



**Enforcement Strategies for Distribution of Tobacco Products to Minors
and Compliance Training and Assistance to Tobacco Retailers**

2024 Annual Report

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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

ATCC	Alcohol, Tobacco, and Cannabis Commission
CADCA	Community-Based, Advocacy-Focused, Data-Driven, Coalition-Building Association
CDC	Centers for Disease Control and Prevention
CIAA	Clean Indoor Air Act
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
LGBTQ+	Lesbian, Gay, Bisexual, Transgender, Queer, Plus
LHD	Local Health Department
LRC	Legal Resource Center for Public Health Policy
MDH	Maryland Department of Health
NGO	Non-Governmental Organization
OTP	Other Tobacco Products
PHPA	Prevention and Health Promotion Administration
POST	Point of Sale Toolkit
RVR	Retailer Violation Rate
RYO	Roll-Your-Own
SABG	Substance Abuse Prevention and Treatment Block Grant
SAMHSA	Substance Abuse and Mental Health Services Administration
SFY	State Fiscal Year, July 1 – June 30
YRBS/YTS	Maryland 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 persons under the age of 21 years 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 Alcohol, Tobacco, and Cannabis Commission (ATCC); local health departments (LHDs); and local law enforcement agencies. Information contained in this report was compiled from the noted entities and highlights programmatic activities conducted in state fiscal year (SFY) 2024.

Specifically, Health-General Article §24-307(f), requires an annual report on the following:¹

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

Additional MDH activities related to general tobacco prevention and control efforts are also detailed throughout the report.

Background

Enforcement, education, and training related to federal, state, and local laws that restrict underage access to tobacco products are conducted through both the ATCC and the Center for Tobacco Prevention and Control (CTPC) within MDH. CTPC provides retailer outreach, education, and training and funds local inspections through LHDs. Additionally, CTPC facilitates statewide federal Substance Abuse and Mental Health Services Administration (SAMHSA) Synar Program State inspections and Food and Drug Administration (FDA) inspections. The ATCC 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. MDH conducts random, unannounced inspections of Maryland tobacco retail outlets and vending machines 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). Typically, states must maintain a retailer violation rate (RVR) of 20 percent or less to avoid penalties. Such penalties would include losing up to 10 percent of SABG funds.²

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. In 2024, HB 42/SB 220 - Public Health - Public Health Services and Protections - Revisions removed the reference to reporting requirements for §10-108 of the Criminal Law Article in Health-General Article §24-307(f). Despite this, MDH will continue to report on strategies and activities to prevent youth from accessing tobacco products.

² US Department of Health and Human Services. Programmatic Requirements for the Synar Program. Substance Abuse and Mental Health Services Administration (SAMHSA), 2022. Accessed 15 May 2024 at <<https://www.samhsa.gov/synar/requirements>>.

Maryland retailers exceeded the RVR threshold in FFY 2014 and 2015, but have been compliant every year since FFY 2016. However, Maryland was unable to perform Synar retail inspections during the COVID-19 pandemic (FFY 2021 and 2022) and did not resume until June 2023. The most recent RVR is 23.7 percent for FFY 2024.³ SAMHSA will not issue penalties in FFY 2024 and 2025, and CTPC is actively ramping up additional retailer education and enforcement measures to bring Maryland back into compliance.

Despite the success of statewide efforts to reduce youth access to tobacco products, the costs required to sustain these efforts remain high. Beginning in SFY 2017, a Tobacco Enforcement line item was created in the Cigarette Restitution Fund (CRF) budget for approximately \$2 million annually. These dedicated funds are necessary for MDH to maintain enforcement efforts, keep the RVR below the 20 percent threshold, and avoid costly penalties that could jeopardize state substance use treatment dollars. Additional supplemental funding was added in SFY 2024 to boost enforcement efforts.

