



TOBACCO ENFORCEMENT STRATEGIES

2025 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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Table of Contents

Acronyms..... 4

Introduction..... 5

Background..... 5

Development and Success of Enforcement Strategies to Improve Compliance..... 7

Retailer enforcement strategies for §10-107 of the Criminal Law Article..... 8

Training and Assistance to Tobacco Retailers to Improve Compliance..... 11

Ensuring Future Compliance..... 13

Conclusion..... 16

Acronyms

ATCC	Alcohol, Tobacco, and Cannabis Commission
BRFSS	Behavioral Risk Factor Surveillance System
CDC	Centers for Disease Control and Prevention
CTPC	Center for Tobacco Prevention and Control
ESDs	Electronic Smoking Devices
FDA	Food and Drug Administration
FFY	Federal Fiscal Year, October 1 – September 30
LHD	Local Health Department
LRC	Legal Resource Center for Public Health Policy
MDH	Maryland Department of Health
NGO	Non-Governmental Organization
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
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) 2025.

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

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. As of October 1, 2024, MDH, or their designee, is required to conduct at least one unannounced inspection of every licensed tobacco retailer in Maryland every year; MDH funds LHDs to conduct these local inspections. Also, CTPC facilitates statewide federal Substance Abuse and Mental Health Services Administration (SAMHSA) Synar Program State inspections and United States (U.S.) 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.¹

Maryland retailers exceeded the RVR threshold in FFY 2014 and 2015, but were compliant from FFY 2016 through FFY 2020. However, Maryland was unable to perform Synar retail

¹ US Department of Health and Human Services. Programmatic Requirements for the Synar Program. Substance Abuse and Mental Health Services Administration (SAMHSA), 2022. Accessed 13 Aug 2025 at <<https://www.samhsa.gov/synar/requirements>>.

inspections during the COVID-19 pandemic (FFY 2021 and 2022) and did not resume until June 2023. The most recent RVR is 19.3 percent for FFY 2025.² SAMHSA did not penalize states for RVR violations due to 2019 updates to the federal law (minimum sales age increased to 21) and enforcement disruptions during the COVID-19 pandemic (FFY 2021 to 2023). A memorandum was issued to all states receiving SABG funds stating the grace period extended from FFY 2023 to FFY 2025. CTPC is reinforcing retailer education and enforcement measures so that Maryland remains compliant.

Despite the success of statewide efforts to reduce youth access to tobacco products, the costs required to sustain these efforts remain high as available funding dwindles. Beginning in SFY 2017, a Tobacco Enforcement line item was created in the Cigarette Restitution Fund 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. In April 2025, sweeping federal cuts were announced within the U.S. Department of Health and Human Services that significantly reduced staff and funding at several federal offices, including the Office on Smoking and Health in the U.S. Centers for Disease Control and Prevention (CDC) and the Center for Tobacco Products in the FDA.³ These entities are responsible for funding statewide tobacco control programs, regulating tobacco products, and enforcing federal tobacco laws. At the state-level, funding to CTPC was cut by \$5.7 million in the SFY 2026 budget.^{4,5}

MDH receives \$275 from each tobacco retailer licensing fee in Maryland (with the exception of retailers in Montgomery County), a change enacted with the Maryland Tobacco Retail Modernization Act of 2024.⁶ In SFY 2025, MDH received approximately \$1.5 million from tobacco retailer licensing fees. Law changes from the Tobacco Retail Modernization Act were effective October 1, 2024, and funds from annual licensing renewal fees were collected in full by the end of June 2025.

In addition to the events described above, recent legislation has strengthened support for tobacco enforcement efforts in Maryland:

- 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)

² Maryland Department of Health. "Annual Synar Report: FFY 2025," 11 Dec 2024, Center for Tobacco Prevention and Control, Accessed 13 Aug 2025 at https://health.maryland.gov/phpa/ohpetup/Documents/SYNAR%20Reports/FFY%202025%20ASR%20FINAL_12.2.2024%20ALSigned.pdf.

