions against unauthorized products most widely used by children – specifically, cartridge-based and disposable ESDs with flavors other than tobacco or menthol. While the FDA’s enforcement actions solely target cartridge-based products, the regulation states that “no ENDS products have been authorized by the FDA — meaning that all [ESD] products currently on the market are considered illegally marketed” under federal law and, as such, are unauthorized for sale and subject to regulation at the discretion of the Field Enforcement Division. Under Business Regulation §16.7-207(a)(5), a retailer licensed to sell tobacco and ESD products in Maryland may be subject to disciplinary action if the directives are not followed, as these products are being sold and marketed in direct violation of federal law.<sup>10</sup>

### ***Youth enforcement strategies in support of §10-108 of the Criminal Law Article***

With the passage of the “Chapter 396 of the Acts of 2019 (HB 1169) Business Regulation – Tobacco Products and Electronic Smoking Devices – Revisions”, §10-108 of the Criminal Law Article, Annotated Code of Maryland was revoked, and is no longer applicable to this report. However, youth prevention activities provided through LHDs are discussed on pages 15-16.

The enforcement strategies of MDH and the Comptroller focus on educating tobacco retailers and increasing retailer compliance with youth access laws. Because there is an existing licensing structure in place, it is possible to ensure organized enforcement of retailers, thereby providing a systematic and equitable way to prevent youth possession. MDH concurrently focuses on school- and community-based prevention of tobacco use among youth, as well as educating retailers how to detect false identification. These outreach efforts are additional mechanisms to reduce youth tobacco use, and thus possession.

### **Training and Assistance to Tobacco Retailers to Improve Compliance**

Statewide efforts to reduce the rate of illegal tobacco sales to minors and to limit the availability of tobacco products to minors include: (1) MDH’s direct outreach to retailers as well as the general public, including mass reach media development and placement; (2) collaboration and funding to

<sup>10</sup> Comptroller of Maryland, Field Enforcement Division Bulletin, February 10, 2020, Accessed 18 August 2020 at [https://content.govdelivery.com/attachments/MDCOMP/2020/02/10/file\\_attachments/1376534/Tobacco%20Bulletin%2077%20-%2002.10.2020%20-%20Flavored%20ESDs%20Unlawful.pdf](https://content.govdelivery.com/attachments/MDCOMP/2020/02/10/file_attachments/1376534/Tobacco%20Bulletin%2077%20-%2002.10.2020%20-%20Flavored%20ESDs%20Unlawful.pdf)



partner organizations; and (3) trainings and technical assistance through LHDs and partners.

1. *Direct outreach to retailers and mass reach media initiatives*

In SFY 2020, MDH updated the Responsible Tobacco Retailer Campaign to reflect major changes that occurred with the passage of the new Maryland Tobacco 21 law that went into effect on October 1, 2019. The new campaign, “21 or None,” includes updated messaging and materials with information about the provisions of the new law and how retailers can remain compliant.

Toolkits were developed that included training and educational resources, including a poster and window cling which used language compliant with requirements of the law, a quick reference guide, a law overview guide, a 2019/2020 calendar to be kept near the register for reference, and additional resources. Toolkits were shipped to Maryland’s 6,000+ licensed tobacco retailers in October 2019. All materials continue to be available for order and download from the website at no cost along with a free online training module and quiz at the campaign website, [www.NoTobaccoSalesToMinors.com](http://www.NoTobaccoSalesToMinors.com).

Prior to October 1, MDH directly notified retailers of the upcoming changes to youth access laws. A formal notification letter was sent in July 2019 as well as a postcard reminder in September 2019, both of which referred retailers to the website for the most updated information. A detailed Frequently Asked Questions section was added to the website in June 2019 and continues to be reviewed regularly and updated as needed.

MDH took additional steps to increase awareness about the new Tobacco 21 law among both retailers and residents by issuing press releases, conducting TV and radio interviews, and placing advertisements on targeted mediums such as LinkedIn, Google Adwords, transit (e.g., buses, bus stops), and Gas Station TV. There were over 36,000 visitors to the website, peaking in October 2019, around the time Tobacco 21 went into effect. From July 2019 to June 2020, there were 326 views of the retail training module and 114 views of the retailer training quiz.