In addition to the collaborative efforts described above, recent legislation and regulations have also strengthened support for tobacco enforcement efforts in Maryland:

- ATCC Tobacco Compliance Bulletin (TCB – 24-001) Special Advisory for Compliance With New State Law That Requires Cigarette Wholesalers to Submit Complete and Accurate Information on Cigarette and Roll Your Own Cigarette Tobacco Sales, issued September 11, 2023 - Clarifies requirements of HB 777/SB 541 (2023) for licensed wholesalers of cigarettes and roll-your-own (RYO) tobacco products to submit complete and accurate information on cigarette and RYO sales to the Comptroller. Licensed wholesalers are required to report certain data (i.e., number of stamped cigarettes and RYO products sold by brand and manufacturer) to the Comptroller on a monthly basis. The Bulletin outlines civil and criminal penalties for violations of Business Regulation Article § 16-504(c) which prohibits a person from stamping or selling cigarettes or RYO products from a brand family or manufacturer not listed in the Maryland Tobacco Directory of approved tobacco products.⁴
- ATCC Tobacco Compliance Bulletin (TCB – 24-002) Referral Requirements for Local Health and Police Departments That Seek to Pursue Administrative Action Against Tobacco Licensees for Tobacco Sales to Individuals Under 21, issued December 15, 2023 - Clarifies the processes LHDs must follow when referring tobacco retailer violations to the ATCC. Reiterates the ATCC’s authority to reprimand, suspend, or revoke a retailer license for violations of Criminal Law Article §10-107 (“Distribution of tobacco product to individuals under 21”), Health General Article §24-305 (“Sale, distribution, or offer for sale of electronic smoking device to individuals under 21 prohibited”), or Health General Article §24-307 (“Distribution of tobacco product to minor”).⁵

³ Maryland Department of Health. “Annual Synar Report: FFY 2024,” 13 Dec 2023, Center for Tobacco Prevention and Control, Accessed 4 Sep 2024 at

<<https://health.maryland.gov/phpa/ohpetup/Documents/FFY%202024%20Annual%20Synar%20Report.cc1.pdf>>.

⁴ Maryland Alcohol, Tobacco, and Cannabis Commission. Tobacco Compliance Bulletin TCB – 24-001: Special Advisory for Compliance with New State Law that Requires Cigarette Wholesalers to Submit Complete and Accurate Information on Cigarette and Roll Your Own Cigarette Tobacco Sales. 11 Sep 2023. Accessed 28 Aug 2024 at

<https://atcc.maryland.gov/wp-content/uploads/sites/24/2024/08/TBC_24-001.pdf>.

⁵ Maryland Alcohol, Tobacco, and Cannabis Commission. Tobacco Compliance Bulletin TCB – 24-002: Referral Requirements For Local Health and Police Departments That Seek to Pursue Administrative Action Against Tobacco Licensees for Tobacco Sales to

- Chapter 462 of the Acts of 2024 (SB 1056) Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions (Tobacco Retail Modernization Act of 2024), effective October 1, 2024 - Updates the following licensing requirements and business operations for tobacco retailers in Maryland:
 - Requires tobacco retailers to keep all cigarettes, other tobacco products (OTP) (excluding premium cigars), and electronic smoking devices (ESDs) behind the counter in an area accessible only to the licensed retailer and employees;
 - Requires retailers to verify the age of all individuals under the age of 30 with a government-issued photo identification prior to selling any tobacco product, including ESDs;
 - Increases licensing fees for all tobacco retailers (cigarettes, OTP, ESD, etc.) from \$25 to \$300, with \$275 per license going to MDH or their designee for statewide tobacco enforcement efforts;
 - Increases penalties for tobacco retailers that violate state tobacco laws;
 - Requires the Court to order the Executive Director of the ATCC to suspend the license for up to 90 days for a second violation, up to 180 days for subsequent violations, and to revoke the license for further violations; and
 - Allows the clerk or the tobacco retailer to be directly cited for a violation.

Also requires MDH or their designee to conduct at least one unannounced inspection of every licensed tobacco retailer every calendar year. The ATCC shall provide a list of all tobacco retailers licensed through December 31 of the previous calendar year annually to MDH. Requires the ATCC, in conjunction with MDH, the Comptroller, and the Maryland State Department of Education, to conduct a study on tobacco retailers and report their recommendations to the Maryland General Assembly by October 1, 2025.

