

# ***Maryland Enforcement Primer***

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**Message from Legal Resource Center**

Dear Fellow Marylander:

Tobacco use remains the leading cause of preventable death in the United States, killing more than 480,000 Americans each year, including 7,500 Marylanders.

Youth cigarette smoking in Maryland has decreased significantly since 2000 (23.7% to 3.2%). However, the use of other tobacco products, such as electronic smoking devices (ESDs) remains elevated. According to the 2022-2023 Maryland Youth Risk Behavior Survey and Youth Tobacco Survey, 3.2% of high school students reported using cigarettes on at least one day over the past 30 days. 14.3% of Maryland high school students reported using an electronic smoking device on at least one day during the last 30 days. This includes e-cigarettes, vapes, vape pens, e-cigars, e-hookahs, hookah pens, and mods. 2.6% of high school students reported using smokeless tobacco and 4.1% reported using cigars on at least one day during the last 30 days.

The Legal Resource Center (LRC) developed this primer in collaboration with the Maryland Department of Health (MDH) to assist local health departments and enforcement officials to navigate local and Maryland law and understand the federal laws and their impact in Maryland. The following materials are intended to supplement the Maryland Tobacco Retailer Guide developed by MDH and guide local enforcement efforts. Specifically, this primer outlines:

- Point of sale restrictions;
- Enforcement statutes for illegal tobacco product sales to those under the age of 21 years;
- The Uniform Civil Citation and effectuating service;
- Federal, state, and local tobacco laws and enforcement programs; and
- Clean indoor air

This guide is not intended to serve as legal advice; you should always confer with your county attorney or Assistant Attorney General on any particular legal questions. If you have any questions about the materials in this guide—or any questions about tobacco regulation—feel free to contact the LRC at (410) 706-0842 or [publichealth@law.umaryland.edu](mailto:publichealth@law.umaryland.edu).

Very truly yours,

Kathi Hoke  
Executive Director, Legal Resource Center for Public Health Policy, University of Maryland Francis King Carey School of Law

### **Age of Sale Restrictions (Tobacco 21): Fact Sheet**

“Tobacco 21” refers to the minimum legal age of sale for all tobacco products in Maryland. As of October 1, 2019, the minimum tobacco sales age increased from 18 to 21. This applied to all tobacco products, including sales of all ESDs and their component parts and accessories. On December 20, 2019, the President of the United States (U.S.) also signed legislation amending the Federal Food, Drug, and Cosmetic Act (FD&C Act), and raising the federal minimum age of sale for tobacco products from 18 to 21 years. Therefore, it is illegal anywhere in the U.S. to sell tobacco products, including ESDs, to anyone under age 21.

#### ***Age of Sale Provisions***

- Maryland’s law increased the legal age of sale of tobacco products from 18 to 21 years. There are **no exceptions** under Federal law and the previous exception for active-duty military members under Maryland law has also been removed.
- Those under the legal age of sale may not be cited for their purchase, use, or possession of these products.
- When a civil citation is issued pursuant to Health-General, §24-305 (ESDs) or §24-307 (all tobacco products), the retailer/ licensee is responsible for the civil penalty, whether they personally made the illegal sale or not.
- When issuing a criminal citation pursuant to Criminal Law, §10-107, either the retailer/clerk may be cited and the person cited will be responsible for the fine.

#### ***Youth Intervention***

There is no law penalizing youth under age 21 for the purchase, use, or possession of tobacco products. In the school setting, if a student is caught using or possessing these products, they may be disciplined in accordance with school policy for violating a rule on campus. These policies will differ between schools and counties. Many local health departments host education and cessation courses and frequently partner with schools and provide these services to students upon referral. More resources may also be found on the MDH Key Resources on E-cigarettes and Vaping site:

<https://phpa.health.maryland.gov/ohpetup/Pages/VapeHelp.aspx>

#### ***Enforcement Statutes and Age of Sale: A Summary***

- [Health-General, §24-305](#) may be used to enforce civil citations for illegal sales of ESDs. Law enforcement, county health officers, or designees of county health officers may issue the citation. Only the store owner/licensee is responsible for payment of the fine.
- [Health-General, §24-307](#) may be used to enforce civil citations for illegal sales of tobacco products, including ESDs. Law enforcement, county health officers, or designees of county health officers may issue the citation. Only the store owner/licensee is responsible for payment of the fine.
- [Criminal Law, §10-107](#) should be used to enforce criminal citations for illegal sales of tobacco products (including ESDs) to individuals under age 21. Only sworn law enforcement may issue the criminal citation. The clerk, store owner/licensee, or both, may be cited and the party cited is responsible for the payment of the penalty. This section also permits law enforcement to issue a citation to any individual who sells or gives a tobacco product to a person under age 21. For

example, a citation may be issued to a high school student who sells a vape device to another student.