With the Tobacco 21 law going into effect without a grandfather period for those using tobacco who were already 18 to 20, and the outbreak of EVALI in the Summer/Fall of 2019, MDH ensured information for the free Maryland Tobacco Quitline (1-800-QUIT-NOW) was incorporated into all retailer materials to provide resources for those motivated to quit as a result of the new law and concerns of EVALI. Cessation resources, including information for a new youth tobacco use cessation texting program, “This is Quitting”, were also listed on the website.

Also in SFY 2020, MDH implemented a pre/post Tobacco 21 policy implementation evaluation

to examine the perception, awareness, and expected ease of compliance with Tobacco 21 among Maryland tobacco retailers. Surveys were conducted in September 2019, prior to the Tobacco 21 law going into effect, with a post-policy implementation survey conducted in June 2020. This pre/post Tobacco 21 retailer survey provided an opportunity for MDH to address anticipated challenges noted by retailers, and provide additional support to retailers in their efforts to comply with Tobacco 21 and other tobacco sales laws. The survey results indicated that most retailers supported Tobacco 21 and the new law has encouraged them to increase ID checks.

2. *Collaboration and funding to community and partner organizations*

- a. As previously noted, MDH receives an updated list of licensed tobacco retailers from the Comptroller annually and works collaboratively with the Comptroller on training and technical assistance to LHDs for referring repeat violators to the Comptroller for hearings. MDH also collaborates with tobacco retailer associations to increase voluntary compliance and support from the retail community.
- b. In SFY 2020, MDH provided funding to three Minority Outreach and Technical Assistance (MOTA) organizations – the Asian American Center of Frederick, Eastern Shore Wellness and Solutions, and the Minority Outreach Coalition – to conduct in-person educational visits and hold community meetings on youth access to tobacco and ESDs.

Collectively, these organizations conducted 407 in-person and virtual educational visits with tobacco merchants, 19 of which were vape-only shops, to discuss complying with the State youth access laws and properly training their employees to do so. MOTA organizations and community partners also hosted five community forums to reduce youth access to tobacco products and developed seven community campaigns to promote tobacco and vape-free messages to youth. MOTA organizations are often embedded in high-risk communities, have public health and tobacco control expertise, and are respected leaders in their jurisdictions. As such, these organizations were also engaged in local responses to the COVID-19 crisis and utilized those opportunities to integrate discussions about tobacco prevention and cessation.

- c. In SFY20, MDH funded the Legal Resource Center for Public Health Policy (LRC) at the University of Maryland, Francis King Carey School of Law to develop and disseminate materials on best practices for law enforcement, health, and judicial officials on implementation and enforcement of tobacco retailer compliance programs. The LRC has also responded to technical assistance requests from state, county, and municipal officials overseeing tobacco retailer compliance programs

each fiscal year, and presented at numerous coalition, town hall, and leadership meetings.

Specific activities completed by the LRC in SFY 2020 include:

- Responding to more than 50 technical assistance requests regarding compliance checks of retail establishments, procedures for required compliance checks, and the impact of federal, state, and local youth access laws on businesses.
- Presenting at enforcement-focused meetings across the state as well as at several youth-focused tobacco and ESD prevention training events.
- Hosting two webinars to assist local enforcement staff with compliance checks and educational efforts, particularly focused on Tobacco 21.
- Hosting a statewide tobacco control conference attended by more than 100 people on June 4, 2020; the conference included dedicated tobacco enforcement sessions on Synar and FDA inspection protocols. Due to COVID-19, the conference was modified to a virtual format.
- Hosting a federal, state, and local updates webinar on June 25, 2020 with 41 attendees, as an extension of the statewide tobacco control virtual conference specifically for LHDs and statewide partners.
- Distributing a quarterly electronic newsletter with timely tobacco enforcement information to more than 200 recipients.

### 3. *Trainings and technical assistance through LHDs and partners*

In SFY 2020, MDH provided funding to all 24 LHDs to support training and technical assistance to improve retailer compliance and reduce youth demand for tobacco products. Funding for local health initiatives supports activities including:

- Tobacco retailer education visits;
- Local marketing and media campaigns;
- Leadership meetings;
- Retailer trainings;
- Educational programs for youth cited for possession of tobacco products;
- Non-governmental organization engagement in providing tobacco retailer and community education;
- Town hall meetings to raise awareness of youth access laws; and
- Partnerships with schools as well as faith-based and youth organizations on youth access prevention.