- Chapter 717 of the Acts of 2024 (SB 362) Budget Reconciliation and Financing Act of 2024, effective June 1 and July 1, 2024 - Increases the following taxes on certain tobacco products: (1) increases tax on cigarettes from \$3.75 to \$5.00 per pack of 20 cigarettes; (2) increases the tax on OTP from 53 to 60 percent of the wholesale price; and (3) increases the tax on ESDs from 12 to 20 percent. These tax increases are expected to generate \$91 million in revenue for Maryland's Blueprint for the Future (K-12 education fund) and yield significant public health benefits.
- Chapters 754 and 755 of the Acts of 2024 (HB 238/SB 244) Public Health - Clean Indoor Air Act - Revisions, effective July 1, 2024 - Prohibits ESD use in the same indoor public areas and workplaces where smoking tobacco products and cannabis are already prohibited, including public transportation, under the Maryland Clean Indoor Air Act (CIAA). These changes apply to tobacco, cannabis, and hemp-derived products. Requires businesses and workplaces to post signs indicating where smoking and vaping are prohibited. Places a moratorium on the issuance of alcoholic beverage licenses to licensed tobacconists from July 1, 2024, to July 1, 2026. Requires MDH to convene a workgroup to study the issuance of alcoholic beverages licenses to tobacconists and issue a final report with recommendations by July 1, 2025. MDH enforces the CIAA along with

Maryland Occupational Safety and Health in the Maryland Department of Labor and LHDs.

- Chapters 765 and 766 of the Acts of 2024 (HB 42/SB 220) Public Health - Public Health Services and Protections - Revisions, effective October 1, 2024 - Removes the military exemption from Maryland's Tobacco 21 law, effective since October 1, 2019. Brings Maryland's Tobacco 21 law into parity with the Federal Tobacco 21 law which has no exemptions for tobacco sales to persons under 21 years old. This will reduce confusion for tobacco retailers, making it easier for them to comply with state and federal tobacco laws.

Development and Success of Enforcement Strategies to Improve Compliance

MDH follows evidence-based recommendations for reducing underage access to tobacco products outlined in the Centers for Disease Control and Prevention (CDC) Best Practices for Comprehensive Tobacco Control Programs – 2014.⁶ 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 continuous retailer education; and (2) conducting mass-reach 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 ATCC 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 a list of approximately 6,000 tobacco retailer licenses into a data collection and mapping software tool – the Counter Tools POST, <https://md.countertools.org/>. POST is a password-protected software system used to compile all tobacco retail outlet inspection, education, and assessment data into a unified database that can be tracked, edited, and searched. POST software also provides tools to investigate, visualize, compare, and monitor tobacco retailer compliance with existing state and federal restrictions on the sale of tobacco products to persons under 21 years old. As of July 1, 2024, there were 226 registered POST users across all 24 Maryland jurisdictions. POST users represent staff from LHDs, local enforcement agencies, and MDH. As of August 29, 2024, 8,127 visits were added to the POST system for SFY 2024, including 6,198 local enforcement visits through LHDs and local enforcement agencies, 1,729 FDA inspections, and 200 Synar compliance visits.

B. Local inspections through LHDs/Local Law Enforcement:

⁶ Centers for Disease Control and Prevention. Best Practices for Comprehensive Tobacco Control Programs—2014. Atlanta: US Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014. Accessed 4 Sep 2024 at <<https://www.cdc.gov/tobacco/php/state-and-community-work/guides-for-states.html>>.

LHDs work with community partners, underage purchasers, and designated law enforcement agencies to conduct compliance checks and cite retailers that violate these laws. LHDs conduct compliance checks and retailer education visits throughout the fiscal year based on local needs and availability of staff and law enforcement agency partners.

In SFY 2024, LHDs conducted 8,594 compliance checks:

- 7,069 for routine surveillance of tobacco retailers; and
- 1,525 follow-up compliance checks after local citations were issued for tobacco sales to underage persons.

Local law enforcement agencies issued 1,522 citations for illegal sales of tobacco products to persons under the age of 21 years, more than doubling from 614 in SFY 2023. LHDs refer tobacco retailers with multiple or repeat violations to the ATCC for hearings to determine if license suspension or revocation is warranted. .

Additional LHD highlights from SFY 2024 include:

Calvert

The Calvert County Health Department trained Calvert Alliance Against Substance Abuse, a new non-governmental organization (NGO) partner, on tobacco sales laws and tobacco check compliance procedures. Calvert Alliance Against Substance Abuse conducted 75 retailer education visits.

Cecil

The Cecil County Health Department conducted a Tobacco and Alcohol ID Check Training for local alcohol and tobacco retailers in collaboration with the Cecil County Liquor Board for 16 attendees.