- If cited under Health-General, [§24-305](#) or [§24-307](#), the fee schedule is as follows:
  - \$300 for a first violation;
  - \$1,000 for a second violation within 24 months of the first violation; and
  - \$3,000 for each subsequent violation occurring within 24 months after the preceding violation.
- If cited under Criminal Law, §10-107, the fee schedule is as follows:
  - \$500 for a first violation;
  - \$1,000 for a second violation within 24 months of the first violation; and
  - \$3,000 for each subsequent violation occurring within 24 months after the preceding violation.
  - Additionally, the ATCC is required to take the following action against the licensee:
    - For a second violation within 24 months of the first, suspend the license for up to 90 days;
    - For a subsequent violation within 24 months of the prior, suspend the license for up to 180 days; and
    - For a subsequent violation, revoke the license.

## **Enforcement Statutes and Age of Sale: An In-depth Review**

### *Civil Offenses*

The sale of **ESDs** to those under age 21 is a civil offense and is punishable by:

- First Offense: Fine of up to \$300
- Second Offense: Fine of up to \$1,000 (if within 24 months of a prior violation)
- Additional Offenses: Fine of up to \$3,000 (if within 24 months of a prior violation)

The owner/licensee is responsible for the civil penalty whether or not they made the illegal sale. Other “persons” may also be cited. This includes those who are not licensed.

The sale of **all tobacco products, including ESDs**, to an individual under age 21, may also be a civil offense punishable by:

- First Offense: Fine of up to \$300
- Second Offense: Fine of up to \$1,000 (if within 24 months of first violation)
- Additional offenses: Fine of up to \$3,000 (if within 24 months of a prior violation)

The owner/licensee is responsible for the civil penalty whether or not they made the illegal sale. Other “persons” may also be cited. This includes those who are not licensed.

### *Criminal Offenses*

The sale of cigarettes, other tobacco products, or ESDs to those under age 21 may be a **criminal misdemeanor**, punishable by:

- First Offense: Fine of up to \$500.
- Second Offense: Fine of up to \$1,000 (if within 24 months of first violation)
- Additional Offenses: Fine of up to \$3,000 (if within 24 months of a prior violation)

The owner, licensee, or both may be cited criminally and/or responsible for money penalties. A violation under [Criminal Law, §10-107](#) will be a criminal misdemeanor conviction and will appear on the violator’s criminal record.

Additionally, the ATCC is required to take the following action against the licensee:

- For a second violation within 24 months of the first, suspend the license for up to 90 days;
- For a subsequent violation within 24 months of the prior, suspend the license for up to 180 days; and
- For a subsequent violation, revoke the license.

### *Trial*

A person or retailer issued a citation under [Criminal Law, §10-107](#), must appear in Court and either plead guilty to the charge or request a trial. However, a person or retailer cited under Health-General, [§24-305](#) or [§24-307](#), may pay the fine without appearing in Court or requesting a trial.

### *Hearing*

All hearings scheduled for any of these alleged violations will take place in the District Court for the county in which the offense took place.

### *Fine Allocation*

The monetary fines for violating [Criminal Law, §10-107](#) are remitted to the state, whereas any fines collected under Health-General, [§24-305](#) and [§24-307](#) are remitted to the county. Fines collected through civil citations may be used to help fund the local enforcement program.

