



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) - 2021 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 It should be noted that Criminal Law Article § 10-108 was repealed in 2019 and is no longer applicable to this report.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.

Sincerely,

Dennis R. Schrader
Secretary

cc: Heather Shek, JD, MS, Director, Governmental Affairs
Jinlene Chan, MD, MPH, FAAP, Deputy Secretary, Public Health Services
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Pamela R. Williams, MHA, Director, Cancer and Chronic Disease Bureau
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**Enforcement Strategies for Distribution of Tobacco Products to Minors and
Compliance Training and Assistance to Tobacco Retailers**

2021 Annual Report

**Larry Hogan
Governor**

**Boyd K. Rutherford
Lieutenant Governor**

**Dennis R. Schrader
Secretary**

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 of the Criminal Law Article, which aims to limit the availability of tobacco products to minors and ensure retailer compliance with youth access laws.

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Acronyms

ATC	Alcohol and Tobacco Commission
CDC	Centers for Disease Control and Prevention
CRF	Cigarette Restitution Fund
CTPC	Center for Tobacco Prevention and Control
ESDs	Electronic Smoking Devices
FDA	Food and Drug Administration
FFY	Federal Fiscal Year, October 1 – September 30
HB	House Bill
LHD	Local Health Department
LRC	Legal Resource Center for Public Health Policy
MDH	Maryland Department of Health
MLSA	Minimum Legal Sales Age
PHPA	Prevention and Health Promotion Administration
POST	Point of Sale Toolkit
RVR	Retailer Violation Rate
SABG	Substance Abuse Prevention and Treatment Block Grant
SAMHSA	Substance Abuse and Mental Health Services Administration
SB	Senate Bill
SFY	State Fiscal Year, July 1 – June 30
YPBS-21	Youth Pandemic Behavior Survey
YRBS/YTS	Youth Risk Behavior Survey/Youth Tobacco Survey

Introduction

This report, required annually under Health-General Article §24-307(f) Annotated Code of Maryland, provides an update on the status of ongoing strategies for enforcement of the Criminal Law Article §10-107, which aims to limit the availability of tobacco products to minors and ensure retailer compliance with youth access laws. These activities are conducted by the Maryland Department of Health (MDH), in collaboration and consultation with the Office of the Comptroller (the Comptroller), the Alcohol and Tobacco Commission (ATC), 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 persons under the age of 21 years and ensure retailer compliance with youth access laws.

Specifically, Health-General Article §24-307(f), requires an annual report¹ on the following:

1. The development of enforcement strategies prohibiting distribution to and possession of tobacco products by underage persons (§10-107 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 had a significant impact on the content of this report for state fiscal year (SFY) 2021:

- As of January 1, 2021, the Comptroller is no longer responsible for enforcing and regulating state laws pertaining to tobacco products. The responsibility now falls to the state Alcohol and Tobacco Commission (ATC) (Alcoholic Beverages Article §1-307 and §1-308, Annotated Code of Maryland). The Comptroller still retains the authority to collect and process tobacco-related taxes and returns. The Director for the Center for Tobacco Prevention and Control (CTPC), housed within MDH's Prevention and Health Promotion Administration (PHPA), sits on the ATC as the MDH representative and advises the ATC on best practices related to tobacco control and enforcement of pertinent regulations.
- The impact of the COVID-19 pandemic is far reaching and has affected the health, security, safety, and livelihood of many Maryland residents. Some LHDs were able to conduct enforcement checks and retailer education activities during SFY 2021, but often at reduced capacity due to COVID-19 safety precautions and LHD staff reassignments to COVID-related

¹ With the passage of HB 1169 - Business Regulation – Tobacco Products and Electronic Smoking Devices – Revisions (2019), §10-108 of the Criminal Law Article was repealed and therefore is no longer applicable to this report. Despite this, MDH will continue to report on strategies and activities to prevent youth from accessing tobacco products.

activities. At the state level, the Food and Drug Administration (FDA) ceased all state enforcement efforts throughout SFY 2021 and, as such, froze payment on FDA inspector salaries. Consequently, MDH staff who were responsible for conducting FDA enforcement and compliance checks were reassigned to COVID-related activities where they filled vital roles such as delivering personal protective equipment (PPE), working at the mortuary, staffing the MDH call center, and working on patient databases. While statewide FDA and Synar checks have yet to resume, preparations are currently underway (i.e., hiring underage purchasers, training inspectors on updated protocols, etc.).