In SFY 2020, LHDs:

- Educated 993 tobacco sales vendors (face-to-face) on state tobacco sales laws through

non-government organization (NGO) partners.

- Educated 3,721 tobacco sales vendors (face-to-face) on state tobacco sales laws through LHD staff.
- Held 48 leadership meetings with 633 attendees including community partners, police agencies, local state's attorney community action agencies, and political leaders.
- Implemented 74 school-based collaborations, with 7,143 attendees, that raised awareness about youth access to tobacco products and prevention.
- Supported 14 faith-based collaborations to raise awareness in the faith community about tobacco use, youth access to tobacco products, and prevention through collaborative events, reaching 853 participants.
- Conducted 46 youth events with 9,780 attendees across the state to promote awareness about illegal sales of tobacco products to youth.
- Provided cessation and education services for 436 youth in response to tobacco violations in schools.

Additional SFY 2020 LHD highlights:

- Twelve jurisdictions worked with schools to reduce attempts to purchase tobacco products through efforts including: conducting classroom presentations, delivering routine morning announcements and back-to-school night presentations, facilitating parent-teen meetings with law enforcement, and developing billboards and other marketing campaigns to promote laws.
- Baltimore City: Conducted 10 leadership meetings to increase awareness among community partners, law enforcement, and public officials regarding tobacco sales laws and regulations and to update them on current tobacco enforcement and prevention awareness activities.
- Calvert County: Collaborated with Calvert County Sheriff's Office and Maryland State Police to educate youth at Camp Jr. Sheriff and Camp COPS. The LHD created an educational game called "Juulopoly" that provided information on the health effects and laws for tobacco and electronic smoking devices; 209 youth were educated.
- Carroll County: Used various media outlets to inform residents about the Tobacco 21 law. The LHD posted announcements on their Facebook page and had an article featured in the January 2020 Carroll County Times titled, "Few Issues Under New Smoking Age Law, Carroll County Tobacco Retailers, Enforcement Officials Say."<sup>11</sup>

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<sup>11</sup> Carroll County Times, "Few Issues Under New Smoking Age Law, Carroll County Tobacco Retailers, Enforcement Officials Say," 3 January 2020, Baltimore Sun, Accessed 5 October 2020 at <https://www.baltimoresun.com/maryland/carroll/news/cc-maryland-smoking-age-20200103-twtv3g6nerbrbrnrvutzxxcda-story.html>

- **Harford County:** Contracted with Phi Beta Sigma fraternity to engage and educate tobacco retailers about new and existing tobacco laws to reduce youth access to tobacco products. Phi Beta Sigma has been a consistent partner for the Harford County Health Department on tobacco related issues particularly in the minority communities. They conducted 69 retailer site visits and disseminated information within their networks and other partnerships.
- **Howard County:** Worked with various news outlets: (1) Scott MacFarlane (NBC4 Washington) participated on a ride along program to observe retailer enforcement checks for a story on Tobacco 21 enforcement/compliance. The story aired in the February News Report: “New Laws to Aim to Crackdown on Underage Vaping” to show increased enforcement and compliance efforts.<sup>12</sup> (2) Deborah Weiner (WBAL) filmed a segment that aired on November 4, 2019, on the Tobacco Education Programs in Howard County Schools, titled “Quitting vaping far from simple, some unable to quit.”<sup>13</sup>
- **Somerset County:** Worked with Washington High School to create a 15 second public service announcement about Tobacco 21. The announcement was aired on local news station WMDT for five weeks during prime time shows and for another five weeks on Facebook and Youtube.<sup>14</sup>
- **Talbot County:** Developed radio ads to increase public awareness of the Tobacco Enforcement Program in Talbot County and educate the public on the new Tobacco 21 law. The radio spots aired on the local radio station WBOC from November 2019 through January 2020. Tobacco 21 materials were also available on the LHD’s Facebook page to increase reach and awareness. Talbot county also placed a newspaper article in the local paper, “The Star Democrat,” highlighting the Tobacco 21 law, how the new law would reduce youth access to tobacco products, and also tips for the retailers to reduce illegal sales.<sup>15</sup>

Additional SFY 2020 Partner highlights:

- **Asian American Center of Frederick:** The Center educated tobacco and vape retailers through in-person visits, phone calls, and mailed postcards. Additional community forums specifically targeted the Asian American population for raising awareness about tobacco sale laws and the dangers of tobacco use. In May 2020, the Center conducted a campaign during Asian Pacific Islander Heritage Month. This campaign was aimed at promoting the