### ***Maryland Enforcement Statutes: Age of Sale***

Law	<a href="#">Section 10-107 of the MD Criminal Law Code</a>	<a href="#">Section 24-305 of the MD Health-General Code</a>	<a href="#">Section 24-307 of the MD Health-General Code</a>
What does the law prohibit?	Distribution and/or sale of tobacco products, including ESDs	Distribution and/or sale of ESDs	Distribution and/or sale of tobacco products, including ESDs
Is this a civil or criminal violation?	Criminal	Civil	Civil
Who can enforce the law?	Sworn Law Enforcement ONLY	Sworn Law Enforcement, a County Health Officer or a designee	Sworn Law Enforcement, a County Health Officer or a designee
Who can be cited?	Licensee, clerk, both or unlicensed person	Licensee or unlicensed person	Licensee or unlicensed person
Penalties	<p>\$500 for a first offense \$1,000 for a second offense if within 24 months \$3,000 for each subsequent offense if within 24 months</p> <p>The ATCC must also take the following actions:</p> <ul style="list-style-type: none"><li>• For a second violation within</li></ul>	<p>\$300 for a first offense \$1,000 for a second offense if within 24 months \$3,000 for each subsequent offense if within 24 months</p>	<p>\$300 for a first offense \$1,000 for a second offense if within 24 months \$3,000 for each subsequent offense if within 24 months</p>

	<p>24 months of the first, suspend the license for up to 90 days;</p> <ul style="list-style-type: none"> <li>• For a subsequent violation within 24 months of the prior, suspend the license for up to 180 days; and</li> <li>• For a subsequent violation, revoke the license.</li> </ul>		
Impact on Criminal Record	Conviction added to Criminal Record	None	None
Trial Required?	Yes	No (Defendant may request)	No (Defendant may request)
Hearing	District Court	District Court	District Court
Fine Allocation	State	County	County



### **Maryland Enforcement Statutes: Tobacco Product Placement and Age Verification**

In 2024, Maryland Governor Wes Moore signed into law Senate Bill 1056 titled, “Cigarettes, Other Tobacco Products, and Electronic Smoking Devices Revisions (Tobacco Retail Modernization Act of 2024) (TRL).” The law became effective on October 1, 2024, and includes a variety of provisions related to the requirements for retail tobacco product sales, tobacco product sales violations, tobacco product retailer license fees, and reporting. The law also requires retailers to verify a consumer’s age prior to completing a purchase and creates a statewide tobacco product placement requirement.

#### ***Product Placement***

Tobacco product placement restrictions help to control the visibility and accessibility of tobacco products at the point of sale – this in turn helps to reduce perceived availability and accessibility of tobacco products, reduce brand recognition, and discourage impulse purchases that can undermine quit attempts.<sup>1</sup> Prior to the passage of TRL, Maryland had no statewide law related to tobacco product placement and only Baltimore City, Baltimore County, Charles County, Howard County, Kent County, Montgomery County, Prince George’s County, and Talbot County had relevant local laws. Effective October 1, 2024, Maryland law now states that a retailer may be cited for not following the new product placement laws.

In general, pursuant to the TRL provisions, tobacco products must be kept behind a counter and only accessible to employees. Specific provisions set out the restrictions for different types of tobacco products and retailers:

- **Cigarettes** (Business Regulation 16-209.1(a); Health-General 24-307(b)(1)(ii)) – Cigarettes must be located behind a counter in an area accessible only to the licensed retailer and employees of the licensed retailer.
- **Other Tobacco Products** (Business Regulation 16.5–214.2(a); Health-General 24-307(b)(1)(ii)) – OTP must be located behind a counter in an area accessible only to the licensed retailer and employees of the licensed retailer. This section does not apply to premium cigars.
- **Electronic Smoking Devices** (Business Regulation 16.7–204.1 & 204.2; Health-General 24-305(b)(1)(ii)) – ESDs must be located behind a counter in an area accessible only to the licensed retailer or vape shop vendor and employees of the licensed retailer or vape shop vendor.

**Note:** Licensed tobacconists, regardless of whether they sell cigarettes, other tobacco products, or electronic smoking devices, are not required to comply with the statewide product placement provisions. A “Licensed Tobacconist” means an other tobacco products business that derives at least 70% of its revenues, measured by average daily receipts, from the sale of other tobacco products and tobacco–related accessories.

Maryland law and federal law are now different. Maryland law requires all licensed retailers, with the exception of licensed tobacconists, to keep all tobacco products except for premium cigars, behind the counter and only accessible to employees. Federal law only requires that cigarettes and smokeless tobacco products not be sold through self-service displays. State and local health departments are only able to enforce state law so while it is important to be aware of federal law, our focus should be on the new state provisions.

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<sup>1</sup> Restricting Product Placement <https://countertobacco.org/policy/restricting-product-placement/>

The Legal Resource Center is working with the Maryland Alcohol, Tobacco, and Cannabis Commission (ATCC) to determine whether violation of product placement restrictions will serve as a basis for tobacco retail license suspension or revocation, either on its own or coupled with a violation for underage tobacco sales. All violations should be reported to the [ATCC](#), however, local health departments and MDH also have the authority to cite retailers who do not comply with this provision.