- The COVID-19 pandemic prevented administration of the school-based Maryland Youth Risk Behavior Survey/Youth Tobacco Survey (YRBS/YTS) during the 2020-21 school year. The Maryland YRBS/YTS is a biennial survey conducted statewide to monitor health risk behaviors among middle and high school students, including tobacco use. The Maryland YRBS/YTS is typically conducted in classrooms in the fall semester of every even calendar year. Because of COVID-19, many schools switched to virtual and hybrid instruction during the 2020-21 school year, requiring CTPC to postpone the YRBS/YTS until fall 2021. As an alternative to capture crucial youth risk behavior data during the pandemic, CTPC developed and implemented a novel Youth Pandemic Behavior Survey (YPBS-21) in the spring of 2021 to determine how Maryland high school students (ages 14 to 19) coped with the adverse effects of the COVID-19 pandemic on their lives.² Through this online survey, which was promoted through social media channels, MDH worked with a contractor to collect data from over 600 students on physical health, mental health, safety, substance use (including tobacco use), food insecurity, and other topics, with results forthcoming.
- Due to COVID-19 safety concerns and staff reassignments, many retailer education, training, and enforcement efforts were reduced or offered virtually in SFY 2021 (e.g., webinars, online conferences, etc.). MDH continued to update materials and mailed educational materials to tobacco retailers. MDH also developed and placed media focused on responsible retailing/youth access and the increased minimum legal sales age of 21. Federal and state compliance checks were paused, but activities supporting the resumption of the checks began fall 2021. MDH and its partners will continue to assess the situation in SFY 2022, following state and federal guidelines.

Background

Enforcement, education, and training related to federal, state, and local laws that restrict underage access to tobacco products are conducted through both the ATC (formerly the Comptroller) and CTPC. CTPC provides retailer outreach, education, and training, and funds local

² Maryland Department of Health, "Maryland Youth Pandemic Behavior Survey," 2021, Maryland Department of Health, Accessed 17 August 2021 at <https://ypbs21.com/>

inspections through LHDs. Additionally, CTPC facilitates federal Substance Abuse and Mental Health Services Administration (SAMHSA) Synar Program State inspections and FDA inspections. The ATC 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 persons under the age of 21 years. 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 underage persons. 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 \$13 million 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. As a result of COVID-19, Maryland was unable to perform retail inspections for FFY 2021. No Synar checks were conducted during FFY 2021. The most recent RVR was 13.1 percent for FFY 2020.³

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 (CRF) budget for approximately \$2 million annually beginning in SFY 2017. These dedicated funds are necessary for MDH to maintain enforcement efforts and help keep the RVR below the 20 percent threshold.

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

³ Maryland Department of Health, "FFY2020 SSES Survey Results," September 6, 2019, Center for Tobacco Prevention and Control, Accessed 17 August 2021 at <https://phpa.health.maryland.gov/ohpetup/Documents/FFY2020%20Synar%20SSES%20Results.pdf>

- House Bill (HB) 900/Senate Bill (SB) 911 (2020) - Alcohol and Tobacco Commission - Clarifications - *effective January 1, 2021*: This bill clarifies the authority and duties of officers and employees of the Field Enforcement Division in the Office of the Executive Director of the ATC, and requires the ATC and the Comptroller to cooperate in the sharing of certain information and personnel for specified purposes. The bill also establishes a new effective date for the transfer of the Field Enforcement Division and its personnel to the ATC.
- HB 732 (2020), Chapter 37 (2021) - Taxation – Tobacco Tax, Sales and Use Tax, and Digital Advertising Gross Revenues Tax: The General Assembly passed HB 732 in the 2020 session and it was subsequently vetoed by the Governor. The General Assembly overrode the veto during the 2021 session and the new law took effect on *March 14, 2021*. This bill establishes the following:
 - A definition for electronic smoking devices (ESD);
 - Broadens the definition of other tobacco products (OTPs);
 - Creates a sales and use tax on ESD (12 percent sales tax) and ESD liquids ≤ 5mL (60 percent sales tax);
 - Increases the excise tax on cigarettes (\$3.75 per pack); and
 - Raises the wholesale price of OTDs (53 percent of wholesale cost, with exceptions for cigars, premium cigars, and pipe tobacco).

Furthermore, it requires the Governor to include at least \$18.25 million in the annual budget to fund the Tobacco Use Prevention and Cessation Program, starting in SFY 2023 and each following fiscal year thereafter.

- HB 1324/SB 883 (2021) - Tobacco Tax and Sales and Use Tax – Out-of-State Sales of Premium Cigars and Pipe Tobacco and Tobacco Smoking Devices - *effective May 30, 2021*: This legislation requires a person from outside the state to have a remote tobacco seller license to sell premium cigars and pipe tobacco to a consumer in the state. It also sets forth standards for the licensee to follow and establishes penalties for those who violate the licensing requirements. An amendment was also included that removes tobacco paraphernalia (filters, pipes, rolling papers, and hookah) from the definition of OTP, thereby reducing the tax rate that went into effect from HB 732 on March 14, 2021, from a 53 percent tax on the wholesale price to 12 percent sales and use tax.

