

IT'S THE LAW

MARYLAND LAWS

Sale and Distribution

- Tobacco products may ONLY be sold to individuals age 18 or older. *Md. Ann. Code Crim. Law § 10-107 and Md. Ann. Code Health- General § 24-307*
- The sale of tobacco products in vending machines is prohibited unless the vending machine is located in an adult-only (age 18 or older) establishment. *Md. Ann. Code Bus. Reg. § 16-3A-02*
- Cigarettes may ONLY be sold in packages of at least 20. *Md. Ann. Code Comm. Law § 11-5A-02*
- The sale of clove cigarettes is prohibited. *Md. Ann. Code Crim. Law § 10-106*
- Electronic cigarettes; component parts; liquid nicotine; or products used to refill or resupply an electronic cigarette may ONLY be sold to individuals 18 and older. *Md. Ann. Code Health-Gen. § 24-305(b)(1)*
- A **minor** may NOT use or possess a tobacco product or cigarette rolling paper or obtain or attempt to obtain a tobacco product or cigarette rolling paper by using a form of ID that is falsified or IDs the minor as another individual. *Md. Ann. Code Crim. Law § 10-108*

Violations and Penalties

- Sale or distribution of a tobacco product to a minor: The clerk or licensee (or both) may be subject to a civil penalty or a criminal misdemeanor and a fine up to:
\$300 for a first violation;
\$1,000 for a second violation within 2 years of the first violation;
\$3,000 for each subsequent violation occurring within 2 years of preceding violation.
Md. Ann. Code Crim. Law § 10-107 and Md. Ann. Code Health- General § 24-307
- Sale or distribution of electronic cigarettes; component parts; liquid nicotine; or products used to refill or resupply an electronic cigarette to a minor: The clerk or owner (or both) is guilty of a civil offense and a fine up to:
\$300 for a first violation;
\$500 for any subsequent violation occurring within 2 years of the previous offense.
Md. Ann. Code Health-Gen. § 24-305
- Sale of unpackaged cigarettes: a retailer that distributes an unpackaged cigarette is guilty of a criminal misdemeanor and is subject to a fine up to \$500 or imprisonment for up to 3 months or both. *Md. Ann. Code Comm. Law § 11-5A-03*

A more detailed explanation of Maryland Tobacco Sales laws may be found at:
http://www.law.umaryland.edu/programs/publichealth/tobacco/regulations_resources.html

Laws and penalties are subject to change.
Visit www.NoTobaccoSalesToMinors.com for the most up-to-date information.

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October 2017

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LICENSING REQUIREMENTS

Retailers selling cigarettes, other tobacco products, or ENDS (Electronic Nicotine Delivery Systems, e-cigarettes, vapes) must secure a license from the clerk of the Circuit Court for the jurisdiction in which the retailer is located. Licenses expire on April 30th and must be renewed annually.

- If a retailer sells cigarettes, they must obtain a license to do so.
- If a retailer sells cigarettes and other tobacco products, they must obtain an endorsement to sell other tobacco products (at no additional cost), in addition to the requisite cigarette license.
- If a retailer sells other tobacco products and does not sell cigarettes, they must obtain a specific license to do so.
- If a retailer sells ENDS and cigarettes or other tobacco products, they do not need to obtain an additional license to sell ENDS.
- If a retailer sells ENDS and does not have a license to sell cigarettes or other tobacco products, they must obtain a license to do so.

Violations and Penalties

- Selling or distributing tobacco products or ENDS without the appropriate licensure is a criminal misdemeanor subject to a fine up to \$1,000, and/or imprisonment up to 30 days. *Md. Ann Code Bus. Reg § 16.7-211(b)(1), Md. Ann Code Bus. Reg § 16.5-218, Md. Ann Code Bus. Reg § 16-214(b)(1)-(2)*

SELLING TOBACCO
TO KIDS-
IT'S NOT A MINOR THING!

