



Town Hall Series: Part 1

Underage Tobacco Use

On behalf of the Tobacco Free Living Action Team of the Healthy St. Mary's Partnership, we would like to thank our partners:

Minority Outreach Coalition (MOC)

Nathaniel Scroggins

Unified Committee for Afro-American Contributions (UCAC)

Michael Brown

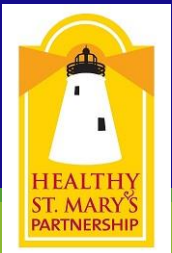
Walden Sierra

Laura Webb, M.A., A.C.E.

St. Mary's County Sheriff's Office

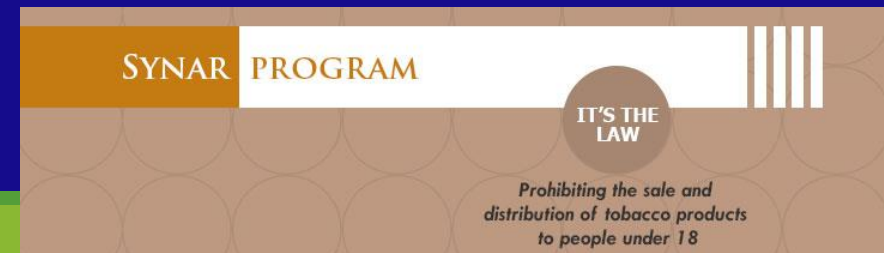
Cpl. James R. Stone

Deputy Greg Oresik



The Synar Amendment

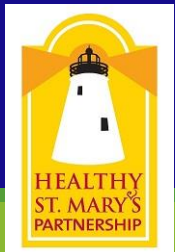
In July 1992, Congress enacted the Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act, which includes the Synar Amendment, aimed at decreasing youth access to tobacco. This amendment, named for its sponsor, Congressman Mike Synar of Oklahoma, requires states, territories, and the District of Columbia to enact and enforce laws prohibiting the sale or distribution of tobacco products to individuals under age 18 years.



Synar Regulation

Regulations requires that states:

- ✓ Enact laws prohibiting any manufacturer, retailer, or distributor of tobacco products from selling or distributing such products to any individual younger than age 18
- ✓ Enforce these laws
- ✓ Conduct annual, unannounced inspections that provide a valid probability sample of tobacco sales outlets accessible to minors
- ✓ Negotiate interim targets and a date to achieve a noncompliance rate of no more than 20% (SAMHSA requires that each state reduce its retailer violation rate to 20% or less by FY 2003)
- ✓ Submit an annual report detailing activities to enforce the law



Youth Tobacco Use in St. Mary's County

Dr. Meenakshi Brewster, MD, MPH, FAAFP
Health Officer, St. Mary's County Health Department