Development and Success of Enforcement Strategies to Improve Compliance

MDH follows evidence-based recommendations for reducing underage access to tobacco products, which are outlined in the Centers for Disease Control and Prevention (CDC) Best Practices for Comprehensive Tobacco Control Programs – 2014.⁴ These recommendations include: (1) mobilizing the community to restrict underage persons’ access to tobacco products, in combination with additional interventions such as stronger local laws directed at retailers, active enforcement of retailer sales laws, and retailer education with reinforcement; and (2) conducting mass-media education 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 ATC 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 list of about 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 (1) where to provide face-to-face education and undertake assessments of the retail environment and (2) where to mail educational materials that help retailers to remain compliant with youth access laws.

POST allows users to access a complete list of licensed tobacco retailers within the State and monitor tobacco retailer compliance with existing state and federal restrictions on the sale of tobacco products to persons under 21 years old. This password-protected system provides LHDs and law enforcement agencies with historical information as well as real-time data on individual retailer compliance. Counter Tools staff provide quarterly training, technical assistance through the Help Desk, and custom state-specific webinars that allow POST users to navigate the system with greater ease.

As of June 30, 2021, there were 140 registered POST users across all 24 jurisdictions. Additionally, the proprietary database houses historical data collected by MDH and LHDs for over 41,000 enforcement visits since calendar year 2012, including more than 15,000 LHD visits, 21,000 FDA compliance checks, and 3,900 state Synar inspection visits. Due to the

⁴ 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 17 August 2021 at https://www.cdc.gov/tobacco/stateandcommunity/best_practices/index.htm

COVID-19 pandemic, there were no SYNAR and FDA compliance and enforcement visits for SFY 2021. In SFY 2021, local enforcement agencies and LHDs entered 2,254 enforcement visit attempts into the POST system and 2,193 enforcement visits were completed.

B. Local inspections through LHDs/Local Law Enforcement:

MDH requests a list of licensed tobacco retailers from the Comptroller to use as the basis for determining jurisdiction-level funding, which is used for conducting local enforcement checks. LHDs work with community partners, underage decoys, and designated law enforcement agents to conduct compliance checks and cite retailers that violate these laws. LHDs schedule compliance checks and retailer education visits throughout the fiscal year based on local needs and availability of staff and law enforcement partners.

In SFY 2021, LHDs conducted 2,850 compliance checks:

- 2,670 for routine surveillance of tobacco retailers; and
- 180 follow-up compliance checks after local citations for tobacco sales to underage persons.

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.

Contracting with LHDs, local law enforcement agencies issued 463 citations for illegal sales of tobacco products to persons under the age of 21 years, and LHDs referred 126 tobacco retailers to the Comptroller and the ATC for multiple or repeat violations.

Most LHDs were able to resume their compliance checks in SFY 2021 as the COVID-19 restrictions loosened. LHDs developed safety protocols in collaboration with their enforcement agencies, and local health department infectious disease, emergency response, and leadership teams. Five jurisdictions were unable to conduct any tobacco sales compliance checks in SFY 2021 due to prioritizing COVID-19 responses, staff shortages from reassignments, concerns about safety protocols, difficulty recruiting underage purchasers, and other challenges related to the pandemic. These jurisdictions still maintained a strong presence, however, by implementing educational campaigns.

C. State inspections through the Maryland Synar Program:

To ensure adherence with the federal Synar Amendment MDH conducts annual unannounced inspections on 10 percent of licensed tobacco retail outlets and vending machines following these protocols:

- 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 underage 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 persons under the age of 21 years. Synar inspections must be completed by September 30 of each year.
- Underage inspectors (16 to 20 years of age) conduct Synar inspections, along with an adult inspector.
- MDH uses a consummated buy attempt process for inspections, in which the underage inspector pays for the tobacco product(s) and then exits the store. During the Synar inspection process, underage inspectors have immunity from youth tobacco purchase and possession laws.
- Adult and underage 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) to each inspected tobacco retail outlet. Copies of the letters are also sent to local health officers and LHD tobacco program coordinators.

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. Due to COVID-19 restrictions, no Synar inspections were conducted in FFY 2021.

Maryland Synar Retailer Violation Rate by Federal Fiscal Year*

	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018	FFY 2019	FFY 2020
RVR	24.1%	31.4%	13.8%	10.8%	13.9%	8.5%	13.1%

# of Outlets	7,059	6,076	5,667	6,034	6,698	6,600	6,478
# of Inspections	745	618	567	604	670	663	648
# Compliant	499	363	469	527	545	563	519
# of Incomplete**	90	88	23	13	37	48	51
# Noncompliant	156	167	75	64	88	52	78
<i>*In June 2020 (FFY 2021), SAMHSA issued changes to the Synar program. SAMHSA is giving states a three-year grace period where no penalties will be levied on states with an RVR more than 20 percent, giving states a transition period to comply with the new Synar Amendment requirements.</i>							
<i>**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.</i>							

Synar Program Modifications and COVID-19-Related Program Impact

While statewide FDA and Synar checks have yet to resume, preparations are currently underway (i.e., hiring underage purchasers, training inspectors on updated protocols, etc.) Many uncertainties remain as to how compliance checks and enforcement will be conducted given the ongoing public health crisis, especially since the act of conducting inspections has historically involved adult inspectors transporting underage purchasers in the same vehicle.