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FEDERAL REGULATIONS

On June 22, 2009, the President signed the Tobacco Control Act into law. The Tobacco Control Act grants FDA authority to regulate the manufacturing, marketing and distribution of tobacco products to protect public health and to reduce tobacco use by minors. The FDA originally only regulated cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco products. However, effective August 8, 2016, the FDA began regulating the following tobacco products: ENDS (Electronic Nicotine Delivery Systems, e-cigarettes, vapes), all cigars (including premium), hookah (waterpipe tobacco), pipe tobacco, nicotine gels, and dissolvables.

ID Check

- Tobacco products, including ENDS may ONLY be sold to individuals age 18 or older. *21 C.F.R. § 140.16(c)*
- Retailers **MUST** check photo ID of everyone under age 27 who attempts to purchase any tobacco product, including ENDS. *21 C.F.R. § 140.14(b)(2)*

Sale and Distribution

- Cigarettes and smokeless tobacco products may ONLY be sold in face-to-face transactions. Check your local law - several Maryland counties and Baltimore City require face-to-face transactions for the sale of ALL tobacco products. *21 C.F.R. § 1140.16(c)*
- The sale of any tobacco product, including ENDS, in vending machines is prohibited unless the vending machine is located in an adult-only (age 18 or older) establishment. *21 C.F.R. § 1140.16(c)*
- Cigarettes may ONLY be sold in packages of at least 20. *21 C.F.R. § 1140.16(b)*
- Breaking or opening packages of smokeless tobacco to sell in any quantity smaller than the smallest package distributed by the manufacturer for individual use is prohibited. *21 C.F.R. § 1140.14(d)*
- Retailers may NOT distribute free samples of tobacco products (excluding free samples of smokeless tobacco in a "qualified adult-only facility") or offer gifts with the purchase of any tobacco product. *21 C.F.R. § 1140.16(d)(1)*
- The sale of flavored cigarettes (excluding menthol) is prohibited. *21 U.S.C. 387g*
- Retailers are required to alter self-service displays so that all transactions involving cigarettes or smokeless tobacco are face-to-face and do not allow for the opening of any cigarette or smokeless tobacco package. *21 C.F.R. § 1140.14(a)(5)*



Advertising and Promotion

- It is prohibited to offer any gift or item to a person purchasing cigarettes or smokeless tobacco in consideration of (a) the purchase of tobacco products; or (b) providing evidence of such purchase, such as credits, proof-of-purchase, or coupons. *21 C.F.R. § 1140.34(b)*
- It is prohibited to sponsor any athletic, musical, artistic, or other social or cultural event—or any entry or team in any event—that is identified with a brand of cigarettes or smokeless tobacco. *21 C.F.R. § 1140.34(c)*

Violations and Penalties

- There are two schedules for civil money penalties for retailers who violate the Tobacco Control Act. Escalating fines can be up to \$11,000 and repeat violators may be subject to a no-tobacco-sale order.

RESOURCES

- Campaign Materials**
 - www.NoTobaccoSalesToMinors.com
- Comptroller of Maryland**
 - www.comp.state.md.us
- FDA**
 - www.fda.gov/TobaccoProducts/default.htm
 - www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/default.htm
- Maryland Department of Health, Behavioral Health Administration**
 - <https://bha.health.maryland.gov>
- Maryland Department of Health, Center for Tobacco Prevention and Control**
 - https://phpa.health.maryland.gov/ohpetup/Pages/tob_home.aspx
- Maryland Synar Reports (state tobacco retailer compliance checks)**
 - <https://bha.health.maryland.gov/Pages/Maryland-Synar-Reports.aspx>
- Office of the Maryland Attorney General**
 - www.marylandattorneygeneral.gov/Pages/Tobacco
- University of Maryland, Legal Resource Center for Public Health Policy**
 - www.law.umaryland.edu/programs/publichealth
 - www.law.umaryland.edu/programs/publichealth/tobacco/index.html

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