³ Truth Initiative. (2025, June 12). *What Federal Health Agency Cuts Mean for Tobacco Control*. Truth Initiative. Retrieved August 13, 2025, from <https://truthinitiative.org/FederalCuts>.

⁴ Maryland Department of Health, Prevention and Health Promotion Administration. (2025). *Analysis of the FY 2026 Maryland Executive Budget, 2025*. Retrieved August 20, 2025, from <https://mgaleg.maryland.gov/pubs/budgetfiscal/2026fy-budget-docs-operating-M00F03-MDH-Prevention-and-Health-Promotion-Administration.pdf>

⁵ American Cancer Society Cancer Action Network. (2025, April 8). *Maryland State Budget Produces Mixed Results in Fight against Cancer* [Press release]. Retrieved August 13, 2025 from, <https://www.fightcancer.org/releases/maryland-state-budget-produces-mixed-results-fight-against-cancer>

⁶ Chapter 462 of the Acts of 2024 (SB 1056).

- (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 (i.e., LHDs) 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 305 of the Acts of 2024 (SB 842) Electronic Smoking Devices - Seizure and Wholesaler Record-Keeping Requirements, effective October 1, 2025 - Restores ATCC enforcement authority previously held as the Comptroller, specifically allowing the seizure of ESDs that are sold in violation of the Business Regulation Article, and establishes relevant procedures (e.g., requirements for filing claims, hearings). Repeals the authority of an ESD manufacturer to sell ESDs to a consumer, and establishes recordkeeping requirements for ESD wholesaler distributors and wholesaler importers.

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 – 2014.⁷ 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.

⁷ 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 11 Aug 2025 at <https://www.cdc.gov/tobacco/php/state-and-community-work/guides-for-states.html>.

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 over 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, 2025, there were 270 registered POST users across all 24 Maryland jurisdictions. POST users represent staff from LHDs, local enforcement agencies, and MDH. As of June 30, 2025, 8,180 visits were added to the POST system for SFY 2025, including 6,792 local enforcement visits through LHDs and local enforcement agencies, 1,164 FDA inspections, and 224 Synar compliance visits.⁸

B. Local inspections through LHDs/Local Law Enforcement:

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 2025, LHD progress reports reflected the following accomplishments:

- 7,743 compliance checks for routine surveillance of tobacco retailers;
- 797 follow-up compliance checks after local citations were issued for tobacco sales to underage persons;
- 949 citations issued by local law enforcement agencies for illegal sales of tobacco products to persons under the age of 21 years, significantly less than the 1,522 citations issued in SFY 2024; and
- 54 tobacco retailers with multiple or repeat violations referred to the ATCC for additional sanctions.⁹

Additional LHD highlights from SFY 2025 include:

Baltimore County

Baltimore County implemented a major code change in SFY 2025, doubling fines for third and subsequent tobacco sales violations from \$1,500 to \$3,000 within a two-year period. This policy shift, enacted November 7, 2024, was supported through a countywide retailer education campaign and leadership coordination with the Baltimore County Office of Law and Office of

⁸ The data represent entries from LHDs actively using POST to track tobacco retailer visits.

⁹ LHDs submit progress reports to MDH twice per fiscal year. LHDs refer tobacco retailers with multiple or repeat violations to the ATCC for hearings to determine if license suspension or revocation is warranted.

Government Affairs. After a grace period, enforcement began on January 1, 2025.

Calvert

The Calvert County Health Department overcame a four-month enforcement pause caused by legal procedural issues that halted case adjudications. After resolving the matter with the County Attorney's Office in April 2025, the Sheriff's Office resumed compliance checks.

Cecil

The Cecil County Health Department conducted a Fraudulent ID Check Training for local alcohol and tobacco retailers in collaboration with the Cecil County Liquor Board for 28 attendees. The training enhanced trainees' knowledge and practical techniques to combat the use of fraudulent IDs, thereby strengthening compliance with age verification laws.