### **Age Verification**

Federal law requires retailers to verify age by examining a government-issued photo identification in a direct face-to-face exchange, without the assistance of any electronic or mechanical device, of anyone under age 30 who attempts to purchase tobacco products. Until the passage of TRL, Maryland had no statewide law related to age verification and only Baltimore County had a relevant local law. With the passage of the TRL, Maryland law now conforms with federal law and requires all retailers to verify the age of anyone under age 30 with a valid government-issued photo ID in a direct face-to-face exchange and without the assistance of any electronic or mechanical device. This requirement does not mean that a retailer cannot use an ID scanner, rather the person selling the tobacco product must still visually inspect the ID to confirm the picture matches the customer in addition to using the ID scanner to confirm age. All violations should be reported to the [ATCC](#), however, local health departments and MDH also have the authority to cite retailers who do not comply with this provision.

### **Maryland Tobacco Product Placement and Age Verification Laws**

*Note: Licensed Tobacconists are not required to comply with state product placement requirements.*

*Premium cigars, regardless of whether they are sold by licensed tobacconists or other retailers, are not subject to the state's product placement requirements either.*

	<b>Cigarettes</b>	<b>Other Tobacco Products</b>	<b>Electronic Smoking Devices</b>
<b>Placement</b>	Cigarettes must be located behind a counter in an area accessible only to the licensed retailer and employees of the licensed retailer.	OTP, except for premium cigars, must be located behind a counter in an area accessible only to the licensed retailer and employees of the licensed retailer.	ESDs must be located behind a counter in an area accessible only to the licensed retailer or vape shop vendor and employees of the licensed retailer or vape shop vendor.
<b>When to verify age</b>	<p>Retailer must confirm the customer is at least 21 years old before making the sale.</p> <p>Not required to verify the age of an individual at least 30 years old.</p>	<p>Retailer must confirm the customer is at least 21 years old before making the sale.</p> <p>Not required to verify the age of an individual at least 30 years old.</p>	<p>Retailer or vape shop vendor must confirm the customer is at least 21 years old before making the sale.</p> <p>Not required to verify the age of an individual at least 30 years old.</p>
<b>How to verify age</b>	Government-issued photo identification containing the individual's date of birth and direct face-to-face exchange	Government-issued photo identification containing the individual's date of birth and direct face-to-face exchange	Government-issued photo identification containing the individual's date of birth and direct face-to-face exchange

	without the assistance of any electronic or mechanical device.	without the assistance of any electronic or mechanical device.	without the assistance of any electronic or mechanical device.
<b>Who can enforce</b>	MDH Secretary or designee, sworn law enforcement officer, county health officer or designee may issue a civil citation.  The local health departments shall report violations to the Executive Director of the ATCC who can take action against the licensee.	MDH Secretary or designee, sworn law enforcement officer, county health officer or designee.  The local health departments shall report violations to the Executive Director of the ATCC who can take action against the licensee.	MDH Secretary or designee, sworn law enforcement officer, county health officer or designee.  The local health departments shall report violations to the Executive Director of the ATCC who can take action against the licensee.
<b>Penalties</b>	\$300 for a first offense  \$1,000 for a 2nd offense within 24 months of the first  \$3,000 for each subsequent offense within 24 months of the preceding offense	\$300 for a first offense  \$1,000 for a 2nd offense within 24 months of the first  \$3,000 for each subsequent offense within 24 months of the preceding offense	\$300 for a first offense  \$1,000 for a 2nd offense within 24 months of the first  \$3,000 for each subsequent offense within 24 months of the preceding offense

### ***Enforcement***

Checking for appropriate product placement and age verification should be part of routine enforcement checks and civil citations should be issued for violations. The citation can be issued pursuant to Health-General § 24-305 (ESDs) or § 24-307 (cigarettes, OTP, or ESDs). The licensee may be cited regardless of whether the sale was made by the licensee directly or by a clerk. Regardless of who made the sale, the licensee is responsible for the civil penalty; even if the clerk is cited, the licensee is responsible for the fine. Because the licensee is responsible for the fine even for a clerk's sale, it is more efficient and effective to cite the licensee. This is because the licensee will be served the citation and notice to appear in court. Citing the licensee also allows for more accurate collection of data on repeat violations from the same licensed location, expediting referral to the ATCC for license suspension or revocation.