On June 12, 2020, SAMHSA issued a “Revision to Guidance,” modifying provisions of the Synar program and updating inspection protocol requirements to better align with the Federal Tobacco 21 Law, which increased the federal minimum legal sales age (MLSA) from 18 to 21 in December 2019.^{5,6,7} In addition, the revisions reduce penalties for states with an RVR in excess of 20 percent and provide a three-year amnesty period to states prior to levying these penalties, allowing states a transition period to comply with the new Synar Amendment requirements.

The “Revision to Guidance” provisions impacted Synar compliance checks beginning in FFY 2021. MDH typically conducts compliance checks annually from April to September. These checks involve an adult inspector physically visiting retail locations with the underage purchasers. However, due to the COVID-19 pandemic, MDH, along with many other states, did not conduct Synar checks during the FFY 2021 inspection cycle. Resumption of Synar checks in FFY 2022 is dependent on current trends in COVID-19 cases and will most likely resume in FFY 2022 (i.e., after September 30, 2021). This

⁵ 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 12 August 2021 at <https://www.samhsa.gov/sites/default/files/synar-guidance-tobacco-21.pdf>

⁶ Federal Food, Drug, and Cosmetic Act Legislation HR 1865. Accessed 12 August 2021 at <https://docs.house.gov/billsthisweek/20191216/BILLS-116HR1865SA-RCP116-44.PDF>

⁷ Food and Drug Administration. Tobacco 21, February 12, 2020. Accessed 12 August 2021 at <https://www.fda.gov/tobacco-products/retail-sales-tobacco-products/tobacco-21>

prevents MDH from calculating an RVR for FFY 2021 and FFY 2022. However, SAMHSA has allowed a three-year transition and amnesty period, as discussed above, and reports that 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.⁸ MDH is currently in the tenth year of this agreement. Such inspections include the following provisions:

- 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 underage inspectors (one male, one female, ages 16 to 20) who perform undercover buy inspections. FDA ensures that inspections are completed at a variety of different locations throughout the state representing a broad spectrum of racial and ethnic minority communities and uses diverse staff to complete these inspections.
- 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 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 extended through September 2020. Starting in October 2020, the FDA continued to monitor COVID-19 variants across the country to assist with mitigating risks for FDA inspection work. While inspections resumed gradually in parts of the country, based on coronavirus rates, the FDA did not deem Maryland safe to resume throughout SFY 2021. The stop work order suspended all inspections, but communication was maintained with key state staff who had direct oversight of the state program and were the main points of contact with the FDA. Due to this federal order, MDH was unable to perform previously planned and assigned inspections during this period. During this shut down, the FDA

⁸ Title 21 USC 301 (2009)

Commissioned Officers that typically perform inspections were temporarily reassigned to support COVID-19 activities or to assist other state MDH programs. The FDA allowed inspections to resume July 1, 2021 on a limited basis. MDH is bringing back FDA inspectors who were reassigned and resumed FDA inspections in the fall of 2021.

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. Due to COVID-19 restrictions, no FDA inspections were conducted in FFY 2021. FDA enforcement protocols will be revised to align with the new federal Tobacco 21 law once inspections are reinstated.

Public FDA Enforcement Data, Maryland*

	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018	FFY 2019	FFY 2020
No Tobacco Sale Orders	0	0	3	5	4	0	0
Civil Money Penalties	88	176	71	103	87	143	77
Warning Letter Issued	260	236	139	143	276	350	128
No Violation Observed	1,081	2,574	2,940	2,006	1,633	1,923	1,259
Total Inspections Posted on FDA Website	1,429	2,986	3,153	2,257	2,000	2,416	1,464

**Notes: These data are from the FDA's public website:
https://www.accessdata.fda.gov/scripts/oc/e/inspections/oc_e_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 did not deem it safe for inspections to resume in Maryland until SFY 2022.

E. Enforcement through the Comptroller and transition to the ATC

Through its Field Enforcement Division, the Comptroller supports LHD staff and law enforcement with the implementation of youth access laws. In previous years, the Field Enforcement Division has been responsible for:

- Maintaining a current list of licensed tobacco retailers across the State and sharing the list annually with MDH;

- Participating in training events for LHDs;
- Acting as a liaison between MDH and the Maryland Court's e-license system to ensure the accuracy of tobacco outlet license information;
- Working with local jurisdictions that present evidence of multiple convictions and/or civil liabilities against licensed tobacco outlets for illegally selling tobacco products to underage persons; and
- Holding hearings with tobacco outlet licensees or owners that are in violation of youth access laws.

However, as of January 1, 2021, these responsibilities officially transferred to the ATC (Alcoholic Beverages Article §1-307 and §1-308, Annotated Code of Maryland). The Comptroller still retains the authority to collect and process tobacco-related taxes and returns.