Frederick

The Frederick County Health Department awarded grants to two non-governmental organization (NGO) partners to conduct in-person retailer education on tobacco sales laws. Women Solve and Living Well Youth Works conducted 163 and 181 retailer educational visits, respectively.

Harford

The Harford County Health Department contracted with two NGO partners, Phi Beta Sigma Fraternity and Refuge Temple Ministries, to conduct 233 total retailer education visits.

Worcester

The Worcester County Health Department conducted two training sessions with seven officers from several local law enforcement agencies (Worcester County Sheriff's Office, Snow Hill, Berlin, Ocean City, and Ocean Pines Police Departments).

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.¹⁰

Following significant disruption to state inspections during the COVID-19 pandemic, 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.¹¹ However, SAMHSA indicated penalties will not be levied on states for FFY 2024 and FFY 2025, as many states 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 (e.g., incorrect addresses) provided to CTPC was a major factor in the RVR exceeding 20 percent. CTPC implemented an internal corrective action plan for the FFY 2025 Synar inspection cycle to ensure a lower RVR. This plan proved effective as

¹⁰ During the Synar inspection process, underage inspectors have immunity from youth tobacco purchase and possession laws.

¹¹ Maryland Department of Health. "Annual Synar Report: FFY 2025," 11 Dec 2024, Center for Tobacco Prevention and Control, Accessed 20 Aug 2025 at

<https://health.maryland.gov/phpa/ohpetup/Documents/SYNAR%20Reports/FFY%202025%20ASR%20FINAL_12.2.2024%20ALsigned.pdf>.

inaccuracies for FFY 2025 returned to pre-pandemic levels and the violation rate rebounded to below the 20 percent threshold, landing at 19.3 percent.

Maryland Synar Retailer Violation Rate by Federal Fiscal Year*

	FFY 2015	FFY 2016	FFY 2017	FFY 2018	FFY 2019	FFY 2020**	FFY 2024	FFY 2025
RVR	31.4%	13.8%	10.8%	13.9%	8.5%	13.1%	23.7%	19.3%
# of Retailers	6,076	5,667	6,034	6,698	6,600	6,478	7,354	6,470
# of Inspections	618	567	604	670	663	648	442	628
# Compliant	363	469	527	545	563	519	235	507
# Incomplete*	84	23	13	37	48	51	134	39
# Noncompliant	164	75	64	88	52	78	73	121
<p><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.</i></p> <p><i>**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></p>								

D. FDA inspections through MDH:

To ensure retailers comply 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.¹² MDH is currently in the 14th 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 2025. Enforcement data publicly available through FFY 2025 are outlined in the chart below.

Public FDA Enforcement Data, Maryland

	FFY 2019	FFY 2020	FFY 2021	FFY 2022	FFY 2023	FFY 2024	FFY 2025
No Tobacco Sale Orders	0	0	0	0	0	0	0
Civil Money Penalties	143	103	0	0	5	120	177
Warning Letter Issued	350	239	0	192	281	361	118

¹² Title 21 USC 301 (2009)

No Violation Observed	1,923	1,914	5	797	1,898	1,578	869
Total Inspections Posted on FDA Website	2,416	2,256	5	989	2,184	2,059	1,164
<i>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 2025 inspection include results posted through June 30, 2025.</i>							

E. Enforcement through the ATCC

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

- 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 MDH Secretary of Health or their designee sits on the ATCC as a non-voting member. At monthly meetings, the MDH designee 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.

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:

During SFY 2025, MDH worked with a communications contractor, Gray, Kirk, VanSant Advertising (GKV) and utilized Motor Vehicle Network (MVN), to place the Maryland Responsible Tobacco Retailer campaign and resources in various outlets, achieving a total of over 46.1 million impressions. Efforts included placing “21 or None” transit advertisements on bus shelters and bus exteriors during April, May, and June 2025 in Baltimore City and Baltimore County, earning approximately 23,562,000 impressions. These locations were chosen because they have a high tobacco retailer density and high RVR rates. “21 or None” advertisements were also placed on digital gas pump displays in 16 counties. This initiative ran May to June 2025, and earned 1,637,045 total impressions.

