

LEGAL CENTERS AND CROSS-SECTIONAL COLLABORATION TO DRIVE POLICY CHANGE

SPEAKERS



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MODERATOR



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Legal Centers and Cross-Sectional Collaboration to Drive Policy Change

Blair Inniss, JD

*Senior Staff Attorney, Legal Resource Center
for Public Health Policy*

October 22, 2020

Establishing the LRC

- *Who are we?*
 - The Legal Resource Center is a state funded (funded by the MDH) legal resource center, operating in partnership with the University of Maryland Carey School of Law.
- *Logistics*
 - Created in response to the Master Settlement Agreement (MSA)
 - Collaboration between MDH, OAG, and UM Carey Law
 - Funded year 1
- *Function*
 - Law and policy support
- *Needs Assessment*
 - Meetings with local health departments, community coalitions, non-profit organizations
 - Analyzing national trends at the state and local level

LRC's Evolution

2001-2009:

- Relationship building
- Local legislation
- Statewide legislation

2009-2016:

- Tobacco Control Act (TCA)
- Electronic Smoking Devices Legislation
- Other legal concepts

2016+:

- Deeming Rule
- Electronic Smoking Devices and Youth Use as an Epidemic
- Legislative Priorities
- Tobacco 21

Tobacco 21

- **What is Tobacco 21?**
- **LRC's role with the following entities:**
 - **Campaign Advocates**
 - **Government Agencies**
 - LHD
 - Comptroller
 - MDH
 - **Legislators**

Creating a Legal Resource Center: Considerations

- Source of funding
- Partnership with academia
- Needs assessment
 - State Legislatures
 - Local Councils
 - LHDs
 - Non-profit organizations
- Discrete deliverables, but evolving subject matter
- Creating resources (don't reinvent the wheel)

Contact Information

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TOBACCO²¹ MARYLAND

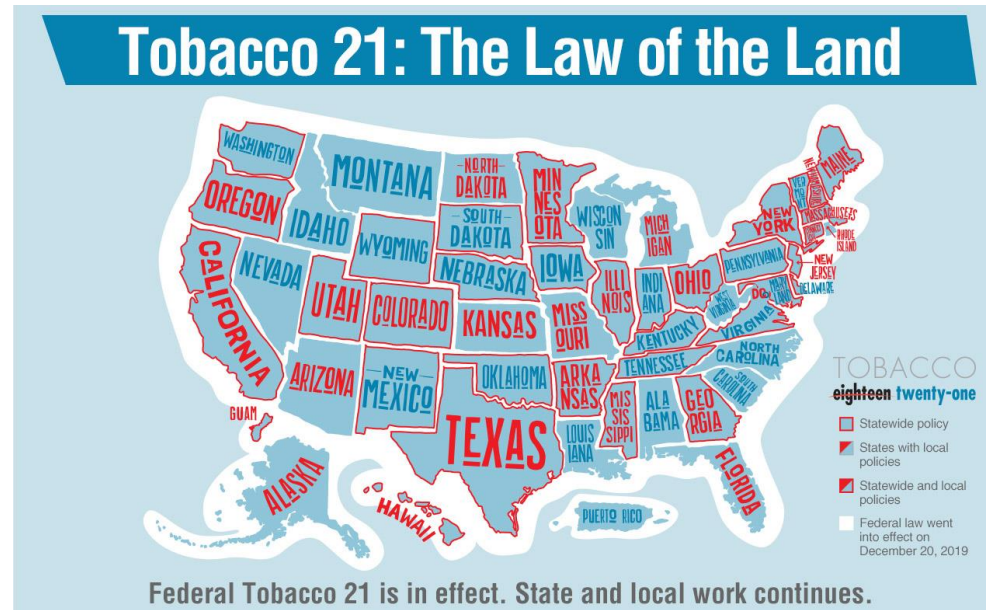
Jocelyn Collins, Maryland and Washington D.C. Govt. Relations Director

American Cancer Society Cancer Action Network

Jocelyn.Collins@cancer.org

Tobacco 21: What is it?

- Tobacco 21 is a national campaign aimed at raising the minimum legal age for tobacco and nicotine sales in the United States to 21.
- Maryland became the 13th state to sign Tobacco 21 into statewide law. It went into effect on October 1, 2019.



TOBACCO²¹
MARYLAND

Tobacco 21 Law Breakdown

- **Fine Structure and Penalties**
 - Retailer not the seller
 - \$300- \$1,000 - \$3,000 from Civil penalties
- **Definitions:**
 - Tobacco Products, Electronic Nicotine Delivery Systems (ENDS) to Electronic Smoking Devices (ESDs), and merging of ESD and Tobacco Products
- **ID Requirements**
 - Government issued ID

Tobacco 21 Law Breakdown Cont.

- **Repeals PUP (purchase, use, and possession) for minors**
- **Compliance Checks and Signage Requirement**
 - DOH
- **Vending Machines**
 - No vending machine sales to occur where persons under age 21 are permitted
- **Military Exemption**
 - Only for **ACTIVE DUTY** military members



Why 21?

The National Academy of Medicine Report in 2015

- Tobacco use would decrease by **12 percent** by the time today's teenagers are adults and smoking-related deaths will decrease by **10 percent**.
- Smoking initiation will be reduced by **25 percent** for 15-17 year olds and **15 percent** for 18-20 year olds.
- Nationwide, it could prevent **223,000** deaths among people born between 2000 and 2019, including 50,000 fewer dying from lung cancer, the nation's leading cancer killer.