Tobacco Statistics

Figure 1. Adults who currently smoke, 2013¹

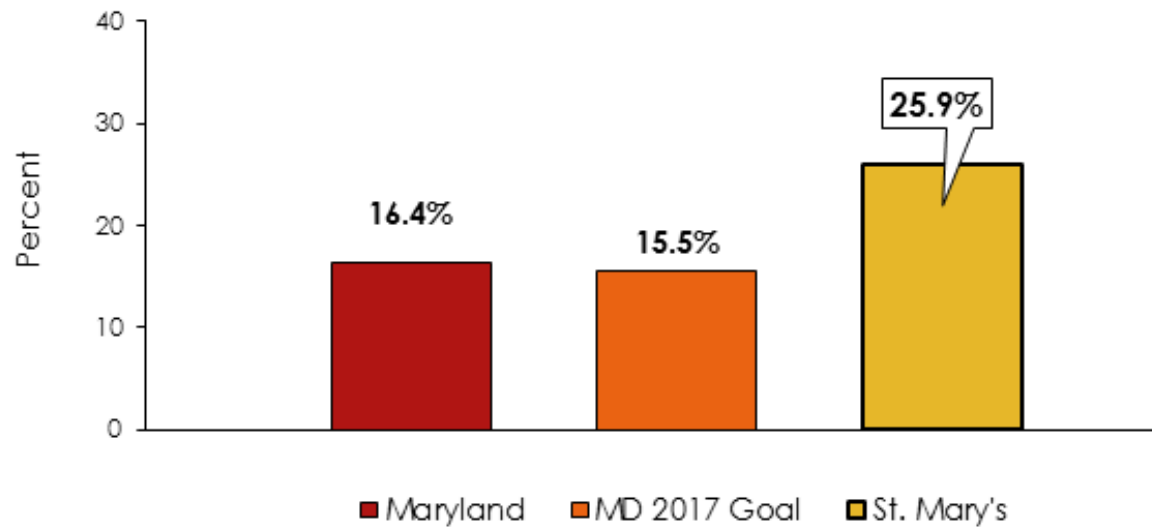
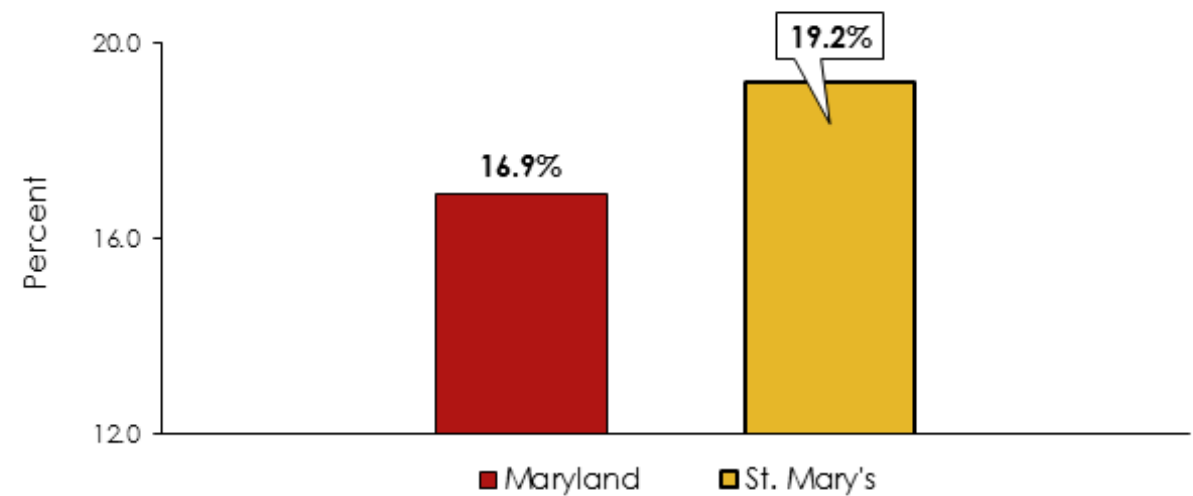