Violations of these provisions should be reported to the Executive Director of the ATCC. Maryland Code, Business Regulation Article §§ 16-210, 16.5-210, and 16.7-209 give the Executive Director of the ATCC the authority to deny a license to an applicant, reprimand a licensee, suspend a license, or revoke a license for violations of the Business Regulation Article and other laws. The ATCC has not yet advised how they will handle notice of these violations. The LRC will update this document if the ATCC issues any information about referrals for product placement or identification check violations.

### The Uniform Civil Citation (UCC)

The uniform civil citation should be used to enforce any provisions of Health-General Article, [§24-305](#) and [§24-307](#), including age of sale restrictions, ID check, and product placement as well as county ordinances.

UNIFORM CIVIL CITATION									
<input type="checkbox"/> WITNESS					Citation Number				
<input type="checkbox"/> RELATED CASE # / CITATION(S) ➔									
District Court of Maryland for									
Address									
County/Municipality/State of Maryland					Agency				
vs.									
Defendant's (Last) Name			First			Middle			
Current Street Address									
Apt. No.									
City		County		State		Zip			
DOB		Height		Weight		Sex		Race	
Telephone No. Day/Night:						Hair		Eyes	
E-mail:									
Based on <input type="checkbox"/> personal knowledge of the undersigned officer <input type="checkbox"/> the attached affidavit, the Defendant is charged with									
at									
Time									
AM PM on									
Month Day Year									
Location of Offense									
County, MD in violation of:									
<input type="checkbox"/> Md. Ann. Code <input type="checkbox"/> Municipal Infraction/County Ordinance/Public Local Law/Local Code <input type="checkbox"/> COMAR									
Document/Article									
Section									
Sub Section									
Paragraph									
<input type="checkbox"/> Each day a violation continues is a separate infraction subject to an additional citation.									
I sign my name as a receipt of a copy of this Citation and not as an admission of guilt. I will comply with the requirements set forth in this Citation.									
<input checked="" type="checkbox"/> Defendant's Signature									
<b>INSTRUCTIONS</b>									
<input type="checkbox"/> <b>YOU MUST APPEAR IN COURT.</b> A notice of trial date will be mailed to you.									
<input type="checkbox"/> <b>YOU MAY PAY A FINE</b> of \$ (entire amount required) by to the:									
Date									
<input type="checkbox"/> District Court. Payment of the fine will not close the case if abatement action is pending.									
<input type="checkbox"/> Agency/Municipality									
at									
Payment Location									
and AVOID TRIAL. This will be deemed an admission of guilt and a trial date will not be set.									
<input type="checkbox"/> <b>YOU MAY ELECT TO STAND TRIAL</b> by sending your request in writing to the:									
<input type="checkbox"/> District Court <input type="checkbox"/> Agency/Municipality									
in writing by at									
Date Address									
DO NOT SEND PAYMENT OF FINE. The District Court will mail you a notice of your trial date, time, and location. AT TRIAL the Court may impose a fine up to the maximum allowed by statute plus court costs.									
<input type="checkbox"/> <b>IN ADDITION,</b> is seeking abatement of this infraction.									
Agency/Municipality									
You may be ordered to abate this infraction or be assessed the costs for the abatement, as well as a fine of up to \$1,000, plus court costs. Payment of the preset fine will not satisfy the abatement action and an order of abatement may still be entered against you.									
<input type="checkbox"/> <b>FAILING TO APPEAR OR PAY THE FINE MAY RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.</b>									
<input type="checkbox"/> <b>FAILING TO PAY THE FINE OR REQUEST A TRIAL DATE:</b>									
will deem you liable for the fine assessed; the fine may be doubled and/or a judgment on affidavit may be entered against you including an order of abatement;									
you may be found guilty of a Code violation and the maximum fines, court costs, and administrative expenses can be imposed.									
<input type="checkbox"/> <b>FAILURE TO APPEAR FOR A REQUESTED TRIAL DATE:</b>									
the fine may be doubled and a judgment on affidavit entered against you;									
you may be found guilty of a Code violation and the maximum fines and costs can be imposed.									

## UCC Instructions

**Citation Number:** Enter the citation number, although most are pre-marked.

**District Court of Maryland for:** Select or write in the County the Court is in followed by the address of the District Court.