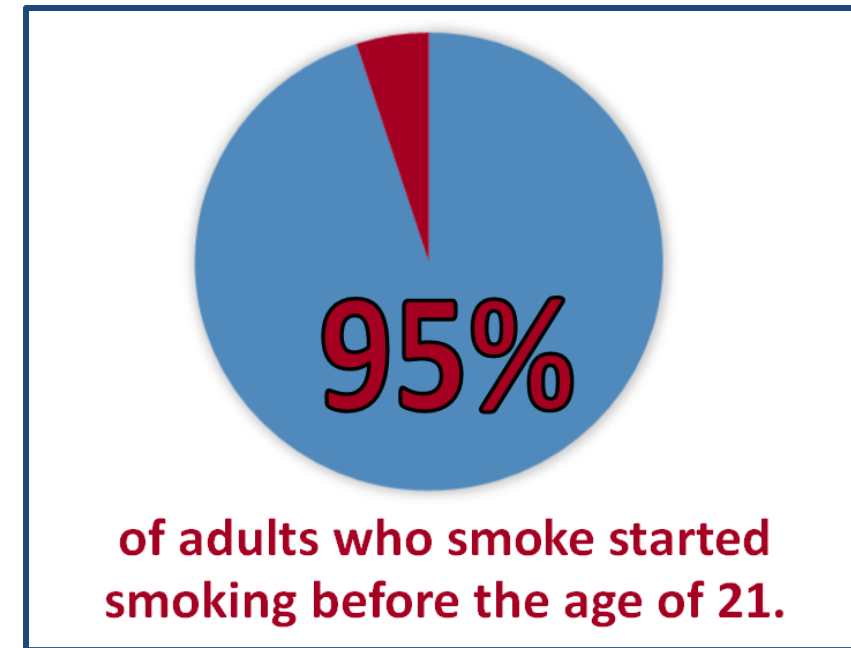


Smoking Addiction Starts Young



HS Students Smoking Nationally

- Nationally 95 percent of adults who smoke start before they turn 21.
- Adolescents and young adults are a critical population to target with evidenced-based, tobacco control strategies.
 - This time period is when the brain is fully developing, including the parts responsible for decision making, impulse control, sensation seeking, and susceptibility to peer pressure.



TOBACCO ²¹↑
MARYLAND

Source:

U.S. Department of Health and Human Services. Substance Abuse and Mental Health Services Administration. Center for Behavioral Health Statistics and Quality. National Survey on Drug Use and Health, 2014. ICPSR36361-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2016-03-22.

U.S. Department of Health and Human Services. Prevention Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Office on Smoking and Health, 2012.

A Look Back at the Data in 2018...

Maryland HS Students Smoking

- 21.6 percent of Maryland high school students currently use some form of tobacco including:
 - 8.2 percent currently smoke cigarettes
 - 6.2 percent currently use smokeless tobacco
 - 9.0 percent currently smoke cigars
 - 13.3 percent currently use electronic smoking devices

Source: Maryland Department of Health. Youth Risk Behavior Survey/Youth Tobacco Survey 2016.

<https://phpa.health.maryland.gov/ccdpc/Reports/Documents/2016%20YRBS%20YTS%20Reports/2016MDH%20Summary%20Tables.pdf>



Campaign Obstacles Turned Opportunities

Campaign Obstacles Turned Opportunities

Besides the typical tobacco industry tactics, obstacles included:

- Progressiveness of legislation
 - Was the rise of an epidemic really a thing in MD?
- Enforcement and Policing Adults
- Business Impact
- Military Exemption



How we achieved success ?

PARTNERSHIP



MARYLAND TOBACCO FREE COALITION



**+ 65 Other
Organizations**

TOBACCO ²¹
MARYLAND



Tobacco 21 Bill Signing Day



Implementing Maryland's Tobacco 21 Law

Action on Smoking and Health Webinar

Alanna Biblow, MPH, CHES

Health Communications Project Coordinator
Center for Tobacco Prevention and Control

October 22, 2020

Mission and Vision

MISSION

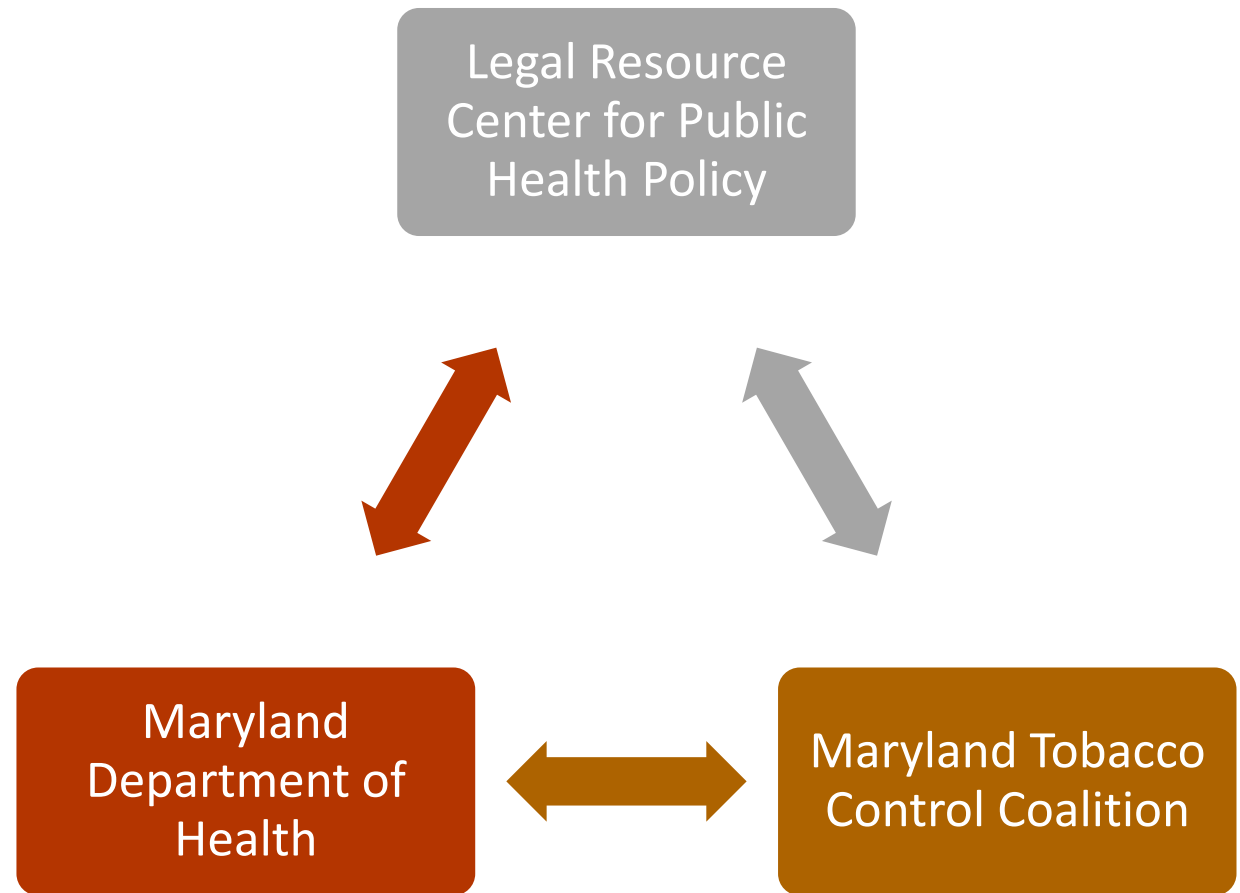
The mission of the Prevention and Health Promotion Administration is to protect, promote and improve the health and well-being of all Marylanders and their families through provision of public health leadership and through community-based public health efforts in partnership with local health departments, providers, community based organizations, and public and private sector agencies, giving special attention to at-risk and vulnerable populations.