<sup>12</sup> Scott MacFarlane, “New Laws Aim to Crackdown on Underage Vaping,” 12 February 2020, NBC 4 Washington, Accessed 5 October 2020 at <https://www.nbcwashington.com/investigations/news-laws-aim-to-crackdown-on-underage-vaping/2215515/>

<sup>13</sup> Deborah Weiner, “Quitting vaping far from simple, some unable to quit,” 4 November 2019, NBC TV, WBAL, Accessed 5 October 2020 at <https://www.wbal.com/article/quitting-vaping-challenges-nicotine-e-cigarette/29688532#>

<sup>14</sup> Somerset County Health Department, “Tobacco 21 PSA,” 4 March 2020, Accessed 5 October 2020 at <https://www.youtube.com/watch?v=Vf3ZGsO7img&feature=youtu.be>

<sup>15</sup> Christina Acosta, “New smoking age takes effect in Talbot County,” 26 January 2020, The Star Democrat, Accessed 5 October 2020 at [https://www.stardem.com/news/local\\_news/new-smoking-age-takes-effect-in-talbot-county/article\\_50a4f895-7919-526c-ba92-a6a0b7cf3209.html](https://www.stardem.com/news/local_news/new-smoking-age-takes-effect-in-talbot-county/article_50a4f895-7919-526c-ba92-a6a0b7cf3209.html)

Asian Smokers' Quitline, and increasing awareness of the change in the MLSA from 18 to 21. The Center also discussed tobacco prevention in the Korean Times, and reached out to the Association of Asian Pacific Community Health Organizations to support messaging to increase awareness.

- Eastern Shore Wellness Center: The Eastern Shore Wellness Center (ESWS) educated tobacco and vape retailers through in-person visits, phone calls, and a virtual meeting. Vape retailers received tote bags containing retailer materials including a training quiz poster, window cling, and an overview of the new Tobacco 21 law. In coordination with mobile food pantries, ESWS provided face-to-face education to 601 families about youth tobacco access laws and the impacts of tobacco product use. ESWS also partnered with the Board of Education at two school lunch distribution sites around the county to provide "No Tobacco Sales to Minors" information to over 300 youth and adults. ESWS placed a digital billboard on Rt. 50 in Cambridge with the messages "No Nicotine is Safe" and "No ONE under 21" from May 15<sup>th</sup> through July 10<sup>th</sup>.
- Minority Outreach Coalition: The Coalition partnered with multiple agencies, including the LHD, Tobacco Free Living Team, St. Mary's Health Partnership, Naval Health Clinic, and the NAACP to coordinate messaging about tobacco and vape sales to youth and understanding the changes in the new Federal Tobacco 21 law. The Coalition worked with the NAACP on a Barber and Beautician campaign to increase discussion regarding vape use and tobacco/vape sales laws. In partnership with the St. Mary's LHD, the Coalition raised awareness among youth and adults on the dangers of tobacco and ESD use through food drives and youth feeding sites.

## Ensuring Future Compliance

The tobacco control landscape continues to change, driven in large part by rapidly increasing use of ESDs by youth and young adults, increasing rates of EVALI, and increased risk of COVID-19 transmission and complications due to smoking and vaping. Youth ESD use spiked nationally in 2018, increasing by 78 percent among high school youth in one year alone.<sup>16</sup> The U.S. Surgeon General has called this extreme rise in youth ESD use an "epidemic."<sup>17</sup> In 2018-19, the proportion of Maryland high school youth using ESDs increased by 72.9 percent, translating into 23.0 percent of Maryland high school youth currently using ESDs.<sup>18</sup>

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<sup>16</sup> Cullen KA, Ambrose BK, Gentzke AS, Apelberg BJ, Jamal A, King BA. Notes from the Field: Use of Electronic Cigarettes and Any Tobacco Product Among Middle and High School Students — United States, 2011–2018. MMWR Morb Mortal Wkly Rep 2018;67:1276–1277, Accessed 3 August 2020 at <https://www.cdc.gov/mmwr/volumes/67/wr/mm6745a5.htm#suggestedcitation>

<sup>17</sup> Office of the Surgeon General, Surgeon General's Advisory on E-cigarette Use Among Youth, Accessed 3 August 2020 at <https://e-cigarettes.surgeongeneral.gov/documents/surgeon-generals-advisory-on-e-cigarette-use-among-youth-2018.pdf>

<sup>18</sup> Maryland Department of Health. Monitoring Changing Tobacco Use Behaviors: 2000-2018. Baltimore: Maryland Department of Health, Prevention and Health Promotion Administration, Cancer and Chronic Disease Bureau, Center for Tobacco Prevention and Control, Unpublished.