Under sections §1-307 and §1-308 of the Alcoholic Beverages Article, the ATC is responsible for the following:

- Educating the public on topics relating to safe and responsible alcohol consumption, in addition to comparable topics relating to smoking, vaping, tobacco, OTPs, and ESDs;
- Conducting studies of the operation and administration of alcohol and tobacco control laws in other states and at the federal level, as well as federal laws that may affect the operation of the alcohol or tobacco industries;
- Developing best practices for enforcement activities, including inspections, compliance checks, overservice, operations, and trade practice violations;
- Developing guidelines on inspections carried out by local licensing boards and LHDs;
- Regulating and enforcing licensing requirements for alcohol and tobacco retailers; and
- Reporting aggregate data between local law enforcement and local licensing boards.

The former Director of the CTPC sat on the ATC as the MDH representative appointed by the Secretary and advised the ATC on best practices related to tobacco control and enforcement of pertinent regulations at monthly meetings. The Director also provided an overview of MDH tobacco control efforts and statewide data on tobacco and alcohol behaviors. CTPC is actively working with the ATC and other stakeholders to ensure the smooth transition of tobacco enforcement duties from the Comptroller. This includes sharing evidence-based approaches for reducing youth exposure to nicotine products for the Comptroller's 2020 E-Facts Taskforce

final report, “Electronic Smoking Devices in Maryland: A Safer Path Forward.”⁹ In addition, CTPC is identifying how MDH and other stakeholders, such as LHDs, local compliance officers, statewide resource centers, and media vendors, can best support the ATC through statewide and local tobacco enforcement activities, retailer education and training efforts, and public information campaigns via mass media outlets. In May 2021, the Director of the ATC Field Enforcement Bureau presented on a panel at the fifth annual Maryland Tobacco Control Conference, an annual event jointly hosted by MDH and the Legal Resource Center for Public Health Policy (LRC) at the University of Maryland, Francis King Carey School of Law. The ATC spoke about their role in enforcing tobacco control policies and regulations and answered questions from local compliance officers on local outreach efforts to educate tobacco retailers within their jurisdictions. Information highlighting the number of referrals from LHDs and related sanctions is provided in a companion report submitted by the Comptroller.

On February 24, 2021, the Comptroller issued a directive to Maryland tobacco and ESD retailers, including vape shop vendors, regarding changes to tax rates on cigarettes, ESD, and the wholesale price of OTPs which took effect after the Maryland General Assembly voted to override the veto of HB 732 from the 2020 legislative session. The bill accomplished the following:

- Established a new definition for ESDs;
- Broadened the definition of OTPs;
- Created a sales and use tax on ESD (12 percent sales tax) and ESD liquids ≤ 5mL (60 percent sales tax) for the first time;
- Increased the excise tax on cigarettes (\$3.75 per pack) and the wholesale price of OTPs (53 percent of wholesale cost, with exceptions for cigars, premium cigars, and pipe tobacco) for the first time since 2012; and
- Increased annual funding to the Tobacco Use Prevention and Cessation Program, starting in SFY 2023 and each following fiscal year from \$10M to \$18.25M.

The new law took effect on March 14, 2021, and June 13, 2021 was the final remittance date of the floor tax return and additional tax.¹⁰

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

With the passage of Chapter 396 of the Acts of 2019 (HB 1169) Business Regulation – Tobacco

⁹ Office of the Comptroller of Maryland. “Electronic Smoking Devices in Maryland: A Safer Path Forward,” Accessed 12 August 2021 at <https://marylandtaxes.gov/forms/etaskforce/FINAL-E-Facts-Report02172020.pdf>

¹⁰ Comptroller of Maryland, Field Enforcement Division Bulletin, February 24, 2021, Accessed 12 August 2021 at https://www.marylandtaxes.gov/forms/Tax_Publications/Tax_Bulletins/Tobacco_Tax_Bulletins/bl_tt78.pdf

Products and Electronic Smoking Devices – Revisions, §10-108 of the Criminal Law Article, Annotated Code of Maryland was repealed, and as such is no longer applicable to this report. However, youth prevention activities provided through LHDs are discussed on pages 20-22.

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

Training and Assistance to Tobacco Retailers to Improve Compliance

Statewide efforts to reduce the rate of illegal tobacco sales and to limit the availability of tobacco products to underage people include: (1) direct outreach to retailers and the general public, including mass reach media development and placement; (2) collaboration and funding to partner organizations; and (3) trainings and technical assistance through LHDs and partners.

1. Direct outreach to retailers and mass reach media initiatives

In SFY 2021, the Maryland Responsible Tobacco Retailer Program continued outreach and messaging of the Federal Tobacco 21 law to retailers and the community. Direct outreach to retailers included shipping toolkits to 5,618 licensed tobacco retailers in February 2021. These toolkits included a poster, window cling, overview letter, store poster, and quick reference guide. Materials also included information on COVID-19 safe retailing practices to align with statewide COVID-19 recommendations and messaging. Additional toolkits were sent to LHDs, which allowed staff members to distribute information to local retailers. 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.