VISION

The Prevention and Health Promotion Administration envisions a future in which all Marylanders and their families enjoy optimal health and well-being.

Maryland Becomes 13th State to Pass Tobacco 21 Legislation

As of October 1, 2019, the Maryland Tobacco 21 law went into effect raising the minimum legal sales age for tobacco products from 18 to 21 -- including electronic smoking devices (e-cigarettes, vapes, pod-based devices such as JUUL and their e-liquids, and component parts and accessories).



Established Partnerships Through Synar Compliance Efforts

- With too many underage youth gaining retail access to tobacco products, Congress enacted in July 1992, an amendment to the Alcohol, Drug Abuse and Mental Health Administration Reorganization Act (Public Law 102-321).



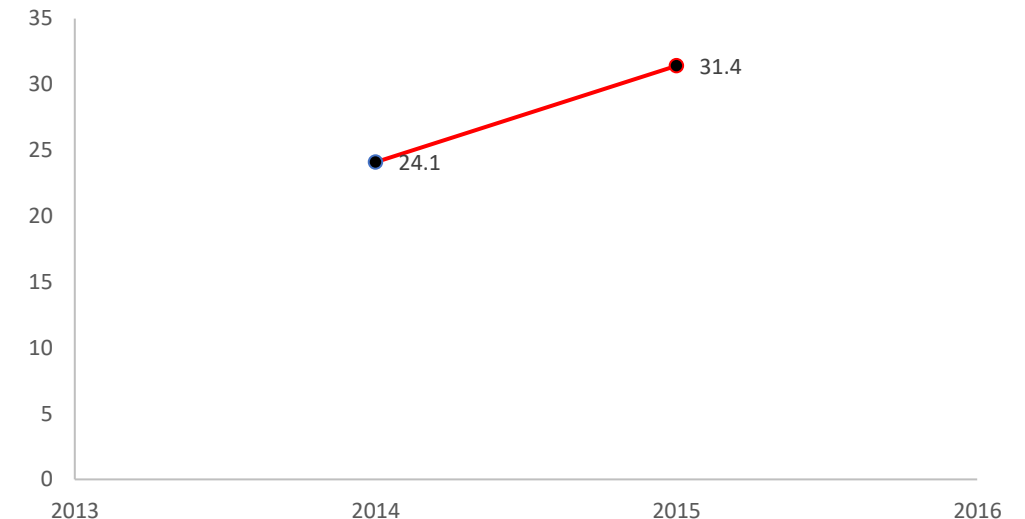
- The Synar Regulation requires all states to reduce illegal sales of tobacco products to minors or face penalties in the distribution of federal block grant funds for alcohol, tobacco, and other drug abuse prevention and treatment services.



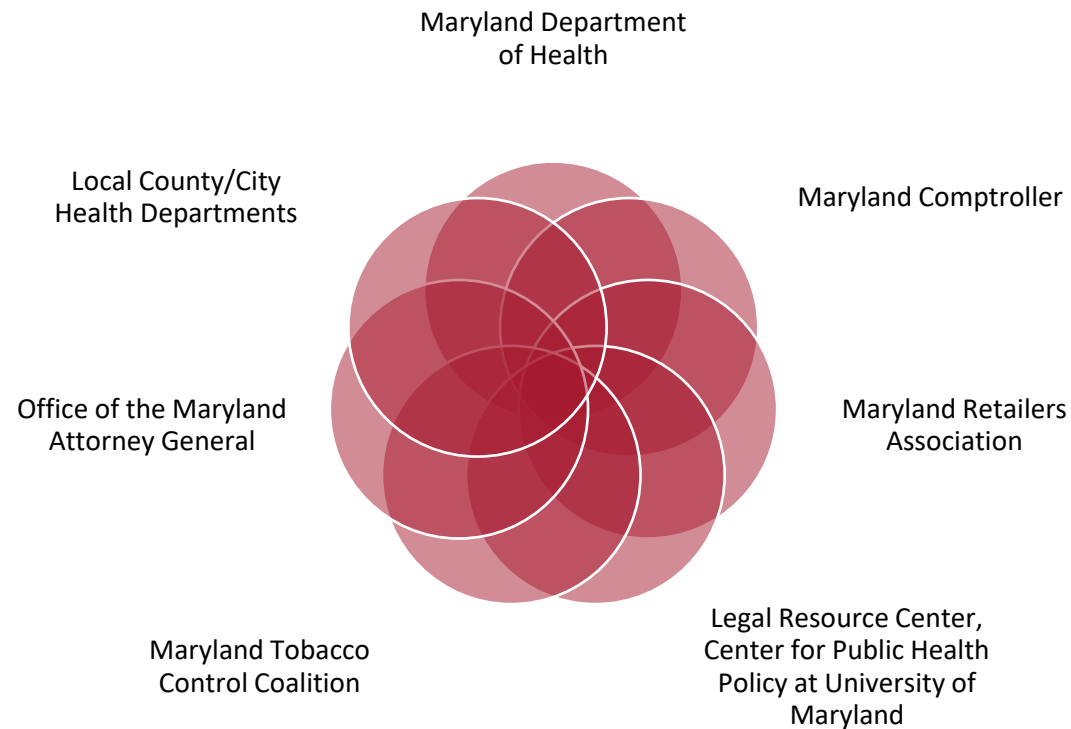
- The Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention (CSAP) oversees states' efforts reduce their rates of illegal tobacco sales to minors to the maximum level of 20 percent as stipulated by the Synar Regulation.