During the ongoing COVID-19 pandemic, retailer education, training, and enforcement will evolve to ensure safety protocols are met. MDH is continually assessing the potential to resume compliance and enforcement efforts to ensure youth do not have access to tobacco products, particularly as emerging research points to increased complications for those using ESDs and cigarettes, as well as the potential for higher transmission rates due to the nature of hand-to-mouth behavior when using these products.<sup>19</sup> Reducing underage access, particularly during a pandemic when stress levels are heightened and access to resources may be reduced, is at the forefront of the mitigation planning process. MDH is carefully considering new elements of compliance checks that would be relevant in the pandemic environment, including mask use in stores during inspections, adult/youth purchasers traveling to/from inspections, maintaining social distancing, availability of personal protective equipment and hand sanitizers, and ensuring the safety of enforcement staff and retailers.

Educating tobacco retailers on complying with youth access laws presented significant challenges in SFY 2020. State messaging, trainings, and LHD and community partner programs had to incorporate changes not only for the new Maryland Tobacco 21 law, but also for the federal Tobacco 21 law that followed months later. While both laws are comprehensive, Maryland's Tobacco 21 law exempted active duty military personnel ages 18 to 20. When the federal government enacted the national Tobacco 21 sales law with no exemptions, it superseded the Maryland carve out for military personnel, causing confusion among retailers. Accordingly, continued training and technical assistance is necessary. Moving forward, the FDA, Synar, and local enforcement will align with new Tobacco 21 laws, ensuring updated protocols are provided.

The drastic rise in ESD use among youth and the devastating impacts of COVID-19 and EVALI illnesses all stress the urgency of preventing and reducing youth access to tobacco. Maryland is committed to preventing its youth from suffering a lifetime of nicotine addiction through evidence-based strategies and comprehensive policy interventions to support enforcement of retail sales laws and retailer education.<sup>20</sup>

***New and ongoing activities for MDH include:***

***A. Responsible Tobacco Retailer Initiative, "21 or None"***

In SFY 2021, MDH will continue to place the "21 or None" campaign in mediums such as LinkedIn, Google Adwords, transit, and print to increase awareness among retailers and the public about youth access laws and the MLSA of 21. Free materials will remain available for download and order (though fulfillment delays may be present due to COVID-19 safety

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<sup>19</sup> Shivani Gaiha. "Association Between Youth Smoking, Electronic Cigarette Use, and Coronavirus Disease." *Journal of Adolescent Health*, (2020), Accessed 14 August 2020 at <https://doi.org/10.1016/j.jadohealth.2020.07.002>

<sup>20</sup> Centers for Disease Control and Prevention. Best Practices for Comprehensive Tobacco Control Programs—2014. Atlanta: US Department of Health and Human Services, Center for Disease Control and Prevention, national Center for Chronic Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014. Accessed 3 August 2020 at [https://www.cdc.gov/tobacco/stateandcommunity/best\\_practices/index.htm](https://www.cdc.gov/tobacco/stateandcommunity/best_practices/index.htm)

protocols) on the [www.NoTobaccoSalesToMinors.com](http://www.NoTobaccoSalesToMinors.com) website. MDH also plans to ship additional “21 or None” signs and materials to all 6,000+ retailers to assist with remaining compliant with all youth access laws.

MDH continues to provide up-to-date information to retailers – including any pandemic-related directives that may impact their businesses – through the [www.NoTobaccoSalesToMinors.com](http://www.NoTobaccoSalesToMinors.com) website. Materials and the website will continue to have information for free tobacco cessation resources for those who might be ready to quit as a result of the Tobacco 21 law or due to concerns over the COVID-19 virus and the additional complications smoking or vaping may cause.