Figure 2. High school students currently using tobacco, 2013²



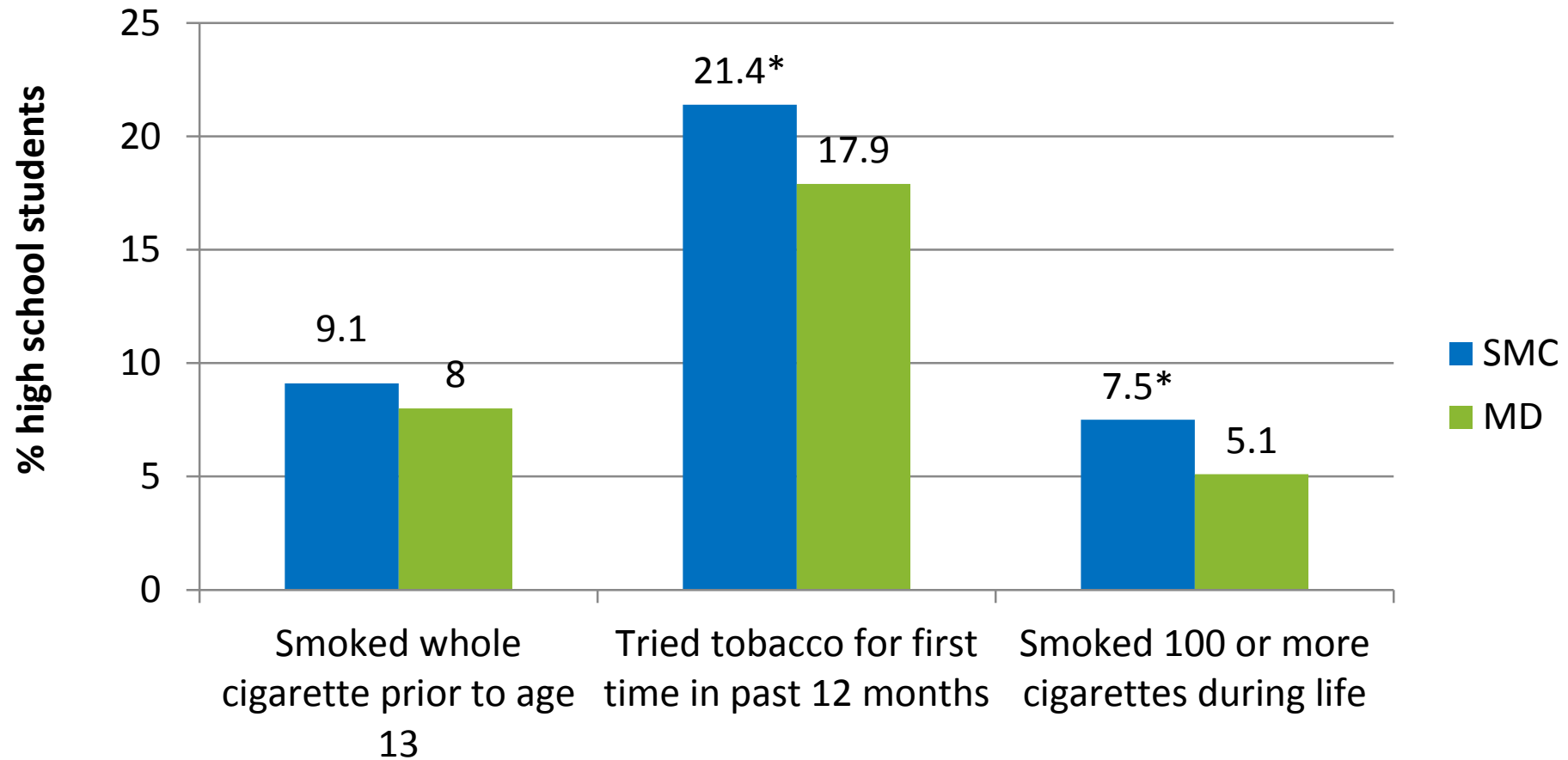
Youth Tobacco Rates

Youth Risk Behavior Survey (YRBS) 2013: Nationally implemented public health surveillance tool