**If citing another person:** Enter the defendant's name, address, date of birth and identifying physical features.

"Another person" includes those not licensed to sell these products.

**If citing Store Owner:** Enter the name and contact information for the business listed on license. This may be the name of a person or the name of a business. If the name is listed as a business, the citation must be served by certified mail on the resident agent. The information obtained from the license displayed in the store may be used to locate the resident agent by searching via the Department of Assessments and Taxation Website.

**Offense:** Check the "personal knowledge of the undersigned officer" box and describe briefly what took place. Include the time, date, and location of the offense. Check the "Md. Ann. Code" box and print the statute "Health-Gen. 24-307 (b)" or "Health-Gen. 24-305(b)."

The enforcement officer should request the respondent's signature. Inability to obtain his/her signature will not prevent the citation from being processed. For example, if the store owner is not present in the store, the signature need not be obtained. Service in this instance should be effectuated on the resident agent unless the name listed on the license appears as a person's name and not a business name. In either case, the signature need not be obtained in order to properly issue and serve the citation.

**Agency/Municipality & Trial:** Enter the date that the fine is due along with the name and address of your health department and the date by which election to stand trial must be made. Check and complete all blue highlighted boxes and lines. Note that in this example the fine is due 30 days after the infraction, however, you are not required to use the 30-day timeframe and may include additional time if you wish. (For example, you may require payment within 45 days or 60 days of the infraction.) The date by which the respondent must pay the fine or request a trial date, however, must take place 5 days before the date in which the fine is due.

Check and complete all blue highlighted boxes and lines

## UCC Sample

<b>UNIFORM CIVIL CITATION</b>		123456
<input type="checkbox"/> <b>WITNESS</b>		Citation Number
<input type="checkbox"/> <b>RELATED CASE # / CITATION(S)</b> <span style="border: 1px solid black; display: inline-block; width: 150px; height: 20px; vertical-align: middle;"></span>		
<b>District Court of Maryland for</b> <u>Calvert County</u>		
<u>175 Main Street</u>		
<u>Prince Frederick, Maryland 20678</u>		
<u>County/Municipality/State of Maryland</u>		<u>Agency</u>
<u>Doe</u>	<u>John</u>	<u>Q</u>
Defendant's (Last) Name	First	Middle
<u>123 Avenue</u>		<u>123</u>
<u>Current Street Address</u>		<u>Apt. No.</u>
<u>Prince Frederick</u>		<u>20678</u>
<u>City</u>	<u>Calvert</u>	<u>MD</u>
<u>2/20/1975</u>	<u>5'9</u>	<u>215</u>
DOB	Height	Weight
	<u>M</u>	<u>White</u>
	Sex	Race
		<u>Brown</u>
		State
		<u>Blue</u>
		Eyes
<u>Telephone No. Day/Night:</u>		<u>E-mail:</u>

Based on ☐ personal knowledge of the undersigned officer ☐ the attached affidavit, the Defendant is charged with distributing a tobacco product to a minor.

\_\_\_\_\_ at 12:00 ☐ AM ☒ PM on 10 / 01 / 2010

at Tobacco Store on 456 Road in Prince Frederick, MD 20678

\_\_\_\_\_ Location of Offense

\_\_\_\_\_ County, MD in violation of: ☒ Md. Ann. Code ☐ Municipal Infraction/County Ordinance/Public Local Law/Local Code ☐ COMAR

Document/Article Health-Gen Section 34-307 Sub Section b Paragraph \_\_\_\_\_

☐ Each day a violation continues is a separate infraction subject to an additional citation.

I sign my name as a receipt of a copy of this Citation and not as an admission of guilt. I will comply with the requirements set forth in this Citation.

☒ Defendant's Signature .....

### INSTRUCTIONS

☐ **YOU MUST APPEAR IN COURT.** A notice of trial date will be mailed to you.

☒ **YOU MAY PAY A FINE** of \$ 300 (entire amount required) by 11/01/19 to the:

☐ District Court. Payment of the fine will not close the case if abatement action is pending.

☒ Agency/Municipality Calvert County Health Department

at 975 Prince Solomons Road, Prince Frederick, MD 20678

\_\_\_\_\_ Payment Location

☒ and AVOID TRIAL. This will be deemed an admission of guilt and a trial date will not be set.