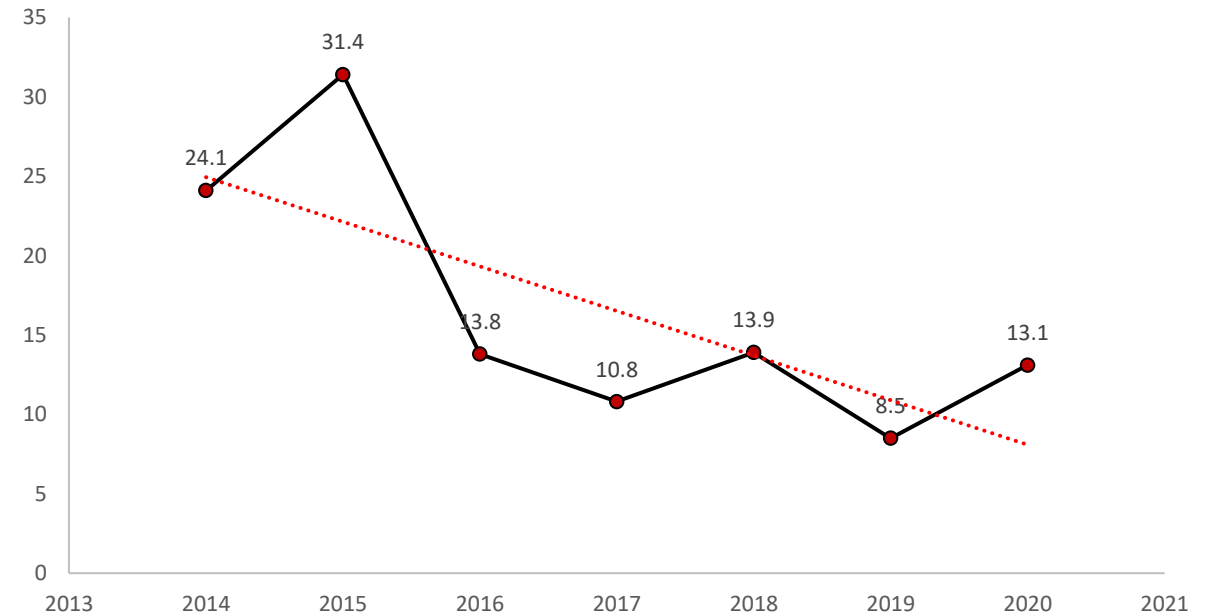
SYNAR COMPLIANCE RATES
2014-2015



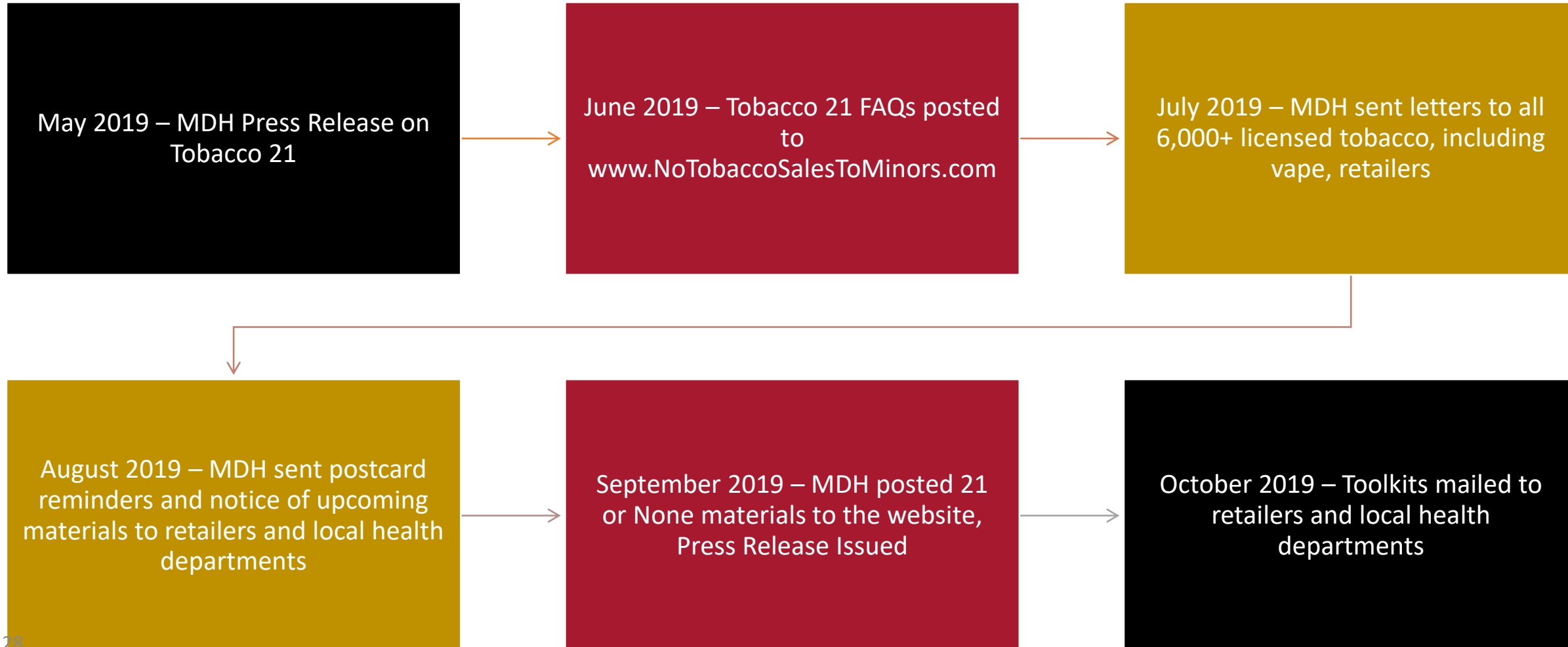
Established Partnerships Through Synar Compliance Efforts



SYNAR COMPLIANCE RATES
2014-2020



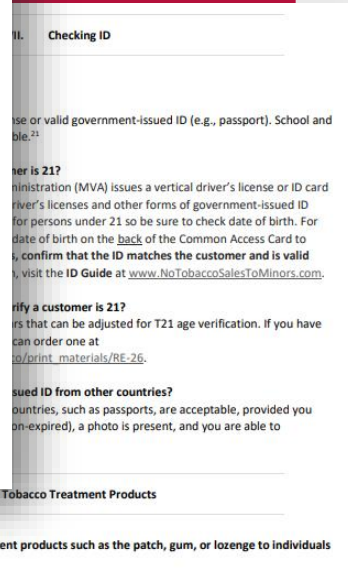
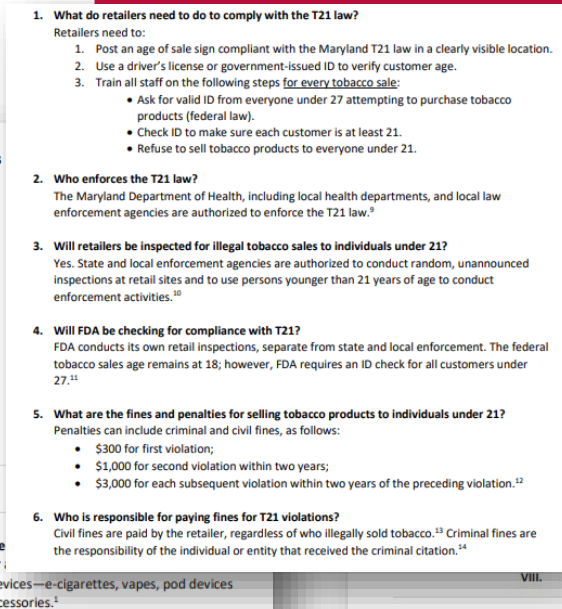
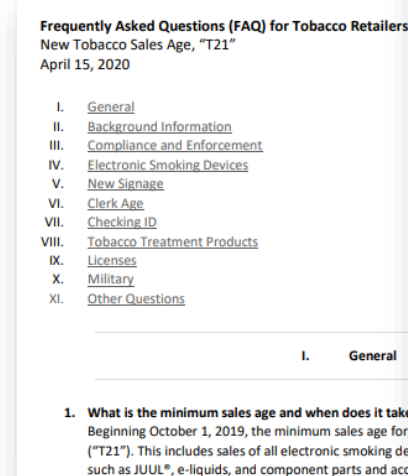
Tobacco 21 Outreach