In August 2024, MDH updated and mailed “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; downloadable product placement guide; ID check guide; guides comparing local, state, and federal tobacco laws; and links to cessation resources. After the Maryland Tobacco Retail Modernization Act of 2024 passed, MDH produced an additional 10,000 kits to meet additional demand from LHDs and tobacco retailers statewide. Media placements and retailer outreach yielded 56,123 page visits to, and engagements with, the ‘No Tobacco Sales to Minors’ website.

Throughout SFY 2025, MDH coordinated various paid digital mass-reach health communication placements. These placements included paid social media, streaming radio, digital display advertisements, and podcasting advertisements. Social media posts, featured on Facebook and Instagram, earned 12,043,007 impressions, of which 65 percent came from the Baltimore metropolitan area, and Prince George’s and Montgomery counties. Paid digital display advertisements earned 3,088,110 impressions, again with 65 percent of impressions coming from the Baltimore metropolitan areas, and Prince George’s and Montgomery counties. Other digital placements included “21 or None” streaming audio advertisements earning 13,889 impressions, and podcasting advertisements earning 38,636 impressions statewide.

Through a contract with the Motor Vehicle Network agency, MDH coordinated “21 or None” placements displaying campaign assets on waiting area digital advertising monitors at 22 Motor Vehicle Administration locations statewide (July to August 2024, April to June 2025). During these two campaign periods, over 152,000 advertisements ran, earning 5,655,663 total impressions.

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. MDH routinely refers LHDs and members of the public to the ATCC for assistance with addressing specific enforcement issues within their local jurisdictions.

MDH continued 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 2025, 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, including newly developed resources on changes to statewide tobacco retailer licensing laws.¹³ The 9th Annual Maryland Tobacco Control Conference, hosted jointly between MDH and LRC on June 4, 2025, featured a statewide

¹³ Legal Resource Center for Public Health Policy. (2025). *Tobacco*. Retrieved August 13, 2025, from <https://www.law.umaryland.edu/academics/programs--centers/legal-resource-center/tobacco/>

tobacco enforcement panel with speakers from MDH, the ATCC, and LHDs. Additionally, LRC presented at coalition, town hall, and leadership meetings across Maryland on similar enforcement topics.

MDH supported the CADCA organization to design, launch, and support a youth-led, adult-guided youth engagement initiative. Regular interactive sessions with youth members have been held covering topics such as point of sale, tobacco retailer density, and marketing tactics used to target youth and other vulnerable populations. CADCA established a core youth advisory council to provide valuable insight on developing statewide youth prevention messaging and inform outreach strategies. The youth advisory council also shared leadership responsibilities for statewide meetings and trainings. Engaging with youth provides another avenue to educate the community and peers about targeted tobacco marketing and illegal sales to those under the age of 21. This contributes to MDH's goal of reducing or preventing youth use of tobacco products.

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

In SFY 2025, 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 2025, LHDs:

- Educated 3,656 tobacco retailers (face-to-face) on state tobacco sales laws through 23 NGO partners.
- Educated 4,976 tobacco retailers (face-to-face) on state tobacco sales laws through LHD staff.
- Supported 25 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 1,321 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.

Also, MDH will continue conducting surveillance and sharing data on relevant tobacco use behaviors and tobacco-related health disparities in Maryland. Results from the 2023 Behavioral

Risk Factor Surveillance System (BRFSS) show a decrease in the prevalence of adult cigarette smoking from 19.1 percent in 2011 to 9.1 percent.¹⁴ Data from the 2022-23 Maryland Youth Risk Behavior Survey/Youth Tobacco Survey (YRBS/YTS), the most recent data available, showed that 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).¹⁵ This is a significant decrease from the 2021-2022 YRBS/YTS where 27.4 percent of Maryland high school students reported any tobacco product use. Maryland ranks below the national average with 19.0 percent of middle and high school students in the United States reporting current tobacco product use on the 2024 National Youth Tobacco Survey.¹⁶