MDH took additional steps to promote awareness of the Tobacco 21 law among both retailers and residents. To reach Maryland residents, MDH coordinated “21 or None” ads on transit advertising, grocery store and gas station placements, and digital placements. Transit advertising included ads on Baltimore City/County buses, light rail panels, metro car interiors, and bus shelters. Ads were also placed on county buses in Dorchester, Frederick, Harford, Howard/Northern Anne Arundel/North Prince George’s, Kent, Queen Anne, Somerset, Talbot, Wicomico and Worcester, as well as on buses in Annapolis and Ocean City, delivering over 49.1 million impressions. Advertisements on gas station TV

screens and grocery stores across the state delivered over 5.4 million impressions. Finally, MDH coordinated text-based ads on Google Paid Search to reach the public with “21 or None” messaging.

MDH sought to specifically reach retailers using digital ads and print ads. In SFY 2021, the Maryland Responsible Tobacco Retailer Program placed ads on LinkedIn specifically targeting retailers. Additionally, the Program placed print “21 or None” ads in the Maryland Beverage Journal’s December 2020 and July 2021 catalogs.

In SFY 2021, www.NoTobaccoSalesToMinors.com had 21,401 pageviews (18,645 unique pageviews) with an average time of over 3 minutes on the page. From July 2020 to June 2021, there were 143 views of the retailer training module and 53 views of the retailer training quiz.

MDH continues to ensure that information for the free Maryland Tobacco Quitline (1-800-QUIT-NOW) is incorporated into all retailer materials, including on posters and window clings. Additionally, cessation resources, including information for a youth tobacco use cessation texting program, “This is Quitting,” are also listed on the website.

2. *Collaboration and funding to partner organization*

- a. As previously noted, MDH receives an updated list of licensed tobacco retailers from the Comptroller and works collaboratively with the Comptroller and the ATC on training and technical assistance to LHDs for referring repeat violators to the Comptroller for hearings. MDH is actively working with the ATC to identify and transition relevant tobacco enforcement activities from the Comptroller, which will continue in SFY 2022. MDH also collaborates with tobacco retailer associations to increase voluntary compliance and support from the retail community.
- b. In SFY 2021, MDH continued to fund the 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 various coalition, town hall, and leadership meetings.

Specific activities completed by the LRC in SFY 2021 include:

- Responding to more than 60 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 5 enforcement-focused meetings across the state as well as at several youth-focused tobacco and ESD prevention training events.
- Hosting two webinars (October 6, 2020; April 14, 2021) to assist local enforcement staff with compliance checks and educational efforts, particularly focused on Tobacco 21 and local enforcement efforts during COVID-19.
- Hosting the Maryland Tobacco Control Conference, attended by almost 90 people on May 12 and 13, 2021; 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 23, 2021 with 45 attendees, as an extension of the virtual Maryland Tobacco Control 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 2021 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; and
- Non-governmental organization engagement in providing tobacco retailers and community education.

In SFY 2021, LHDs:

- Educated 782 tobacco sales vendors (face-to-face) on state tobacco sales laws through non-government organization partners.

- Educated 2,881 tobacco sales vendors (face-to-face) on state tobacco sales laws through LHD staff.
- Held 39 leadership meetings with 408 attendees including community partners, police agencies, local state's attorney community action agencies, and political leaders.
- Implemented 20 school-based collaborations, with 3,274 participants that raised awareness about youth access to tobacco products and prevention.
- Supported two faith-based collaborations to raise awareness in the faith community about tobacco use, youth access to tobacco products, and prevention through collaborative events, reaching 306 participants.
- Conducted seven youth events with 2,014 participants across the state to promote awareness about illegal sales of tobacco products to youth.

Additional SFY 2021 LHD highlights:

- Cecil County: Continued to work on establishing the local Cecil County Tobacco Retailer Enforcement Ordinance that will move the adjudication of tobacco citations from District Court to the local liquor board. The ordinance will allow officers to cite both clerks and licensees and require mandatory training for those retailers found guilty in hearings. The Sheriff's Department will continue to conduct the compliance operations under the new ordinance.
- Harford County: Contracted with Phi Beta Sigma fraternity to engage and educate tobacco retailers about tobacco sales laws to reduce underage access to tobacco products. Phi Beta Sigma has been a consistent partner for the Harford County Health Department on tobacco related issues, particularly in minority communities. The Phi Beta Sigma Fraternity conducted face-to-face vendor education with 207 licensed tobacco retailers and distributed information within their networks.
- Howard County: Hosted a virtual refresher training for Enforcement Officers and underage tobacco purchasers. Training topics included: (1) Tobacco 21 overview (federal, state, local laws/regulations), (2) COVID-19 education, and (3) COVID-19 safety precautions. The Tobacco Surveillance Groups (the compliance contractor) had adult and guardians of underage purchasers (including those 18 years or older) sign a consent agreement/waiver to serve during the COVID-19 pandemic.
- The Tri-County (Somerset, Worcester, and Wicomico) LHDs: Conducted a