Press Releases and Frequently Asked Questions

May 2019 – MDH Press Release
on Tobacco 21

June 2019 – Tobacco 21 FAQs posted to
www.NoTobaccoSalesToMinors.com



Frequently Asked Questions

Are clerks younger than 21 permitted to sell tobacco products?

- Yes. Provided the proper work permits are in place, there is no specific minimum age requirement for clerks to sell tobacco products

Does the military exemption apply to personnel in the National Guard or Reserves?

- No. The exemption only applies to active duty military with valid military ID (Common Access Card).

How can a retailer tell if a military ID is for active duty versus other status like Reserves or ROTC?

- Active duty military are issued the Common Access Card; to verify active duty status, look for "Uniformed Services" printed on the front of the ID card under "Affiliation." No other forms of military ID are acceptable.

Can retailers refuse all sales under 21, including eligible military?

- Retailers have discretion in whom they choose to sell age-restricted products to, regardless of whether the individual may meet an exemption. Retailers should contact their legal counsel for any further guidance.

Federal T21 Law Impact on Maryland T21

FDA Newly Signed Legislation Raises Federal Minimum Age of Sale of Tobacco Products to 21

What is the new minimum sales age and when does it take effect?

Beginning October 1, 2019, the new minimum sales age for all tobacco products in Maryland is 21 (“T21”). This includes sales of all electronic smoking devices—e-cigarettes, vapes, pod devices such as JUUL®, e-liquids, and component parts and accessories.

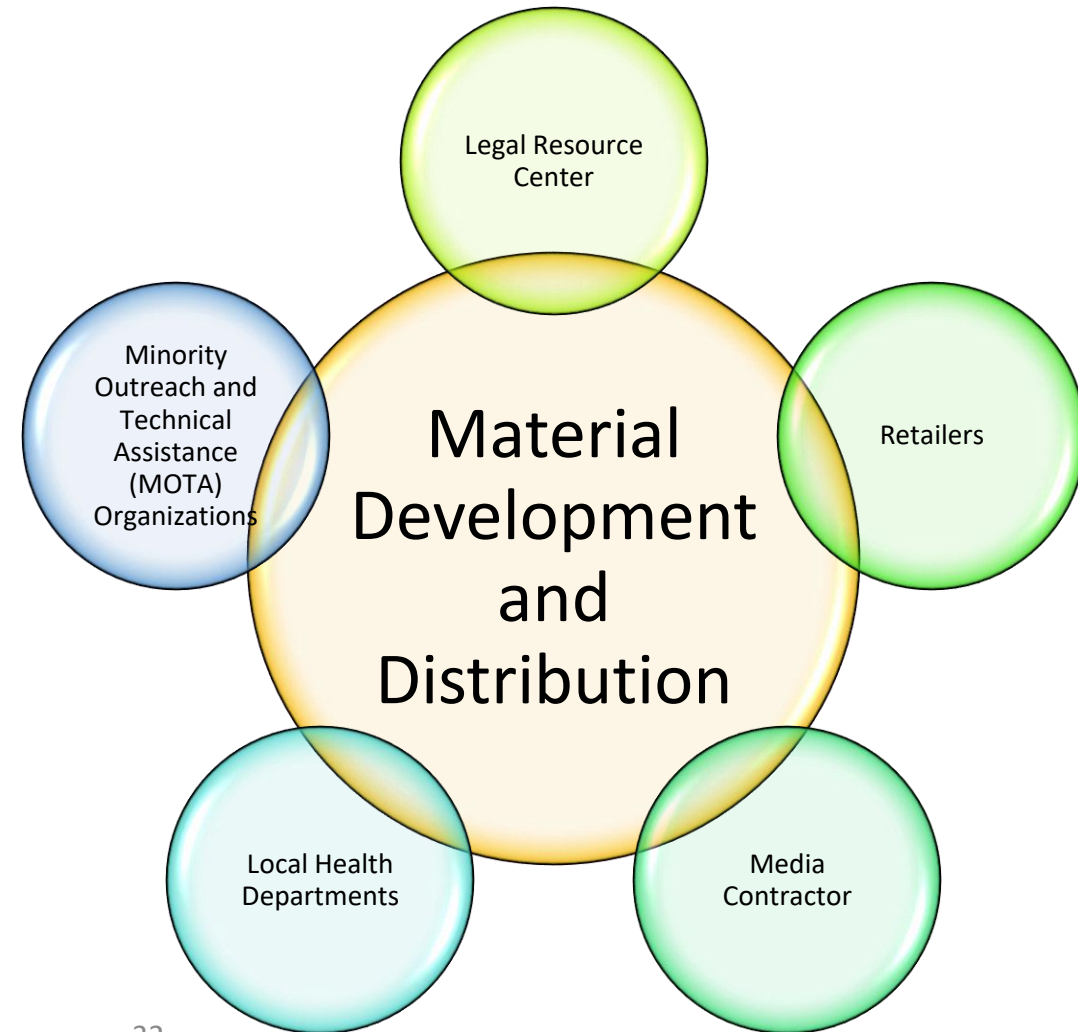
As of December 20, 2019, the federal minimum age of sale of tobacco products was also raised from 18 to 21 years.

Is there an exemption for military personnel?

The federal law does not include a military exemption. While Maryland’s Tobacco 21 law includes a military exemption, retailers should follow the federal law by not selling any tobacco products to anyone under 21 years old -- no exceptions.