Frederick

The Frederick County Health Department awarded grants to two NGO partners to conduct store-to-store retailer education on tobacco sales laws. The Asian American Center of Frederick and Living Well Youth Works conducted 70 and 85 retailer educational visits, respectively.

Harford

The Harford County Health Department contracted with two NGO partners, the Men of Phi Beta Sigma Fraternity, Inc. and Refuge Temple Ministries, to conduct retailer education visits. The Men of Phi Beta Sigma Fraternity Inc. and Refuge Temple Ministries completed 250 and 132 retailer education visits, respectively. Refuge Temple Ministries also trained 6 staff members to support tobacco prevention initiatives designed to reduce underage access to tobacco.

Howard

The Howard County Health Department worked with The Surveillance Group, Inc. to conduct tobacco enforcement compliance checks. The Howard County Health Department trained underage tobacco purchasers to conduct tobacco retailer compliance checks and enforce local laws prohibiting the distribution of tobacco products to persons under the age of 21. The

Surveillance Group, Inc. is a professional group of retired police officers that have experience in drug, alcohol, and tobacco sale enforcement.

Queen Anne’s

The Queen Anne’s County Health Department collaborated with The Queen Anne’s County Office of the Sheriff and New United Methodist Church to sponsor a National Night Out Community Block Party. The Office of the Sheriff and health department staff provided resources about underage tobacco use and the laws pertaining to underage tobacco sales. Over 300 people attended.

C. State inspections through the Maryland Synar Program:

To ensure adherence with the federal Synar Amendment, MDH conducts annual, unannounced inspections of licensed tobacco retailers and vending machines throughout Maryland. Adult inspectors conduct inspections along with underage purchasers (16 to 20 years old) and revisit noncompliant tobacco retailers to provide one-on-one training and education.⁷ Between FFY 2016 - 2020, Maryland retailers remained under the 20 percent RVR threshold, eliminating the requirement of penalty expenditures. Due to challenges related to the COVID-19 pandemic, Synar checks were significantly reduced between FFY 2021 - 2023, and RVR rates were not calculated during this time. MDH hired new Synar inspectors and underage purchasers, allowing Synar checks to resume at full capacity in FFY 2024. In FFY 2024, for the first time since FFY 2016, the RVR was above the 20 percent threshold.⁸ However, SAMHSA has indicated penalties will not be levied on states for FFY 2024 and 2025, as many states have experienced enforcement challenges in the post-pandemic period. In FFY 2024, the RVR was 23.7 percent, and the inaccuracy of the retailer license list which CTPC uses was a major factor in the RVR exceeding 20 percent. An internal corrective action plan for the FFY 2025 Synar inspection cycle is in place to ensure a lower RVR.

Maryland Synar Retailer Violation Rate by Federal Fiscal Year*

	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018	FFY 2019	FFY 2020**	FFY 2024
RVR	24.1%	31.4%	13.8%	10.8%	13.9%	8.5%	13.1%	23.7%
# of Retailers	7,059	6,076	5,667	6,034	6,698	6,600	6,478	7,354
# of Inspections	745	618	567	604	670	663	648	442
# Compliant	499	363	469	527	545	563	519	235
# Incomplete*	90	84	23	13	37	48	51	134

⁷ During the Synar inspection process, underage inspectors have immunity from youth tobacco purchase and possession laws.

⁸ Maryland Department of Health. “Annual Synar Report: FFY 2024,” 13 Dec 2023, Center for Tobacco Prevention and Control, Accessed 27 Sep 2024 at

# Noncompliant	156	164	75	64	88	52	78	73
<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. Private addresses may be included as they are listed on occasion by retailers. **Due to challenges related to the COVID-19 pandemic, Synar checks were significantly reduced between FFY 2021 - 2023, and RVR rates were not calculated during this time.</i>								

D. FDA inspections through MDH:

To ensure retailer compliance with the federal 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.⁹ MDH is currently in the 13th year of this agreement.

MDH staff commissioned as FDA agents perform inspections across Maryland. Violations are reported to the FDA and 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.

FDA enforcement inspections continued in SFY 2024. Enforcement data publicly available through FFY 2024 are outlined in the chart below.

