

# 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*
- 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) is guilty of 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*
- 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](http://www.law.umaryland.edu/programs/publichealth/tobacco/regulations_resources.html)

Laws and penalties are subject to change.  
Visit [www.NoTobaccoSalesToMinors.com](http://www.NoTobaccoSalesToMinors.com) for the most up-to-date information.

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## LICENSING REQUIREMENTS

- If you sell or distribute cigarettes, you are required to maintain a license from the State Comptroller as well as the county clerk. If you sell other tobacco products (cigars, spit tobacco, etc.) AND cigarettes, this license will be valid for all products. Licenses expire on April 30th and must be renewed annually.
- If you sell or distribute other tobacco products and do NOT sell cigarettes, you are required to maintain a license for other tobacco products from the State Comptroller as well as your county clerk. Licenses expire on April 30th and must be renewed annually.

### Violations and Penalties

- Selling or distributing cigarettes without the appropriate state license is a misdemeanor subject to a fine of \$1,000, imprisonment for not more than 30 days, or both. Each day that a violation occurs is a separate violation. *Md. Ann. Code Bus. Reg. §16-214(b)(1) to 16-214(b)(2)*
- Selling cigarettes without a county license, selling cigarettes with an expired county license or failing to display the county license in a "conspicuous place" is a misdemeanor subject to a fine up to \$100. *Md. Ann. Code Bus. Reg. §16-309(a)*
- Selling or dealing in tobacco products without the appropriate state license is a misdemeanor subject to a fine of \$1,000, imprisonment for not more than 30 days, or both. Each day that a violation occurs is a separate offense. *Md. Ann. Code Bus. Reg. §16.5-101 to 16.5-214(2013)*

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.

### ID Check

- Cigarettes and smokeless tobacco may **ONLY** be sold to individuals age 18 or older. *21 C.F.R. § 140.14*
- Retailers **MUST** check photo ID of everyone under age 27 who attempts to purchase cigarettes or smokeless tobacco. *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. § 140.14(c)*
- The sale of cigarettes and smokeless tobacco in vending machines is prohibited unless the vending machine is located in an adult-only (age 18 or older) establishment. *21 C.F.R. § 140.16(c)*
- Cigarettes may **ONLY** be sold in packages of at least 20. *21 C.F.R. § 140.16(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. § 140.14(d)*
- Retailers may **NOT** distribute free samples (except for samples of smokeless tobacco products in a qualified adult-only facility) or offer gifts with the purchase of cigarettes or smokeless tobacco. *21 C.F.R. § 140.16(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. § 140.14(e)*



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## 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. § 140.34(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. § 140.34(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](http://www.NoTobaccoSalesToMinors.com)
- Comptroller of Maryland**
  - [www.comp.state.md.us](http://www.comp.state.md.us)
- FDA**
  - [www.fda.gov/TobaccoProducts/default.htm](http://www.fda.gov/TobaccoProducts/default.htm)
  - [www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/default.htm](http://www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/default.htm)
- Maryland Department of Health and Mental Hygiene, Behavioral Health Administration**
  - [bha.dhmh.maryland.gov/](http://bha.dhmh.maryland.gov/)
- Maryland Department of Health and Mental Hygiene, Center for Tobacco Prevention and Control**
  - [http://phpa.dhmh.maryland.gov/ohpetup/SitePages/tob\\_home.aspx](http://phpa.dhmh.maryland.gov/ohpetup/SitePages/tob_home.aspx)
- Maryland Synar reports (State tobacco retailer compliance checks)**
  - <http://bha.dhmh.maryland.gov/SitePages/Maryland%20Synar%20Reports.aspx>
- Office of the Maryland Attorney General**
  - [www.oag.state.md.us/Tobacco/youthaccess.htm](http://www.oag.state.md.us/Tobacco/youthaccess.htm)
- University of Maryland, Legal Resource Center for Public Health Policy**
  - [www.law.umaryland.edu/programs/publichealth](http://www.law.umaryland.edu/programs/publichealth)
  - [www.law.umaryland.edu/programs/publichealth/tobacco/index.html](http://www.law.umaryland.edu/programs/publichealth/tobacco/index.html)

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