Despite the reduced prevalence of all tobacco product use, youth preference for ESD products remains high and the risk of conventional tobacco products, specifically cigars, and smokeless tobacco, is still present. Disposable ESD products (i.e., temporary products meant to be thrown away after use) are the most popular type of ESD product with U.S. youth. Regardless of 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 2022.¹⁷ According to the CDC, disposable ESD products have gained market share because of their high nicotine levels, low-cost, and availability in appealing flavors.¹⁸ In July 2025, the FDA authorized several JUUL[®] products for marketing, indicating a major shift in federal tobacco product enforcement, leaving already strained state governments and enforcement agencies to fill the enforcement gaps.¹⁹

While cigarette and ESD use have decreased in recent years, cigar use increased between the 2021-22 and 2022-23 Maryland school years, reflecting a national trend.²⁰ Most other tobacco products, which includes cigars, premium cigars, pipe tobacco, chewing tobacco, snuff, snus, and relevant accessories like hookahs, are typically cheaper than cigarettes or ESDs and are available in various appealing flavors. Many youth also view these products as less harmful cigarettes. Cigars, including little cigars and cigarillos (LCCs), and hookah are combustible products and pose similar health risks as smoking cigarettes, including cancer and heart disease. Some youth also use LCCs to smoke cannabis, but do not perceive themselves as tobacco users.²¹ Of note, Maryland legalized adult-use cannabis on July 1, 2023. Data is still being collected on how youth cannabis and tobacco use behaviors have changed since legalization. MDH will continue monitoring these trends in

¹⁴ Maryland Department of Health. 2023 Behavioral Risk Factor Surveillance System. Accessed 13 Aug 2025 at <https://ibis.health.maryland.gov>.

¹⁵ Maryland Department of Health. 2022-2023 Maryland Youth Risk Behavior Survey/Youth Tobacco Survey (YRBS/YTS). 2024. Accessed 20 Aug 2025 at <https://health.maryland.gov/phpa/ccdpc/Reports/Pages/YRBS-2022-2023.aspx>.

¹⁶ 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 13 Aug 2025 at <https://www.cdc.gov/mmwr/volumes/72/wr/mm7244a1.htm>.

¹⁷ CDC Foundation. (2025). *Maryland E-Cigarette Unit Sales by Product Type and Flavor*. Monitoring Tobacco Product Use. Retrieved August 13, 2025, from <https://tobacomonitoring.org/state/maryland/>

¹⁸ 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 31 July 2025 at <https://www.cdc.gov/mmwr/volumes/72/wr/mm7244a1.htm>.

¹⁹ U.S. Food and Drug Administration. (2025, July 17). *FDA Authorizes Marketing of Tobacco- and Menthol-Flavored JUUL E-Cigarette Products* [Press release]. Retrieved August 13, 2025, from <https://www.fda.gov/tobacco-products/ctp-newsroom/fda-authorizes-marketing-tobacco-and-menthol-flavored-juul-e-cigarette-products>

²⁰ Ibid.

²¹ Trapl, E. S., O'Rourke-Suchoff, D., Yoder, L. D., Cofie, L. E., Frank, J. L., & Fryer, C. S. (2016). Youth acquisition and situational use of cigars, cigarillos, and little cigars: *American Journal of Preventive Medicine*, 52(1), e9–e16. <https://doi.org/10.1016/j.amepre.2016.08.011>

statewide population-based surveys (e.g., YRBS/YTS, BRFSS) and coordinating with partner agencies to curb youth accessing and using both tobacco and cannabis products.