Public FDA Enforcement Data, Maryland

	FFY 2018	FFY 2019	FFY 2020	FFY 2021	FFY 2022	FFY 2023	FFY 2024
No Tobacco Sale Orders	4	0	0	0	0	0	0
Civil Money Penalties	87	143	103	0	0	5	120
Warning Letter Issued	276	350	239	0	192	281	361
No Violation Observed	1,633	1,923	1,914	5	797	1,898	1,578
Total Inspections Posted on FDA Website	2,000	2,416	2,256	5	989	2,184	2,059

Notes: These data are from the FDA's public website: <https://timp-ccid.fda.gov/>. These dates do not necessarily represent the date of inspection; rather the date reflects when the FDA made a decision related to the inspection. Data for FFY 2024 inspection include results through June 30, 2024.

E. Enforcement through the ATCC

The ATCC supports LHD staff and law enforcement with the implementation of youth access laws. These responsibilities include:

⁹ Title 21 USC 301 (2009)

- Educating the public on alcohol and tobacco use;
- Conducting relevant studies;
- Developing best practices and guidelines for enforcement activities, including inspections and compliance checks;
- Regulating and enforcing licensing requirements for alcohol and tobacco retailers; and
- Reporting aggregate data between local law enforcement and local licensing boards.

The Comptroller collects and processes tobacco-related taxes and returns.

The Director of the Prevention and Health Promotion Administration (PHPA) sits on the ATCC as the MDH representative appointed by the Secretary of Health. At monthly meetings, the PHPA Director may advise the ATCC on best practices related to tobacco control and enforcement, provide an overview of MDH tobacco control efforts, or present relevant statewide data on tobacco use and other behaviors.

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 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. In 2024, Chapters 765 and 766 (HB 42/SB 220) – Public Health – Public Health Services and Protections – Revisions removed the reference to reporting requirements for §10-108 of the Criminal Law Article in Health-General Article §24-307(f). However, youth prevention activities provided through LHDs are discussed in the next section.

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 health communications development and placement; (2) collaboration and funding to partner organizations; and (3) training and technical assistance through LHDs and partners.

1. Direct outreach to retailers and mass-reach media initiatives:

MDH placed Maryland Responsible Tobacco Retailer Program transit advertisements in Baltimore City and Anne Arundel, Baltimore, and Montgomery counties from April 8, through June 2, 2024. MDH selected these jurisdictions because they have some of the highest numbers of tobacco retailers and higher RVR rates than other counties. This transit advertisement campaign included placement of the “21 or None” signage on bus shelters and bus exteriors, earning approximately 52,579,424 impressions.

In September 2023, MDH updated and mailed the “21 or None” toolkits to over 6,000 licensed tobacco retailers in Maryland. These comprehensive toolkits include a poster, window cling, overview letter, and a quick reference guide that assists retailers in

identifying valid IDs and the minimum legal sales age. All materials include information about the free Maryland Tobacco Quitline (1-800-QUIT-NOW) and are available for free download from the “No Tobacco Sales to Minors” website (www.NoTobaccoSalesToMinors.com). This site also features a free online training module and quiz for store owners and employees, as well as cessation resources. In May 2024, MDH mailed a “21 or None” postcard to the same retailer distribution list to remind businesses of the legal tobacco sales age and to share the “No Tobacco Sales To Minors” link for online resources. Subsequently, in August 2024, MDH mailed updated “21 or None” toolkits to licensed retailers and updated downloadable resources on the No Tobacco Sales to Minors website. These include a variety of resources for the retailers, such as: an overview document; product guide; ID check guide; guides comparing local, state, and federal tobacco laws; and a retailer training quiz.

Mass-reach health communications included various print, digital, and audio initiatives. The Maryland Beverage Journal placed “21 or None” responsible retailer advertisements in the September 2023 publication. Each monthly publication is estimated to obtain 5,478 impressions; however, since media outlets such as magazines can remain in circulation long after the month it is first circulated, this impression count could be even greater. In August 2023, MDH launched a LinkedIn Responsible Retailer advertising campaign which garnered 79,000 impressions, along with a National Retail Solutions digital static screen campaign that aired in 142 convenience stores and secured approximately 700,000 impressions. In February 2024, MDH placed a robust paid media placement of the “21 or None” campaign which featured advertisements on gas station pump displays, YouTube targeted advertisements, point-of-sale display advertisements, and streaming audio. These outlets achieve an average monthly reach of over 6.5 million impressions.