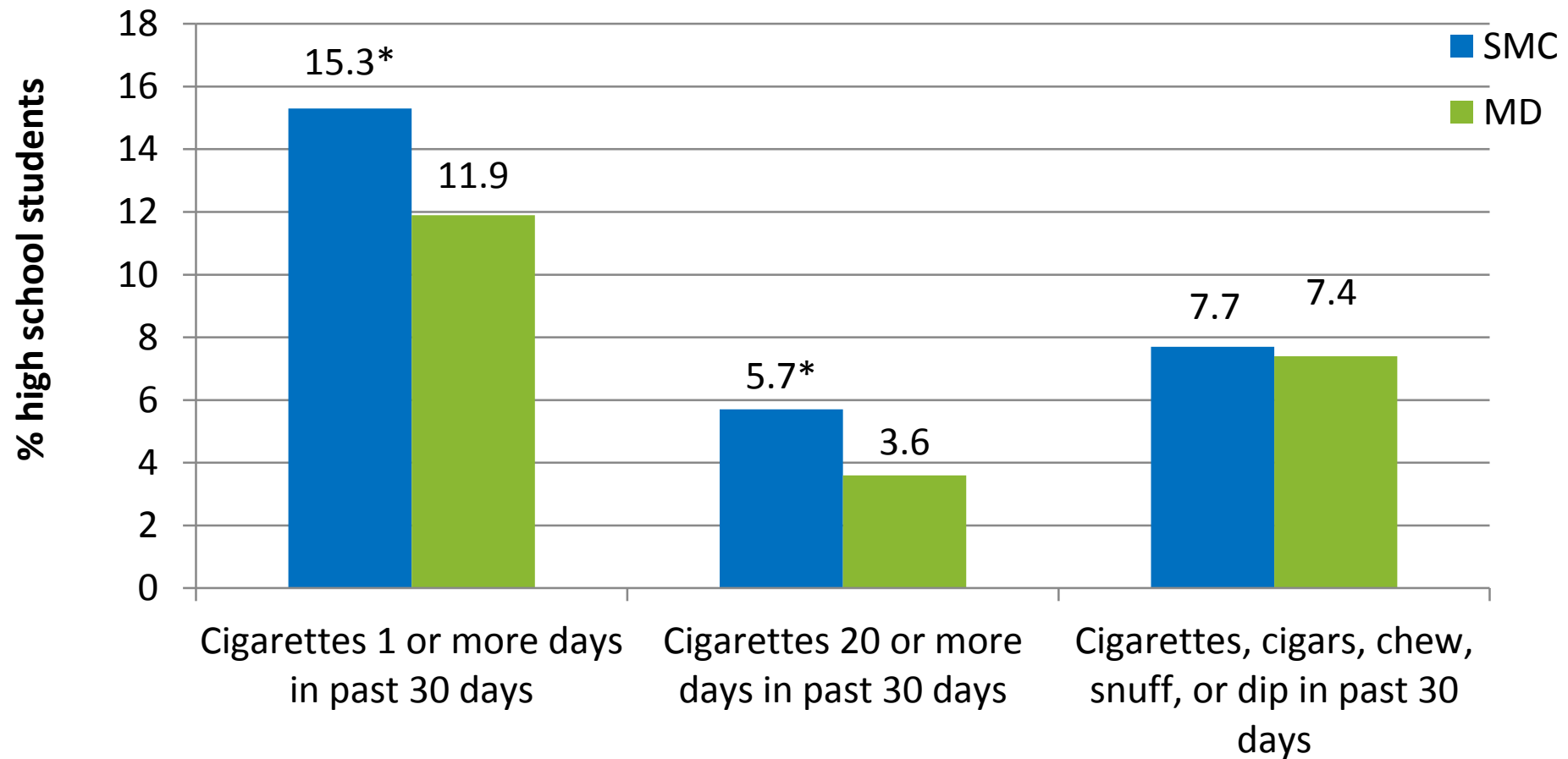
Youth behaviors assessed

- Alcohol, **tobacco**, and other drug use/abuse
- Injury & Violence
- Nutrition
- Physical Activity
- Sexual Behaviors
- Depression & Suicide
- Asthma