☒ **YOU MAY ELECT TO STAND TRIAL by sending your request in writing to the:**

☐ District Court ☒ Agency/Municipality Calvert County Health Department

in writing by 10/27/19 at 75 Prince Solomons Road, Prince Frederick, MD 20678

\_\_\_\_\_ Date \_\_\_\_\_ Address \_\_\_\_\_

DO NOT SEND PAYMENT OF FINE. The District Court will mail you a notice of your trial date, time, and location. AT TRIAL the Court may impose a fine up to the maximum allowed by statute plus court costs.

☐ **IN ADDITION,** \_\_\_\_\_ is seeking abatement of this infraction.

You may be ordered to abate this infraction or be assessed the costs for the abatement, as well as a fine of up to \$1,000, plus court costs. Payment of the preset fine will not satisfy the abatement action and an order of abatement may still be entered against you.

☐ **FAILING TO APPEAR OR PAY THE FINE MAY RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.**

☒ **FAILING TO PAY THE FINE OR REQUEST A TRIAL DATE:**

☒ will deem you liable for the fine assessed; the fine may be doubled and/or a judgment on affidavit may be entered against you including an order of abatement;

☒ you may be found guilty of a Code violation and the maximum fines, court costs, and administrative expenses can be imposed.

☐ **FAILURE TO APPEAR FOR A REQUESTED TRIAL DATE:**

☐ the fine may be doubled and a judgment on affidavit entered against you;

☐ you may be found guilty of a Code violation and the maximum fines and costs can be imposed.

I solemnly affirm under the penalties of perjury, and based upon personal knowledge or the attached affidavit, that the contents of this citation are true and that I am competent to testify on these matters.

☒ The Defendant is not now in the military service, as defined in the Servicemembers Civil Relief Act.

## **Resident Agent Search Sample and Instructions**

### **What name should appear next to “Defendant” in the Uniform Civil Citation if citing the owner?**

When citing an owner for illegal sales of tobacco products or ESDs, failure to check ID when required, or violating the tobacco product placement provision, the name of the retailer/licensee should appear next to “Defendant” on the civil citation. This may be a person’s name such as “John Smith” or instead may be the name of a business. You will never include the name of the Resident Agent on the citation itself.

### **How should I “serve” the owner if they are not on the premises during the violation?**

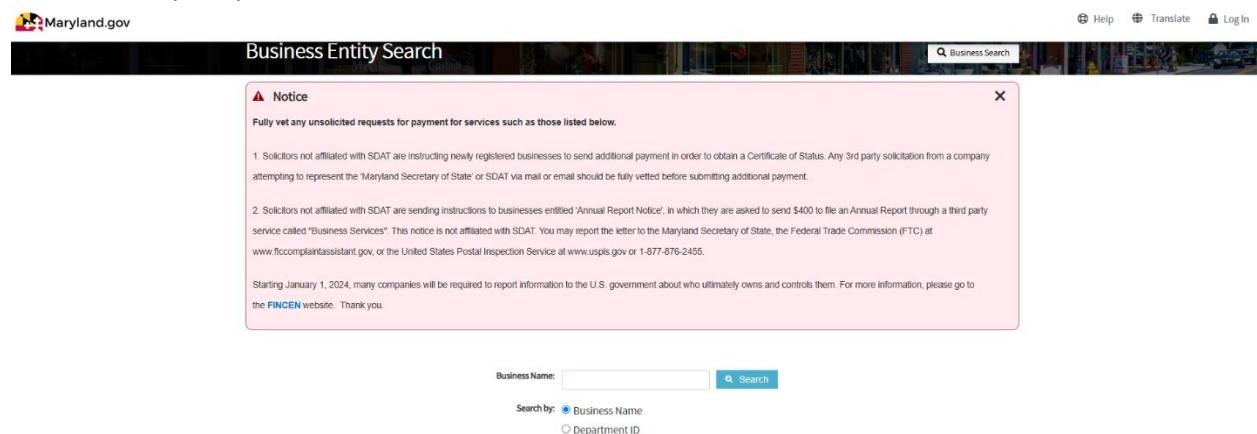
The owner need not sign the citation where “Defendant’s Signature” appears. To serve an owner who is listed as a person like “John Smith,” you may send the citation by certified mail, restricted delivery, and return receipt requested to that person directly at the address of the retail location. Maryland Code, [Maryland Rule, §3-121](#). However, if the name on the license is a business, you must serve the Resident Agent by sending the citation certified mail, restricted delivery, and return receipt requested. Maryland Code, [Maryland Rule, §3-124](#).