From April through June 2024 (and continuing into SFY 2025), MDH coordinated with the Motor Vehicle Network agency to place "21 or None" campaign assets on waiting area digital advertising monitors at all 22 Motor Vehicle Administration locations statewide, running over 76,000 commercials and earning an estimated 3.5 million impressions. During SFY 2024, the collective efforts of digital, print, and audio retailer outreach yielded 73,351 page visits to the “No Tobacco Sales to Minors” website where visitors obtained information and resources on compliance, retailer education, and tobacco cessation.

2. *Collaboration and funding to partner organizations:*

MDH works collaboratively with the ATCC to provide training and technical assistance to LHDs on various tobacco enforcement topics, including retailer education and compliance with Maryland tobacco laws. MDH receives an annual list of licensed tobacco retailers from the ATCC to assist with local tobacco enforcement efforts. In addition, MDH routinely refers LHDs and members of the public to the ATCC for assistance with addressing specific enforcement issues within their local jurisdictions.

MDH continues to fund 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. In SFY 2024, the LRC responded to technical assistance requests from LHDs, MDH, NGOs, members of

the public, law enforcement, and others on tobacco enforcement issues by providing education, materials, and other resources. Additionally, the LRC presented at coalition, town hall, and leadership meetings across Maryland on similar enforcement topics.

MDH also continued its partnership with CADCA (Community-Based, Advocacy-Focused, Data-Driven, Coalition-Building Association) to support a youth-led, adult-guided initiative titled “Take Back Your 10”. Through this initiative, MDH has supported CADCA’s outreach efforts and education for Maryland youth, delivering virtual educational sessions covering topics such as point of sale, tobacco retailer density, and marketing tactics used to target youth and other vulnerable populations. As this partnership continues in SFY 2025, efforts will include providing more educational and community outreach opportunities and developing a tobacco-prevention-focused Statewide Youth Advisory Council.

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

In SFY 2024, 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 various activities, including tobacco retailer education and training, local marketing and media campaigns, leadership meetings, youth educational programs, and community engagement.

In SFY 2024, LHDs:

- Educated 2,697 tobacco retailers (face-to-face) on state tobacco sales laws through 23 NGO partners.
- Educated 3,753 tobacco retailers (face-to-face) on state tobacco sales laws through LHD staff.
- Implemented 65 school-based collaborations, with 8,735 participants, raising awareness about underage access to tobacco products and prevention.
- Supported 28 faith-based partnerships to raise awareness in the faith community about tobacco use, underage access to tobacco products, and prevention efforts through collaborative events, reaching 1,919 participants.

Ensuring Future Compliance

Moving forward, MDH will build on these successful enforcement activities by continuing to:

- Conduct local, state, and federal compliance and enforcement checks of tobacco retailers, with a minimum of one visit per licensed retailer per calendar year and follow-up inspections within 180 calendar days for each retailer that violates tobacco laws during a routine compliance check;
- Collaborate with the ATCC, LHDs, LRC, and other partners to educate and train tobacco retailers; and
- Update and disseminate educational materials such as the “21 or None” retailer toolkit and the “No Tobacco Sales to Minors” website.

In addition, MDH will continue conducting surveillance and sharing data on relevant tobacco use behaviors and tobacco-related health disparities in Maryland. Results from the 2022 Behavioral Risk Factor Surveillance System show a decrease in the prevalence of adult cigarette smoking from 19.1 percent in 2011 to 9.6 percent.¹⁰ Data from the 2022-23 Maryland Youth Risk Behavior Survey/Youth Tobacco Survey (YRBS/YTS) showed that approximately 15.9 percent of high school students in Maryland used tobacco products, including cigarettes (3.2 percent), cigars (4.1 percent), smokeless tobacco (2.6 percent), and ESDs (14.3 percent).¹¹ This is a significant decrease (42.0 percent) from the 2021-2022 YRBS/YTS where 27.4 percent of Maryland high school students reported any tobacco product use. Maryland ranks well below the national average with 27.9 percent of high school students in the United States reporting current tobacco product use in 2023.¹²

Despite the reduced prevalence of all tobacco product use, youth preference for ESD products remains high and the risk of conventional tobacco products, such as cigarettes, cigars, and smokeless tobacco, is still present. Disposable ESD products (i.e., temporary products meant to be thrown away after use) have become the most popular type of ESD product with US youth. Despite the sales prohibition on certain flavored pre-filled cartridges and ESD products in Maryland, the sale of these products has been increasing in Maryland since late 2022.¹³ According to the CDC, disposable ESD products have gained market share because of their high nicotine levels, low-cost, and availability in appealing flavors.¹⁴