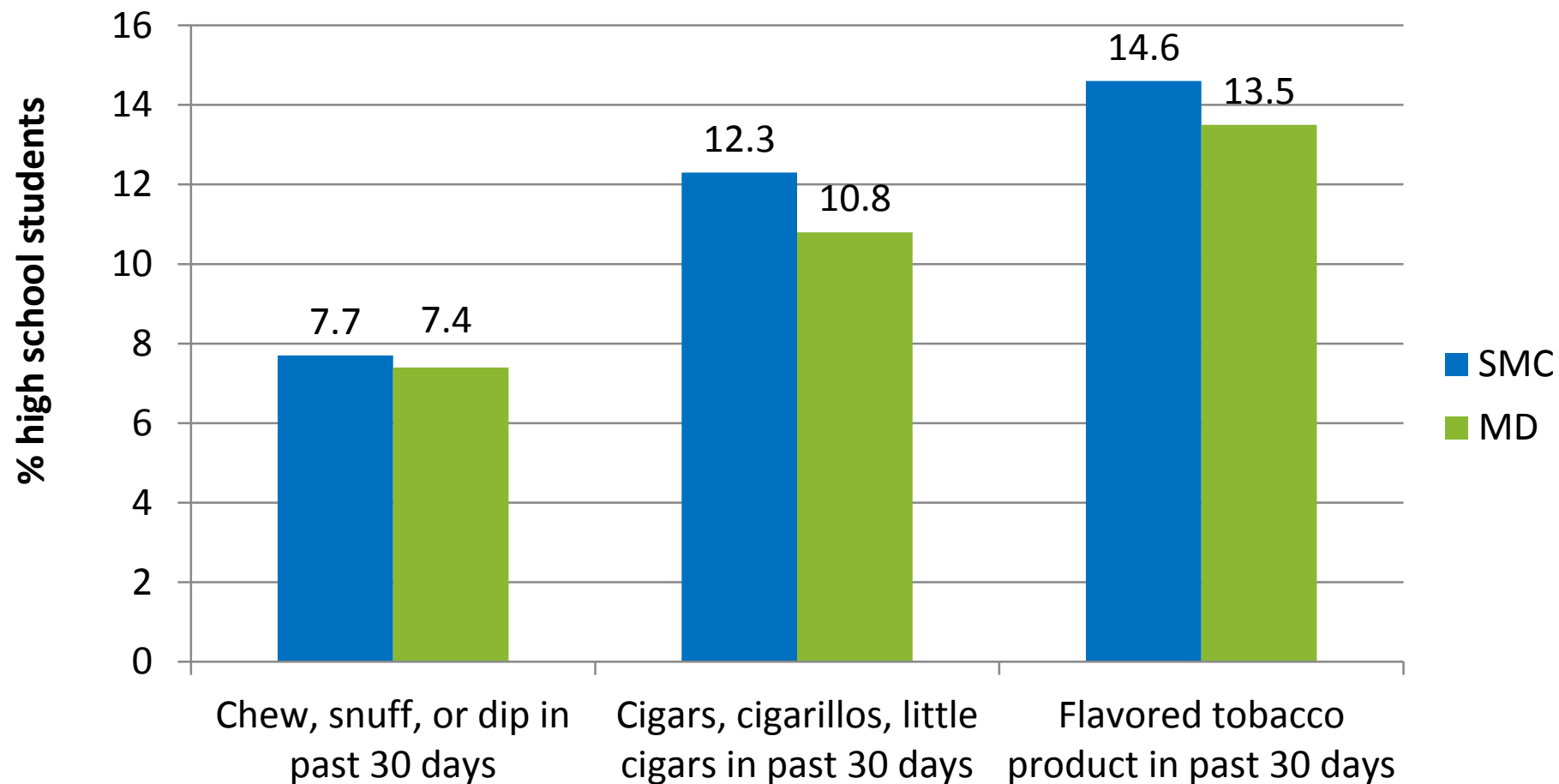
History of Tobacco Use



Current Tobacco Use



Current Tobacco Use



Smoking and Other Drug Use by MD High School Students

Smoking Status	Currently Drink Alcohol	Currently Use Marijuana	Currently Abuse Rx Drugs	Ever Used Other Illegal Drugs
Non-Smokers	23.7%	12.6%	4.2%	8.9%
Smokers	79.4%	67.0%	37.9%	51.1%
Increased Likelihood for Smokers	3x	5x	9x	6x

* The increased likelihood represents the relative risk of a smoker engaging in the behavior vs. that of a nonsmoker. Please note that the data above represent correlations in risk behaviors and are not presented as evidence of causality.

Source: Maryland Department of Health and Mental Hygiene, "Monitoring Changing Tobacco Use Behaviors: Underage Maryland Youth 2000-2013, Adults Ages 18 and Older 2000-2012," June 2014.