Oral nicotine pouches are a smokeless product also gaining popularity with youth and young adults. According to the National Youth Tobacco Survey in the 2023-24 school year, 1.8 percent of U.S. middle and high school students used an oral nicotine product.²² These products do not contain tobacco leaf, but rather nicotine powder (and other ingredients) that is either derived from a tobacco plant or synthetically produced in a lab (e.g., non-tobacco nicotine). While some products are marketed as ‘tobacco-free’, they still contain high levels of nicotine and are especially harmful to youth and young adults.²³ Many products are available in flavors, such as mint, cinnamon, fruits, and coffee, that appeal to youth and young adults.²⁴ Young people are also attracted to these products because they are discrete and low-cost; one tin of 15 Zyn pouches cost less than \$5.00 in Maryland in 2024.²⁵ Popular brand names include Zyn (Swedish Match), Velo (British American Tobacco), and On! (Altria), with Zyn leading the U.S. market and selling 385 million cans in 2023, a 62 percent increase from 2022.²⁶ Zyn has skyrocketed in popularity with young people via self-promotion of youth users, known as ‘ZYNfluencers’ and marketing on social media platforms.^{27,28} Although tobacco companies tout these products as safer alternatives or ways to quit combustible tobacco products, only about 35 percent of U.S. adult nicotine pouch consumers have previously smoked cigarettes and of those, only 10 percent stop smoking and switch exclusively to pouches.²⁹ Despite concerns with rising youth use and limited evidence for adult tobacco cessation with using these products, the FDA authorized several Zyn products for marketing and sale, the first oral nicotine products to receive this designation.³⁰

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.³¹ Flavors, including menthol, mask the harshness of tobacco, making it easier for the user to consume, leading to addiction and trouble quitting these products.³² Some ESD products now contain artificial

²² Park-Lee, E., Jamal, A., Cowan, H., Sawdey, M. D., Cooper, M. R., Birdsey, J., West, A., & Cullen, K. A. (2024). Notes from the Field: E-Cigarette and Nicotine Pouch Use Among Middle and High School Students — United States, 2024. *MMWR Morbidity and Mortality Weekly Report*, 73(35), 774–778. <https://doi.org/10.15585/mmwr.mm7335a3>

²³ U.S. Centers for Disease Control and Prevention. (2025, January 31). *Nicotine pouches*. Smoking and Tobacco Use. Retrieved August 14, 2025, from <https://www.cdc.gov/tobacco/nicotine-pouches/index.html>

²⁴ Ibid.

²⁵ Legal Resource Center for Public Health Policy. (2025b). *Zyn Fact Sheet*. Retrieved August 14, 2025, from <https://www.law.umaryland.edu/media/sol/sol-2022-images-and-files/academics/programs-and-centers/legal-resource-center-for-public-health-policy/pdfs-docs-and-files/Zyn-Fact-Sheet.pdf>

²⁶ Truth Initiative. (2024, September 18). *Philip Morris International to invest over \$800 million to meet growing Zyn market* [Press release]. Truth Initiative. Retrieved August 14, 2025, from <https://truthinitiative.org/research-resources/emerging-tobacco-products/philip-morris-international-invest-over-800-million>

²⁷ Donaldson, S. I., La Capria, K., DeJesus, A., Ganz, O., Delnevo, C. D., & Allem, J. (2025). Describing ZYN-related content on TikTok: content analysis. *Nicotine & Tobacco Research*. <https://doi.org/10.1093/ntr/ntaf016>

²⁸ American Lung Association. (2024, July 31). *ZYN 101: What to know about big tobacco’s latest addiction*. Retrieved August 14, 2025, from <https://www.lung.org/blog/zyn-nicotine-addiction>

²⁹ Ibid.

³⁰ U.S. Food and Drug Administration. (2025, January 16). *FDA Authorizes Marketing of 20 ZYN Nicotine Pouch Products after Extensive Scientific Review* [Press release]. Retrieved August 14, 2025, from <https://www.fda.gov/news-events/press-announcements/fda-authorizes-marketing-20-zyn-nicotine-pouch-products-after-extensive-scientific-review>

³¹ Ibid fn 20.

