Tobacco Enforcement
A Local Agency Perspective

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What Local Enforcement Does

• Enforcement at in-store point of sale
• Conduct compliance checks using underage youth
• Conduct checks with youth who use their own real government issued ID
Synar Retailer Violation Percentage Change

<table>
<thead>
<tr>
<th>State (663 checks)</th>
<th>Anne Arundel (56 checks)</th>
<th>Baltimore City (154 checks)</th>
<th>Baltimore Co. (90 checks)</th>
<th>Calvert (9 checks)</th>
<th>Cecil (12 checks)</th>
<th>Howard (22 checks)</th>
<th>Montgomery (65 checks)</th>
</tr>
</thead>
<tbody>
<tr>
<td>31.4%</td>
<td>34.8%</td>
<td>36.7%</td>
<td>54.7%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>8.5%</td>
<td>10.7%</td>
<td>12.3%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>4.5%</td>
<td>9.8%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>12.3%</td>
</tr>
</tbody>
</table>
# FY2019 Local Enforcement Results

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th># of Tobacco Retailers</th>
<th># of Compliance Checks</th>
<th>Violation Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anne Arundel County</td>
<td>555</td>
<td>754</td>
<td>12.6%</td>
</tr>
<tr>
<td>Baltimore City</td>
<td>1,536</td>
<td>615</td>
<td>8.0%</td>
</tr>
<tr>
<td>Baltimore County</td>
<td>901</td>
<td>3,348</td>
<td>5.8%</td>
</tr>
<tr>
<td>Calvert County</td>
<td>85</td>
<td>114</td>
<td>18.7%</td>
</tr>
<tr>
<td>Cecil County</td>
<td>117</td>
<td>66</td>
<td>5.0%</td>
</tr>
<tr>
<td>Howard County</td>
<td>219</td>
<td>401</td>
<td>10.0%</td>
</tr>
<tr>
<td>Montgomery County</td>
<td>650</td>
<td>300</td>
<td>17.7%</td>
</tr>
</tbody>
</table>
What Local Enforcement Does Not Do

• Monitor tobacco sales to underage youth using fake IDs
• Control sales made to underage youth outside of compliance checks
• Monitor sales made to individuals who give the products to underage youth
• Monitor sales made through the internet
Enforcement Works... or does it?

- Internet Purchase: 5.6%
- Direct Purchase in Retail Stores: 9.7%
- Proxy Purchase: 19.6%
- Borrowed them/someone gave them to me: 53.3%

**ESD Sales to youth under 18 years of age**

2018 Youth Risk Behavior Survey/Youth Tobacco Survey - Unpublished
Penalties for Sales

• Many jurisdictions have set their own penalties
• State civil penalty, the licensee/owner may be subject to a penalty up to:
  – $300 for a first violation
  – $1,000 for a second violation within two years of the first violation
  – $3,000 for each subsequent violation occurring within two years of preceding violation

➤ Referral to the Office of the Comptroller of Maryland for multiple violations
# Referrals to Comptroller of Maryland Office

## Referrals and Dispositions

### FY2019

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th># Referred</th>
<th>Suspension</th>
<th>Reprimand</th>
<th>Warning</th>
<th>No Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anne Arundel</td>
<td>4</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Baltimore County</td>
<td>97</td>
<td>10 (5 FTA)</td>
<td>29</td>
<td>50</td>
<td>5</td>
</tr>
<tr>
<td>Howard County</td>
<td>14</td>
<td>2</td>
<td>9</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>115</strong></td>
<td><strong>12</strong></td>
<td><strong>41</strong></td>
<td><strong>53</strong></td>
<td><strong>6</strong></td>
</tr>
</tbody>
</table>
Comptroller of Maryland
Local Agency Suggestions

1. Progressive discipline for retailers that receive multiple violations
2. Clear policies and procedures for submission of referrals with standard criteria, written and distributed to local agencies and retailers
3. Consistency with level of disciplinary action
4. Communication with local Tobacco Coordinators
Opportunities for Limiting Youth Access

- Limit the number of tobacco licenses issued. Increased 10% from FFY15 – FFY19. Consider a density limit and proximity to schools.

- Provide information at the time of license application. Require mandatory annual training prior to issuing/renewing license.

- Increase funding to support enforcement efforts. Funding to most local agencies has not been increased from FY15 to FY19, while the number of retailers as well as staff cost & time has increased.
Opportunities for Limiting Youth Access

• Ban online sales

• Ban promotions such as discounts to students & discounted prices on products

• Hookah Lounge and Vape Shop monitoring- Consider making these establishments 21 and over and utilizing Field Enforcement Agents to monitor
Youth Tobacco Use Perception: Helps Youth to ‘Fit in’ or ‘Look Cool’ ‘Have More Friends than Nonsmokers’

How is Smoking Perceived by Maryland High School Youth Who Smoke?

Smoking Maryland High School Youth Belief that Smokers Have More Friends/Smoking Helps Youth to Fit In, Maryland YRBS/YTS

Youth Use of Flavored Products

- Flavors mask the harshness of tobacco and improve taste, making them appealing to youth
- Percentage of youth ages 12 to 17 who reported that flavoring was a primary reason for using a tobacco product was:
  - E-Cigarettes 81.5%
  - Hookah 78.9%
  - Cigars 73.8%
  - Smokeless tobacco 69.3%
  - Snus pouches 67.2%

(Flavored Tobacco Use Among Youth and Young Adults, truthinitiative.org, Jan. 16, 2018)
Youth Use of Flavored Products

• Data from the Maryland YRBS/YTS showed that 9% of high school youth reported current use of cigars in 2016 and 6% of high school youth reported current use of little cigars in 2018

• Of the 6%, 49.4% reported using flavored little cigars
Questions?