Flavored tobacco products, including ESDs and menthol cigarettes, also remain popular. According to the 2022-23 Maryland YRBS/YTS, among Maryland high school students that have ever used ESD products, 97 percent use ESD products in flavors other than tobacco.¹⁵ In 2022, the FDA proposed new product standards to eliminate the manufacture and sale of menthol cigarettes and flavored cigars. The proposed rule is significant because menthol cigarettes are commonly marketed to, and used by, individuals belonging to historically-disadvantaged communities that experience tobacco-related health disparities, including people that identify as racial or ethnic minorities; lesbian, gay, bisexual, transgender, or queer (LGBTQ+); women; or individuals having a behavioral health condition. After a lengthy public comment period the FDA submitted the final rule to the federal Office of Management and Budget for review. In December 2023, the White House delayed the deadline for a final rule decision until March 2024, which subsequently passed with no further decision. This inaction prompted public health groups to sue the FDA, claiming that these unnecessary and unlawful delays cost lives. Research shows that banning menthol cigarettes would save approximately 300,000 to 650,000 people, mostly Black people, from smoking-related deaths over the next several decades. Without a state or federal law prohibiting the sale of all flavored tobacco products, including menthol cigarettes, youth, and other vulnerable groups will continue to use these products. MDH, together with local, state, and federal partners, will continue monitoring these emerging products and implementing initiatives that reduce youth access through rigorous retailer education, training efforts, and ongoing enforcement.

¹⁰ Maryland Department of Health. 2022 Behavioral Risk Factor Surveillance System. Accessed 28 Aug 2024 at <<https://health.maryland.gov/phpa/ccdpc/Reports/Pages/brfss.aspx>>.

¹¹ Maryland Department of Health. 2022-2023 Maryland Youth Risk Behavior Survey/Youth Tobacco Survey (YRBS/YTS). 2024. Accessed 28 Aug 2024 at <<https://health.maryland.gov/phpa/ccdpc/Reports/Pages/YRBS-2022-2023.aspx>>.

¹² Birdsey, J, et al. Tobacco Product Use Among U.S. Middle and High School Students — National Youth Tobacco Survey, 2023. *MMWR Morb Mortal Wkly Rep* 2023; 72(44):1173–1182. Accessed 28 Aug 2024 at <<https://www.cdc.gov/mmwr/volumes/72/wr/mm7244a1.htm>>.

¹³ CDC Foundation. Monitoring U.S. E-Cigarette Sales: State Trends. Apr 2024. Accessed 28 Aug 2024 at <https://www.cdcfoundation.org/QuarterlyECigaretteSalesDataBrief_12.31.2023.pdf?inline>.

¹⁴ Ibid fn 12.

¹⁵ Ibid fn 11.

Conclusion

Through coordinated enforcement and training efforts from MDH, the ATCC, LHDs, and other partners, Maryland has remained mostly compliant with federal Synar regulations. When the Tobacco Retailer Modernization Act of 2024 and other tobacco legislation go into effect later in SFY 2025, MDH will have more resources to ramp up local tobacco enforcement checks, tobacco cessation services, tobacco prevention messaging through mass-reach health communications, and surveillance activities of tobacco use behaviors. MDH and partners will continue to support best practices for reaching retailers and the community, educating about youth access laws, highlighting the dangers of tobacco use, and providing cessation support services, such as the Maryland Tobacco Quitline (1-800-QUIT-NOW).

Revenue from increased licensing fees from tobacco retailer licenses, the CRF, and other funding is critical to statewide tobacco control and enforcement activities that reduce retailer non-compliance rates. As the tobacco product landscape and youth tobacco use behaviors continue to change, MDH will utilize the designated funding to support enhanced retailer education and training on youth sales laws, including training and technical assistance with Maryland tobacco laws. This increased education and training will help ensure that retailer noncompliance rates remain low, preventing future costly penalties that would jeopardize substance use treatment dollars in Maryland. In addition, funding will continue to enhance and expand programming for vulnerable groups in Maryland that bear a disproportionate burden of tobacco-related health disparities.

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 the use of ESDs, provide retailer support to ensure compliance with youth access laws, and improve the health of Marylanders.