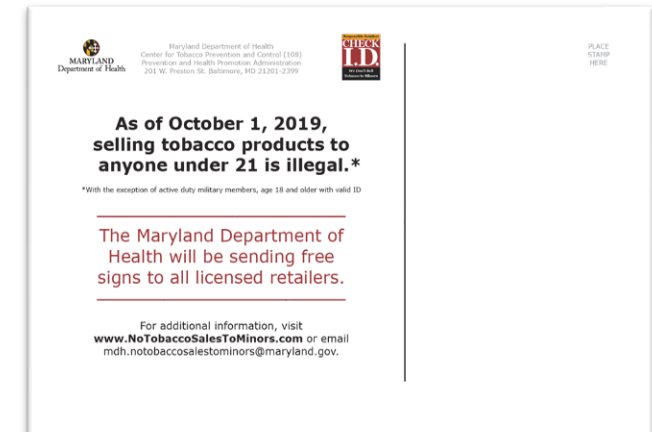
'21 or None' Campaign

Letters and Reminders to Retailers



July 2019 – MDH sent letters to all 6,000+ licensed tobacco, including vape, retailers; developed '21 or None' campaign

August 2019 – MDH sent reminders to retailers and local health departments



Tobacco 21 Toolkits


Available for download and free to order at
www.NoTobaccoSalesToMinors.com

September 2019 – MDH posted all “21 or None” materials to the website;
 Press Release on Tobacco 21 Retailer Survey and Reminder of Upcoming Law Changes

October 2019 – Toolkits mailed to retailers and local health departments

Toolkit Materials:

- Poster
- Window cling
- Quick Reference Guide
- Table tent
- Law Sheets and Charts
- Product Guide
- ID Guide
- Additional Materials



There has been an alarming increase in the use of tobacco products among our young people. To protect their health, Maryland has passed Tobacco 21 (T21), a new law that raises the minimum sales age for tobacco products, including vapes, JUUL® and other pod-based systems, to 21 years old. As a licensed tobacco retailer, you play a key role in ensuring the success of this effort. With your help, we can reduce and eliminate underage access to tobacco products in our state.

BE AWARE. BE RESPONSIBLE.


As of October 1, 2019, selling, distributing or offering to sell tobacco products to anyone under 21 is illegal.

You are responsible for upholding the law. Compliance checks will be conducted and enforced on a continuous basis to ensure your store is following federal, state and local laws that prohibit the sale of tobacco to minors. If you are found guilty of selling any tobacco product, including vapes, to underage youth, federal fines are in excess of \$10,000 and you could even lose your license to sell tobacco.

BE COMPLIANT.

Retailers need to:

1. Display new T21 signage in a clearly visible location.
2. Use a driver's license or government-issued ID to verify customer age.
3. Train all staff on the following steps for every tobacco sale:
 - Ask for valid ID from everyone under 27 attempting to purchase tobacco products (Federal law).
 - Check ID to make sure each customer is at least 21.
 - Refuse to sell tobacco products to everyone under 21.*



Product Guide

sell any tobacco product

including flavored products (SPs) including E-cigarettes, JUUL®, etc.

Tobacco, Dip, Snuff, etc.)

Individuals or less than a pack of

tobacco, rolling papers, pipes, hookah, or


any other tobacco product

legally sold — **don't sell** There are

products; however, there are restrictions

on when, where, and how tobacco products

can be sold.



Local Tobacco Sales Laws

Restriction	Maryland Law	Federal Law
All tobacco products, including electronic smoking devices (ESDs), may only be sold to individuals age 21 or older, with the exception of active duty military members age 18 and older with valid military ID.	✓	✓
Retailers are prohibited from selling cigarettes, cigars, smokeless, roll-your-own, e-cigarettes, and hookah to individuals under the age of 18.	✓	✓
The definition of tobacco products includes cigarettes, cigars, smokeless, roll-your-own, e-cigarettes, and hookah.	✓	✓
Retailers are prohibited from distributing any tobacco product, electronic smoking device, cigarette rolling paper, or cigarette paraphernalia to a minor.	✓	✓
Retailers are prohibited from buying for, selling, or distributing any tobacco product or cigarette paraphernalia to a minor.	✓	✓
Retailers are prohibited from distributing any tobacco product, electronic smoking device, cigarette rolling paper, or cigarette paraphernalia to a minor.	✓	✓
Retailers are prohibited from buying for, selling, or distributing any tobacco product or cigarette paraphernalia to a minor.	✓	✓



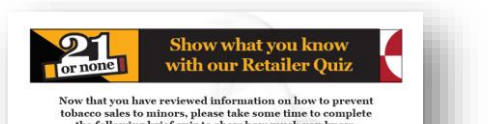
ID Guide

As a tobacco retailer, you are required to check the photo ID of everyone under 27 years old before selling e-cigarettes/vapes. You must refuse to sell to anyone who cannot provide a valid ID.

Accept only a government-issued photo ID that includes a photo of the person showing that the person is at least 21 years old and not expired.

Any of the following forms of identification:

- State-Issued Driver's License
- State-Issued ID Card (must be non-expires)
- Passport
- Under 21 Driver's License (VER. 1)
- Under 21 Driver's License (VER. 2)
- Active Duty Military (BAC)



Quick Reference Guide

Know the Law.

It is against the law to sell tobacco products to anyone under the age of 21.* Federal fines can be in excess of \$10,000.

Know the Steps to Take.

1. Ask for photo ID from everyone under 27.
2. Check to make sure all customers are at least 21.*
3. Refuse to sell tobacco to everyone under 21.*



21 or none

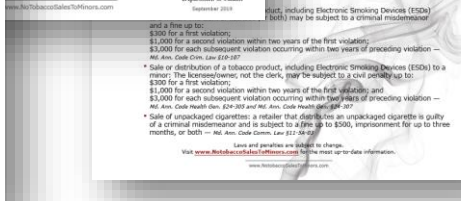
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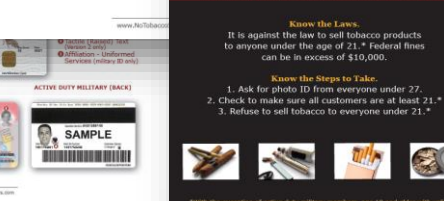
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The definition of tobacco products includes cigarettes, cigars, smokeless, roll-your-own, e-cigarettes, and hookah.	✓	✓
Retailers are prohibited from distributing any tobacco product, electronic smoking device, cigarette rolling paper, or cigarette paraphernalia to a minor.	✓	✓
Retailers are prohibited from buying for, selling, or distributing any tobacco product or cigarette paraphernalia to a minor.	✓	✓