³² US Department of Health and Human Services, “E-Cigarette Use Among Youth and Young Adults: A Report of the Surgeon General,” 2016, Accessed 31 July 2025 at <<https://www.ncbi.nlm.nih.gov/books/NBK538680/>>.

sweeteners, which are further enticing young consumers.³³ In 2022, the FDA proposed a ban on menthol as a characterizing flavor in cigarettes and cigars to prevent youth initiation.³⁴ The FDA approved the final menthol rule and submitted it to the White House for final approval in 2023, but it was withdrawn in January 2025.³⁵ Six states and over 400 U.S. municipalities have passed varying restrictions on the sale of flavored tobacco products with at least 200 restricting the sale of menthol cigarettes.³⁶ States that have banned flavored tobacco product sales, including menthol products, have seen positive public health benefits, including reduced sales without significant sales increases in neighboring states and reduced adolescent tobacco use (cigarettes and ESDs).^{37,38,39} 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.

Conclusion

Through coordinated enforcement and training efforts from MDH, the ATCC, LHDs, and other partners, Maryland remained compliant with federal Synar requirements in FFY 2025. With the Tobacco Retailer Modernization Act of 2024 and other tobacco legislation now effective, MDH has 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. However, the recent federal and state funding cuts on enforcement efforts in SFY 2026 will impact staffing, funding to LHDs and community-level grantees, and other contracts. The longer-term impacts of these funding reductions are currently unknown but changes may translate to more tobacco enforcement efforts falling to already strained statewide and local agencies, including MDH and LHDs, potentially exposing Maryland residents to tobacco-related harms and exacerbating tobacco-related health disparities. Despite these uncertainties and challenges, 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 Cigarette Restitution

³³ Erythropel, H. C., Jabba, S. V., Mellinghoff, R. A., Garcia-Gallet, V., Silinski, P., Zimmerman, J. B., & Jordt, S. E. (2025). Prevalence of artificial sweetener Neotame in US-Marketed Disposable E-Cigarettes. *JAMA*. <https://doi.org/10.1001/jama.2025.7398>

³⁴ U.S. Food and Drug Administration. (2022, April 28). FDA Proposes Rules Prohibiting Menthol Cigarettes and Flavored Cigars to Prevent Youth Initiation, Significantly Reduce Tobacco-Related Disease and Death [Press release]. Retrieved August 11, 2025, from <https://www.fda.gov/news-events/press-announcements/fda-proposes-rules-prohibiting-menthol-cigarettes-and-flavored-cigars-prevent-youth-initiation>

³⁵ Public Health Law Center at Mitchell Hamline School of Law. (2025). FDA Menthol Timeline. Public Health Law Center. Retrieved July 31, 2025, from <https://www.publichealthlawcenter.org/resources/fda-menthol-timeline>

³⁶ Campaign for Tobacco-Free Kids, "STATES AND LOCALITIES THAT HAVE RESTRICTED THE SALE OF FLAVORED TOBACCO PRODUCTS," Accessed on 13 Aug 2025, <https://www.tobaccofreekids.org/assets/factsheets/0398.pdf>.

³⁷ Ali, F. R. M., Leventhal, A. M., Diaz, M. C., Crane, E. W., & Marynak, K. (2025). Changes in E-Cigarette and cigarette sales in California and neighboring states following a law prohibiting flavored tobacco product sales. *American Journal of Public Health*, e1–e5. <https://doi.org/10.2105/ajph.2025.308182>

³⁸ Ali, F. R. M., King, B. A., Seaman, E. L., Vallone, D., & Schillo, B. (2022). Impact of Massachusetts law prohibiting flavored tobacco products sales on cross-border cigarette sales. *PLoS ONE*, 17(9), e0274022. <https://doi.org/10.1371/journal.pone.0274022>

³⁹ Hawkins, S. S., Kruzik, C., O'Brien, M., & Coley, R. L. (2021). Flavoured tobacco product restrictions in Massachusetts associated with reductions in adolescent cigarette and e-cigarette use. *Tobacco Control*, 31(4), 576–579. <https://doi.org/10.1136/tobaccocontrol-2020-056159>

Fund, and other funding is critical to statewide tobacco control and enforcement activities that reduce retailer noncompliance rates. As the tobacco product landscape and youth tobacco use behaviors continue to change, MDH will use 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 tobacco products, provide retailer support to ensure compliance with youth access laws, and improve the health of Marylanders.