Tobacco Awareness Campaign in April 2021 that included a rap video with a segment about illegal sales of tobacco and vape products to underage people. The video described the dangers of tobacco and vape products, and how they affect your health and others around you. This campaign ran for the month of April and was shared with schools and community partners.¹¹

- Talbot County: Increased public awareness of the Tobacco Enforcement Program via radio spots with their local station WBOC (including two mid-Shore radio stations: 106.3 FM WCEM and 100.9 FM WAAI). The radio ad ran from December 2020 through February 2021 and educated the public about the change in the minimum age for tobacco sales and consequences for retailers who sell tobacco products to persons under the age of 21 years.
- Washington County: Brothers Who Care and the Women’s Club each completed 55 face-to-face vendor visits during which they talked with retailers about the tobacco sales law and the importance of training staff to check ID. Brothers Who Care has been an important community partner for many years and developed relationships with vendors throughout the county. This history makes them uniquely positioned to educate tobacco retailers on tobacco laws in the state.
- Wicomico County: Contracted with Rapture Ready Ministries, Emmanuel Wesleyan Church and The Child and Family Foundation to conduct 95 face-to-face visits to tobacco sales outlets for vendor education. Store owners, managers, and clerks were receptive to these initiatives that helped build their awareness of current tobacco control laws. These community partners gave out incentives and tobacco 21 packets, recognized retailers for checking ID, and supported Maryland’s efforts to protect underaged persons from tobacco use.
- Worcester County: Developed a localized training video to educate Worcester County tobacco retailers and their staff about tobacco sales laws and promote better compliance with tobacco retailer laws. The video provided tips and techniques needed for retailers to remain compliant and a QR code that directly links to the video training. Retailers were encouraged to test their knowledge through “Kahoot,” a cellphone learning game app. At the end of the training video participants were encouraged to contact the Worcester County Health Department for a free tobacco enforcement t-shirt. Eighty-two retailers viewed and accessed the training video through YouTube.

¹¹ Somerset County Health Department, “Tobacco 21 PSA,” 4 March 2020, Accessed 12 August 2021 at <https://www.youtube.com/watch?v=Vf3ZGsO7jmg&feature=youtu.be>

Ensuring Future Compliance

The tobacco control landscape continues to change, driven partly by emerging tobacco products, such as ESDs and heated tobacco products, the evolving variability of ESD product types, such as pre-filled, pod based, and disposable, and the increased risk of COVID-19 transmission and complications due to smoking and vaping. There was a 78 percent spike in high school youth ESD use nationally in 2018, which the U.S. Surgeon General called an “epidemic.”^{12,13} 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.¹⁴ In 2020, a decrease in youth ESD use and overall tobacco product use was reported nationally.¹⁵ Despite this decrease, there are still over 4.5 million middle and high school students that report using a tobacco product.²⁰ Due to the COVID-19 pandemic and virtual/hybrid classroom instruction, the Maryland YRBS/YTS was postponed until the fall of 2021. CTPC continues to monitor youth trends in ESD use and OTPs at a state level during the YRBS/YTS implementation.

Although overall reductions in ESD use were reported, data indicate that flavored disposable ESD use by youth in high school increased by almost 1,000% between 2019 and 2020.¹⁶ While pre-filled cartridge-based ESDs are covered under the federal flavor ban, disposable flavored ESDs (e.g. Puff Bar, Mojo Vape, Nano, etc.) are not. Prefilled cartridge-based products hold a larger proportion of total ESD sales; however, between 2019 and 2020 the total sale of disposable products increased, while the total sale of prefilled cartridge-based products decreased.¹⁷ Youth users of flavored ESD products have found a way to continue using ESD products by moving from cartridge-based ESDs to disposable ESDs.

The COVID-19 pandemic reinforced the risk that smoking and tobacco use have on health and well-being. The World Health Organization (WHO) established that smokers are more likely to suffer from severe disease caused by COVID-19 and transmit the disease due to the nature of hand-to-mouth behavior when using these products.¹⁸ There is also some initial evidence that a COVID-19 diagnosis is much more likely among youth and young adults who use ESDs.¹⁹

¹² 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 12 August 2021 at <https://www.cdc.gov/mmwr/volumes/67/wr/mm6745a5.htm#suggestedcitation>

¹³ Office of the Surgeon General, Surgeon General’s Advisory on E-cigarette Use Among Youth, Accessed 12 August 2021 at <https://e-cigarettes.surgeongeneral.gov/documents/surgeon-generals-advisory-on-e-cigarette-use-among-youth-2018.pdf>