Tobacco Enforcement in St. Mary's County

Cpl. James Stone
St. Mary's County Sheriff's Office



St. Mary's County Sheriff's Office



Tobacco Laws and Regulations

William Tilburg, J.D.
Deputy Director, Legal Resource Center for Public Health Policy
University of Maryland Carey School of Law



Center Profile

- **Founded in 2001**
- **Partnership between UM School of Law, DHMH and Maryland Office of the Attorney General**
- **CDC/DHMH grant-funded legal center**
- ***Pro bono* legal assistance to:**
 - Legislators
 - Health officials
 - Gov't Attorneys
 - NGOs
 - Individual Citizens
- **Focus areas include:**
 - State/Local Legislation
 - Injury Prevention
 - Tobacco Regulation
 - Obesity Prevention
 - Local Authority



Sources of Law

- Tobacco control governed by federal, state and local laws:
 - Family Smoking Prevention and Tobacco Control Act
 - Maryland Code
 - Criminal Law Article §10-107
 - Health-General §24-305
 - Local Gov't Article 1-1201
 - County Ordinances
- Tobacco retailers must abide by all laws, but law enforcement may only enforce state and local laws

St. Mary's County

- **Criminal Law 10-107**

- Bans sale of tobacco products to minors
- Criminal misdemeanor; \$300, \$1,000, and \$3,000 in escalating fines

- **Local Gov't 1-1203**

- Bans sale of tobacco products to minors (same language as 10-107)
- Civil money penalty; \$300-\$500
- Health officer (or designee) or law enforcement may enforce

- **Health-General 24-305**

- Bans sale of e-cigarettes and e-liquid to minors
- Civil money penalty; \$300-\$500
- Health officer (or designee) or law enforcement may enforce

What is the law?

	Synar	FDA	State/Local
Source of Law	Synar Amendment to the Alcohol, Drug Abuse and Mental Health Admin. Reorganization Act (Public Law 102-321)	Family Smoking Prevention and Tobacco Control Act, Section 102 21 C.F.R. §1140.14	Maryland Code, Criminal Law §10-107 Maryland Code, Local Gov't §1-1203 Maryland Code, Health-General §24-305 County Ordinance
Requirements	<ul style="list-style-type: none"> • Enact/Enforce tobacco sales to minors laws • 10% random sample of each jurisdiction • Retailer Violation Rate of 20% or less 	<ul style="list-style-type: none"> • Prohibit sale of cigarettes/smokeless tobacco to minors • Face to face transactions • ID Check under 27 • Labeling and advertising restrictions 	<ul style="list-style-type: none"> • Prohibit sale of all tobacco products to minors • Sale of unpackaged cigarettes
Who Enforces the Law?	Behavioral Health Admin., Statewide Projects Tobacco Staff and a minor	FDA commissioned officer and a minor (16-17 yr. old)	Law Enforcement Health Officer or designee
Penalties	None	Violation letter and civil money penalties	Misdemeanor and fine up to \$300, \$1,000 and \$3,000 Civil money penalties
Referral to Comptroller	Yes	Yes	Yes

Federal Law vs. Maryland Law

	Federal Law	Maryland Law
Age to Purchase	18 (for cigarettes and smokeless tobacco)	18 (for all tobacco products)
ID Check	Required for anyone under 27	-
Vending Machines	Only in 18+ establishments	Only in 18+ establishments
Self-Service Displays	Banned (for cigarettes and smokeless tobacco)	-
Packaging	Ban sale of unpackaged cigarettes	Ban sale of unpackaged cigarettes
Licensing	-	Required (\$25)
Excise Tax	\$1.01 per pack Varying rates per/lb. (OTP)	\$2.00 per pack 15%-70% (OTP)
Samples	No Free Samples	No Free Samples
Product Restrictions	Flavored cigarette ban No "Light," "Mild," & "Low" labels	-

What Can Local Authorities Issue Citations for?

- **Sale or Distribution of a Tobacco Product to a Minor**
 - Misdemeanor and fine up to \$300 (1st) \$1,000 (2nd) and \$3,000 (3+)
 - Civil money penalty
- **Sale of Electronic Cigarettes**
 - Civil money penalty (\$300 – 1st offense; \$500 – 2nd and subsequent offenses)
- **Vending Machines**
 - 18+ establishment and operated by token/card purchased from establishment
 - Misdemeanor and fine up to \$100
- **Youth Possession/False ID**
 - Civil penalty
- **Sale of Clove Cigarettes**
 - Misdemeanor and fine up to \$500

What Can Local Authorities NOT Issue Citations for?