#### ***B. Technical assistance for compliance/enforcement checks***

The LRC will continue to provide technical assistance to MDH, LHDs, law enforcement, and partners regarding compliance checks of retail establishments; the impact of federal, state, and local youth access laws on businesses; and procedures for compliance checks. In conjunction with MDH, the LRC will host webinars on enforcement topics, including hosting a virtual meeting focused on enforcement with LHDs and law enforcement officials, and holding a statewide tobacco control conference with dedicated enforcement sessions. MDH will continue to provide technical assistance to LHDs regarding the use of POST in compliance check efforts.

#### ***C. Statewide partnerships to support compliance***

LHD, FDA, and Synar inspections have been impacted by the COVID-19 pandemic; however, once safe to do so, measures will continue to maintain a sustained enforcement presence in the retailer community, encouraging retailer compliance with tobacco sales laws. MDH will continue to support statewide educational messaging and activities as well as training and technical assistance to retailers and partners. Additionally, MDH will continue to support community partnerships to strengthen tobacco retailer sales compliance with youth access laws.

### **Conclusion**

Due to coordinated enforcement and training efforts by MDH, the Comptroller, and LHDs, Maryland has remained in compliance with federal Synar regulations for five consecutive years. However, due to the COVID-19 pandemic, enforcement and education efforts were significantly impacted during 2020. MDH is formulating mitigation plans with the understanding that, due to the COVID-19 pandemic, any plan will need to be flexible to assure the safety of the public. MDH and partners will continue to support novel ways of reaching retailers and the community to educate about youth access laws, highlight the dangers of tobacco use, and draw attention to support available during this time of crisis.



The overall reduction in retailer noncompliance rates suggests the efforts outlined in this report have been successful. The line item Governor Hogan created in the Cigarette Restitution Fund budget will continue to assist with sustaining program activities to reduce retailer noncompliance rates.

To reduce youth access to tobacco products in today's rapidly changing tobacco landscape, MDH will utilize the designated funding to support enhanced retailer education and training on youth sales laws, including training and technical assistance with the new MLSA law, Tobacco 21. This increased education and training will help ensure retailer noncompliance rates remain low, avoiding future costly penalties that would jeopardize substance use treatment dollars in Maryland. Maintaining substance use treatment dollars is especially important now, as substance use disorders, opioid addiction, and treatment needs remain high.<sup>21</sup>

The ability to continue successful implementation of the strategies outlined in this report is contingent upon sustained support for these programs. This support is especially important as Maryland works to reverse increasing use of ESDs and provide retailer support to ensure compliance with the new MLSA. Combined with other evidence-based tobacco control efforts, raising the MLSA to 21 and banning all flavored tobacco products are evidence-based approaches to reducing access and preventing youth from ever starting to use tobacco – saving lives and improving the health of Marylanders.

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<sup>21</sup> Maryland Department of Health, "Drug and Alcohol-Related Intoxication Deaths in Maryland, 2018," May 2019, Accessed 5 October 2020 at [https://bha.health.maryland.gov/Documents/Annual\\_2018\\_Drug\\_Intox\\_Report.pdf](https://bha.health.maryland.gov/Documents/Annual_2018_Drug_Intox_Report.pdf)

## Acronyms

<b>CTPC</b>	<b>Center for Tobacco Prevention and Control</b>
<b>ENDS</b>	<b>Electronic Nicotine Delivery Systems</b>
<b>ESDs</b>	<b>Electronic Smoking Devices</b>
<b>ESWS</b>	<b>Eastern Shore Wellness Center</b>
<b>EVALI</b>	<b>E-cigarette or Vape-Associated Lung Illness</b>
<b>FDA</b>	<b>Food and Drug Administration</b>
<b>FFY</b>	<b>Federal Fiscal Year, October 1 – September 30</b>
<b>HB</b>	<b>House Bill</b>
<b>LHD</b>	<b>Local Health Department</b>
<b>LRC</b>	<b>Legal Resource Center</b>
<b>MDH</b>	<b>Maryland Department of Health</b>
<b>MLSA</b>	<b>Minimum Legal Sales Age</b>
<b>MOTA</b>	<b>Minority Outreach and Technical Assistance</b>
<b>POST</b>	<b>Point of Sale Toolkit</b>
<b>RVR</b>	<b>Retailer Violation Rate</b>
<b>SABG</b>	<b>Substance Abuse Prevention and Treatment Block Grant</b>
<b>SAMHSA</b>	<b>Substance Abuse and Mental Health Services Administration</b>
<b>SFY</b>	<b>State Fiscal Year, July 1 – June 30</b>