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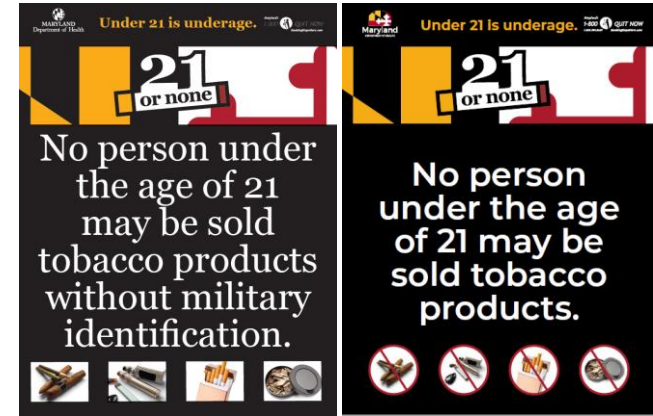
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3. Refuse to sell tobacco to everyone under 21.*

Tobacco 21 – '21 or None' Signage for Retailers

- Posters and window clings include the **required language** for retailers to display in stores
- Table tents to be placed near cash registers
- Available for download and free to order at

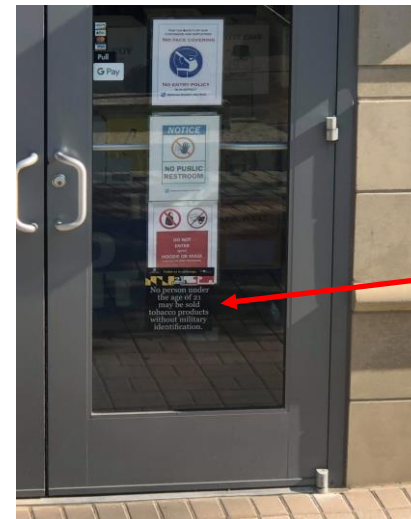
www.NoTobaccoSalesToMinors.com



Poster



Table Tent



Window Cling

Tobacco 21 Media Outreach



Maryland Department of Health

999 followers
Promoted

As of October 1, selling tobacco products to anyone under 21 is illegal. Help keep tobacco out of the hands of MD youth.



Under 21 is now underage for tobacco sales. Order free resources.

notobaccosalestominors.com

[Learn More](#)

Like Comment Share

Attention Tobacco Retailers | New tobacco sales age of 21 | In MD, it's 21 or none
[Ad](#) health.maryland.gov

Selling tobacco products to people under 21 is illegal. Help keep MD minors healthy. Find additional information and free materials online.

A new legal age for tobacco | In Maryland it's 21 or none | Check IDs and avoid penalties
[Ad](#) health.maryland.gov

Selling tobacco products to people under 21 is illegal. Be aware. Be responsible. Learn more and find free materials online.

Attention Maryland retailers | Tobacco laws have changed | It's now 21 or none
[Ad](#) health.maryland.gov

Selling tobacco products, including vapes, to people under 21 is illegal. Learn more about your role. The health of MD minors is a major concern.