- Failure to Check ID (except Baltimore County)
- Self-Service Displays (No state law)
- Sale of Unpackaged Cigarettes
- Sale of Flavored Cigarettes
- Sale of tobacco products with “reduced harm” claims (i.e. light, mild, low)
- Licensing, Taxation and Minimum Cost Violations

Importance of Local Compliance Checks

- **Local compliance checks do not factor into SYNAR compliance rates, but greatly impact retailer behavior**
- **Reported Retailer Violation Rates**
 - **FY09** – **5.1%** (Last year of statewide funding for local compliance inspections)
 - **FY10** – 16.8% (Highest rate in U.S.)
 - **FY11** – 17.0% (3rd Highest rate in U.S.)
 - **FY12** – 17.3% (2nd highest rate in U.S.)
 - **FY13** – 16.8% (2nd highest rate in U.S.)
 - **FY14** – 24.1% (Highest rate in U.S.)
 - **FY15** – 31.4% (Highest rate in U.S.)
- **National Average FY09-FY13 → 9.48%**

Synar Alternative Penalty Reporting Requirements

DHMH must report to SAMHSA spending at the state and local level in the following categories:

- Enforcement Compliance Checks
- Tobacco Retailer Licensing and Registration
- Tobacco Retailer Education and Diversion Programs
- Youth Education Programs

State Fiscal Year 2016 initiatives

\$3.9M (July 1, 2015 – June 30, 2016) Violation rate 31.4%

- **Local Health Departments**

Q1 – conducted 2,281 compliance checks, issued 240 citations, conducted 758 face-to-face education sessions, provided education for 48 youth

- **Minority Outreach and Technical Assistance**

Q1 – conducted 360 face-to-face education sessions

- **Partnership with Legal Resource Center**

Q1 – provided technical assistance, presentations/local visits, 12/8/15 Compliance Workshop

- **Statewide Outreach to Retailers**

Q1 – ad development and placement and tobacco retailer focus groups



SFY 2016 Implementation:

Retailer Focus Groups

- Multiple focus groups conducted in high population areas
 - Both owners/clerks
 - Ascertained current knowledge of youth access laws
 - Obtained feedback on existing and new proposed ads/creative/toolkits/website
 - Discussed barriers, former non-compliance experiences, and retail environment materials desired to assist with compliance
- Key takeaways
 - Managers/owners play critical role in educating clerks/cashiers about laws
 - Materials, such as the toolkit and the quick reference guide, were considered useful and valuable to the training of all employees
 - Straight to the point messages such as, “We ask for photo ID from everyone under 27” and “If you’re under 18, that means no tobacco sales” were most useful
 - Several participants cited increased enforcement in last 12 months+

“This is like your little guide to make sure that you are fully capable of being able to responsibly sell tobacco products.”

– Focus Group Participant speaking about the Retailer Guide

“I know that if they look under 27, you’re supposed to card them. That’s what it says on those little stickers that they put in the windows.”

– Focus Group Participant

SFY 2016 Implementation: Statewide Media

- New creative developed as result of focus groups.
- Responsible Tobacco Retailer ads will run on billboards, transit, and will be sent to licensed tobacco retailers throughout the State.
- Radio advertisements will air across the state, along with opportunities for new interviews to re-introduce the campaign. (\$11,000)
- Launching early January 2016 statewide.



FFY16 Maryland Synar Violation Rate

13.8%

- **0-4%** Allegany (6 outlets inspected), **Caroline** (4), Carroll (13), Garrett (5), **Howard** (20), Queen Anne's (5), St. Mary's (9), **Somerset** (2), Talbot (4), Washington (12)
- **5-9%** Cecil (12), **Charles** (13), Montgomery (59)
- **10-14%** Calvert (8), Frederick (18), Harford (18)
- **15-19%** Anne Arundel (48), Baltimore **City** (140), Baltimore Co. (69), Worcester (13)
- **>20-33%** Kent (3), **Prince George's** (74), Wicomico (8), Dorchester (4)



Question and Answer



Next Town Hall Meeting:

April 21, 2016

Part 2: E-Cigarette Use



Thank You For Coming!