¹⁴ 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

¹⁵ Gentzke AS, Wang TW, Jamal A, et al. Tobacco Product Use Among Middle and High School Students — United States, 2020. *MMWR Morb Mortal Wkly Rep* 2020;69:1881–1888. DOI: <http://dx.doi.org/10.15585/mmwr.mm6950a1>

¹⁶ Wang TW, Neff LJ, Park-Lee E, Ren C, Cullen KA, King BA. E-cigarette Use Among Middle and High School Students — United States, 2020. *MMWR Morb Mortal Wkly Rep* 2020;69:1310–1312. DOI: <http://dx.doi.org/10.15585/mmwr.mm6937e1>

¹⁷ Ali FRM, Diaz MC, Vallone D, et al. E-cigarette Unit Sales, by Product and Flavor Type — United States, 2014–2020. *MMWR Morb Mortal Wkly Rep* 2020;69:1313–1318. DOI: <http://dx.doi.org/10.15585/mmwr.mm6937e2>

¹⁸ Shivani Gaiha. “Association Between Youth Smoking, Electronic Cigarette Use, and Coronavirus Disease.” *Journal of Adolescent Health*, (2020), Accessed 18 August 2021 at <https://doi.org/10.1016/j.jadohealth.2020.07.002>

¹⁹ Ibid

As the COVID-19 pandemic persists, retailer education, training, and enforcement will continue to evolve to ensure safety protocols are met. LHDs anticipate conducting education and compliance checks starting sometime in FY 2022. As previously stated, FDA and Synar checks have yet to resume, and hiring and training preparations are currently underway. However, MDH will continue to assess changes in COVID-19 transmission rates and other indicators and modify safety protocols accordingly to ensure the health of retailers, inspectors, and compliance officers is protected. This includes 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. Further, MDH will continue working with the ATC and LHDs to ensure tobacco enforcement efforts resume in an efficient manner, and the data that is collected is shared with appropriate entities such as POST and the evolving list of tobacco retailers. Reducing underage access, particularly during a pandemic when stress levels are heightened and access to resources may be reduced, remains at the forefront of tobacco enforcement and control efforts.

Educating tobacco retailers on complying with youth access laws presented significant challenges in SFY 2021. State messaging, trainings, and LHD and community partner programs had to incorporate changes as more data came out in support of the link between severe COVID-19 illness and smoking.²⁰ Further, many staff members at the local and state levels were reassigned from their tobacco control positions to assist with COVID-19 efforts, which limited the number of opportunities for retailer education and compliance checks. Adaptations made to education and awareness efforts during the pandemic, such as offering virtual trainings and engaging with youth via social media, will continue to be implemented in SFY 2022 to increase access and reach of these efforts. Moving forward, the FDA, Synar, and local enforcement will align with new Tobacco 21 laws, ensuring updated protocols are provided.

The shift in ESD preference and use among youth and the devastating impacts of COVID-19 stress the urgency of preventing and reducing youth access to tobacco. This is especially pertinent as middle and high school students across the state return to in-person school instruction this school year and access to tobacco products could be readily available. Maryland is committed to preventing its youth from a lifetime of nicotine use through evidence-based strategies and comprehensive policy interventions to support enforcement of retail sales laws and retailer education.²¹

New and ongoing activities for MDH include:

²⁰ U.S. Centers for Disease Control and Prevention. 13 May 2021. COVID-19 and Your Health: People With Certain Medical Conditions. Accessed 12 August 2021 at <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html>.

²¹ 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 12 August 2021 at https://www.cdc.gov/tobacco/stateandcommunity/best_practices/index.htm

A. Responsible Tobacco Retailer Initiative, “21 or None”

In SFY 2022, 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 occur due to COVID-19 safety protocols) on the www.NoTobaccoSalesToMinors.com website. MDH will continue outreach to retailers and development of new educational materials to assist with retailer compliance 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 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

The State is currently in the process of returning previously reassigned staff to tobacco enforcement programs. Once reassigned staff return, MDH will resume retail tobacco enforcement inspections. 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, the ATC, and LHDs, Maryland has remained in compliance with federal Synar regulations for six consecutive years. However, due to the COVID-19 pandemic, enforcement and education efforts were

impacted during 2021. 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 cessation support services, such as the Maryland Tobacco Quitline (1-800-QUIT-NOW), available during the pandemic. The line-item Governor Hogan created in the CRF budget will continue to assist with sustaining program activities to reduce retailer noncompliance rates.

Young people have reported that they anticipate seeing people vape at similar or higher rates as before the pandemic.²² 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.

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 reduce use of ESDs, provide retailer support to ensure compliance with the new MLSA, and improve the health of Marylanders.

²² Truth Initiative, "Going back to school may lead to more vaping – here's what educators and communities can do about it," 8 September 2021, Accessed 30 September 2021 at <https://truthinitiative.org/research-resources/emerging-tobacco-products/going-back-school-may-lead-more-vaping-heres-what>