www.NoTobaccoSalesToMinors.com

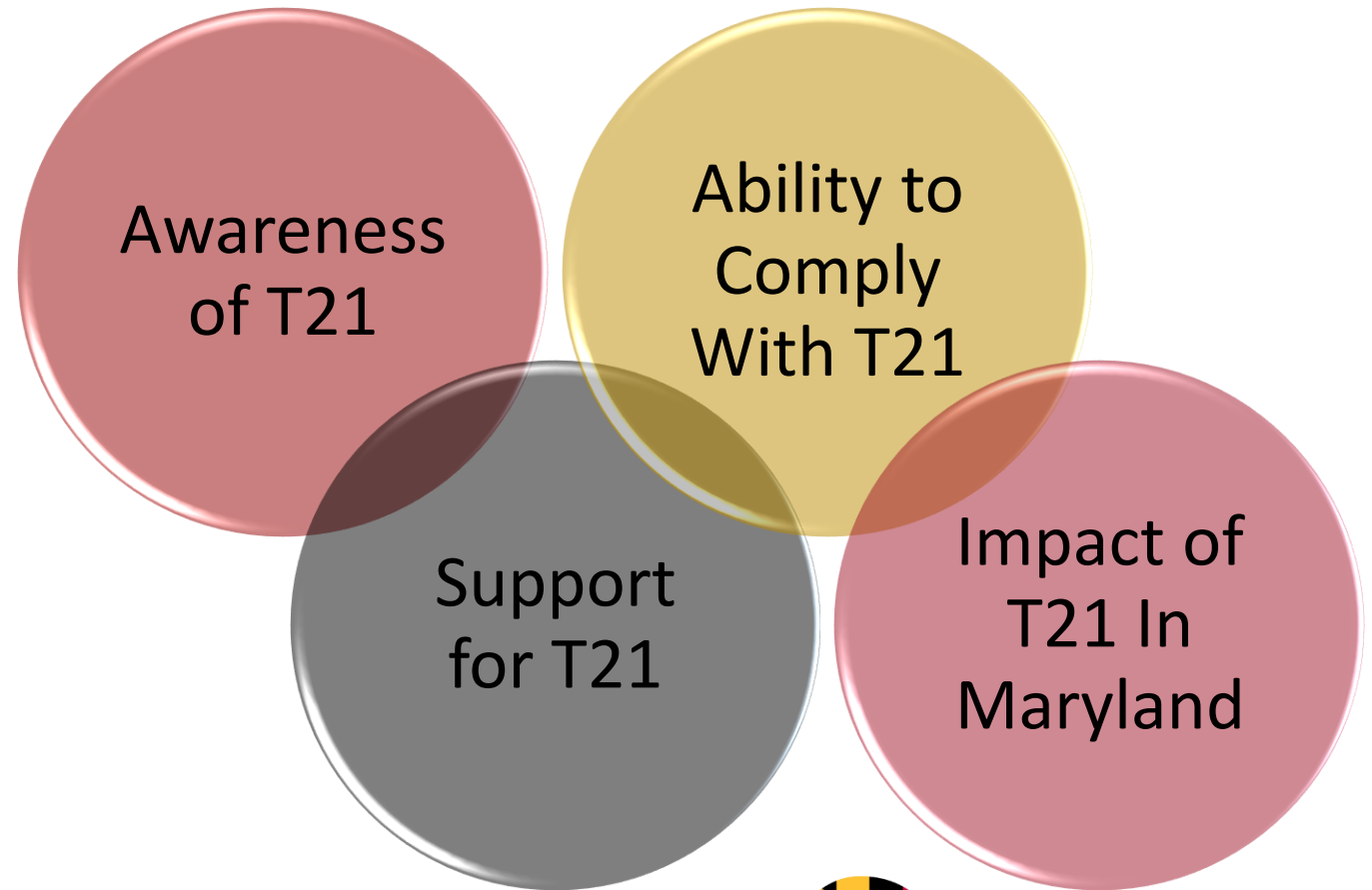
website analytics



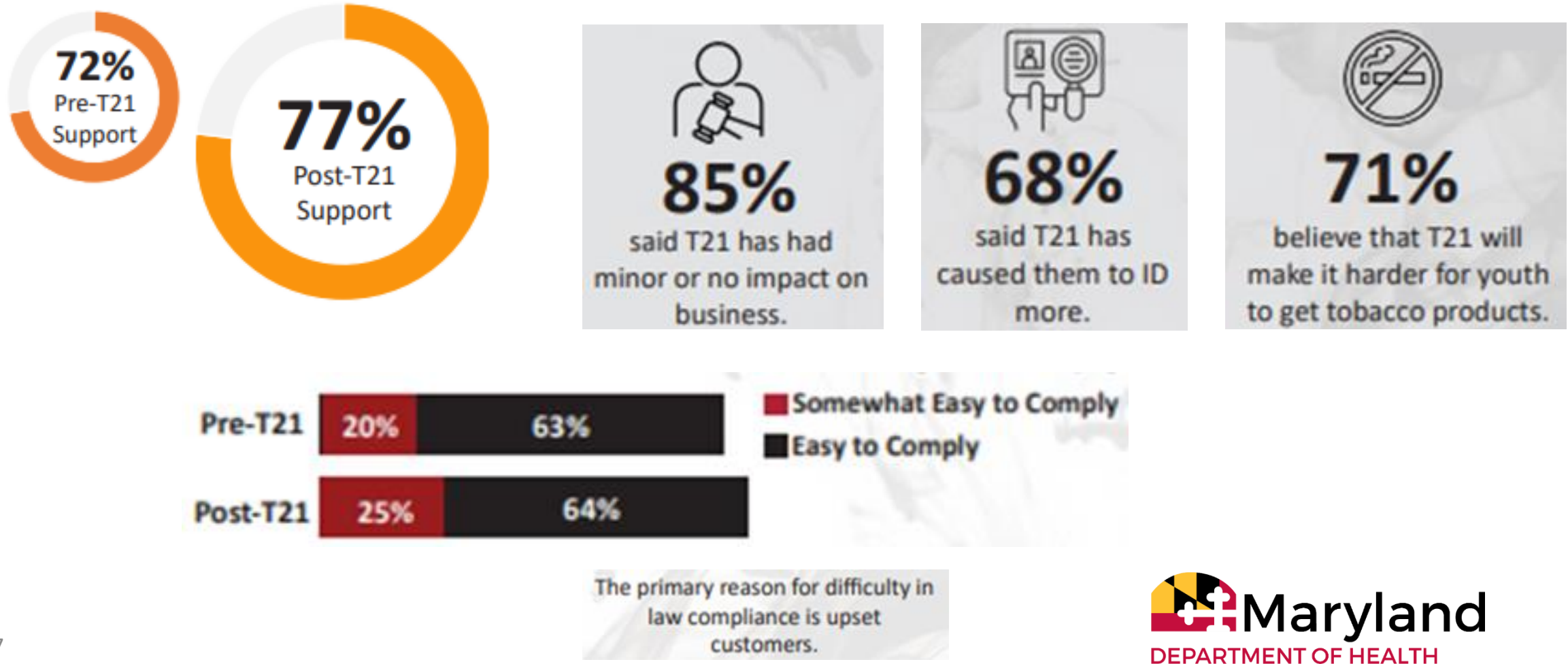
 **Maryland**
DEPARTMENT OF HEALTH

Tobacco 21 Retailer Survey

- Survey Timeline
 - Pre-survey completed in September 2019
 - Post-survey completed in June 2020
- Multimode strategy designed to increase response rates
 - Push to web via mail and email
 - Telephone
- Retailers surveyed included owners, managers, and clerks



Tobacco 21 Retailer Survey Results



Importance of Partnerships: Key Component in Reducing Youth Tobacco Use

Through the concerted efforts of national, state, and local agencies, community-based organizations, healthcare providers, and concerned and engaged citizens, including youth, the Maryland T21 bill was passed during the 2019 General Assembly Legislative Session and went into effect on October 1, 2019.

In coordination with local health departments and statewide partners, the Maryland Department of Health worked to ensure retailers had information and materials needed to implement this change effectively.

Implementing policies like T21 leads to a reduction in youth tobacco use by delaying the age of experimentation, decreasing peer network sharing, and helping to keep tobacco products out of schools.

Retailers in Maryland support T21 laws, and report little to no impact from T21 laws on their businesses.

Questions

CONTACT:

Alanna Biblow, MPH, CHES

Center for Tobacco Prevention and Control

alanna.biblow@maryland.gov

Responsible Retailer Materials:

www.NoTobaccoSalesToMinors.com

Q&A

Stay Involved



Twitter
@ASHorg
@LaurentHuber



Facebook
@ASHglobalAction



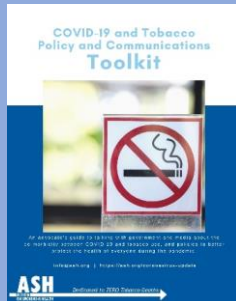
Instagram
@ASHorg



Info@ash.org



Recordings from previous webinars and Live Chats
on social media: <https://ash.org/webinars>



Toolkit for Advocates

Talking with government and media about the COVID-19 and tobacco use co-morbidity and policies to protect the health of everyone during the pandemic.

ash.org/covid19

NEXT WEBINARS:

Daily Nov. 9 – 13, 2020 at 9:00am ET

ASH with support from its partners, including the Framework Convention Alliance and Corporate Accountability International, will host **a week of webinars**. These webinars are focused on the FCTC and at times may be more technical than some of our previous webinars, but the topics we will cover, including endgame, liability, human rights, and COVID, will be useful to advocates from every background.

Monday, Nov. 9th: WHO FCTC Article 2.1

Tuesday, Nov. 10th: WHO FCTC Article 19

Wednesday, Nov. 11th: Tobacco & Human Rights

Thursday, Nov. 12: COVID and the WHO FCTC

Friday, Nov. 13th: Funding Mechanisms for Tobacco Control

**Full Descriptions & Registration Links in
Thank You Email**



Global action for *everyone's* health.