### **What is a “Resident Agent?”**

A Resident Agent is a person or company that agrees to accept service on behalf of a business if legal action is taken. The Resident Agent only accepts service and cannot be cited for the wrongdoing which took place at the retail establishment. “Accepting service” means the Resident Agent has agreed to be notified on behalf of a business owner that a legal proceeding has been filed against that business. The Resident Agent will never be responsible for payment of the fine. This is not a rule specific to tobacco citations or enforcement but is the required practice when a company is asked to respond to a legal action.

### **How do I locate the Resident Agent?**

To locate the Resident Agent, review the tobacco, other tobacco product, or ESD license at the retail location. Next, visit <https://egov.maryland.gov/businessexpress/entitysearch> and enter the business name in the space provided:



Maryland.gov

Business Entity Search

Help Translate Login

Business Name:  Search

Search by: ☒ Business Name ☐ Department ID

**Notice**

Fully vet any unsolicited requests for payment for services such as those listed below.

1. Solicitors not affiliated with SDAT are instructing newly registered businesses to send additional payment in order to obtain a Certificate of Status. Any 3rd party solicitation from a company attempting to represent the Maryland Secretary of State or SDAT via mail or email should be fully vetted before submitting additional payment.


2. Solicitors not affiliated with SDAT are sending instructions to businesses entitled 'Annual Report Notice', in which they are asked to send \$400 to file an Annual Report through a third party service called "Business Services". This notice is not affiliated with SDAT. You may report the letter to the Maryland Secretary of State, the Federal Trade Commission (FTC) at [www.ftccomplaintassistant.gov](http://www.ftccomplaintassistant.gov), or the United States Postal Inspection Service at [www.usps.gov](http://www.usps.gov) or 1-877-876-2455.

Starting January 1, 2024, many companies will be required to report information to the U.S. government about who ultimately owns and controls them. For more information, please go to the [FINCEN](#) website. Thank you.

Next, enter the name displayed on the tobacco, Other Tobacco Product (OTP), or ESD license into the “Business Name” field. In the following example, the business name is “NAI Saturn Eastern LLC.”



90 Walkersville



## State of Maryland License

NAI SATURN EASTERN LLC  
SAFEWAY #128  
P O BOX 29096  
MS 6531  
PHOENIX AZ 85038

NAI SATURN EASTERN LLC  
SAFEWAY #128  
151 WALKERS VILLAGE WAY  
WALKERSVILLE MD 21793

**10335716**  
10610916  
15789831

**18**

CODE	UNIT	TYPE OF LICENSE	NO OF LIC	COST
75	030	SPECIAL RETAIL CIGARETTE	1	30.00
87	799	RESTAURANT	1	10.00
90	003	VENDING MACHINE	3	7.50
97	001	OTHER TOBACCO PROD RETLR	1	0.00
01	071	CHAIN STORE	1	123.59
71	751	TRADER'S LICENSE	1	800.00
74	025	CIGARETTE	1	25.00
<b>ISSUING FEES</b>				<b>14.00</b>
<b>TOTAL</b>				<b>1,010.09</b>

**THIS LICENSE MUST BE PUBLICLY DISPLAYED  
AND EXPIRES ON APRIL 30, 2019**

151960-1521962

DATE OF ISSUE  
MO DAY YR  
**04/16/2018**

MONTHS PAID  
**12**

ISSUED BY  
**SANDRA DALTON, CLERK OF CIRCUIT COURT  
100 WEST PATRICK STREET  
FREDERICK, MARYLAND 21701**

<b>AMOUNT PAID</b>	<b>1,010.09</b>
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EMR

Click the “search” function. In this example, the following page will appear:

**⚠ Notice** ✕

Fully vet any unsolicited requests for payment for services such as those listed below.

- Solicitors not affiliated with SDAT are instructing newly registered businesses to send additional payment in order to obtain a Certificate of Status. Any 3rd party solicitation from a company attempting to represent the 'Maryland Secretary of State' or SDAT via mail or email should be fully vetted before submitting additional payment.
- Solicitors not affiliated with SDAT are sending instructions to businesses entitled 'Annual Report Notice', in which they are asked to send \$400 to file an Annual Report through a third party service called "Business Services". This notice is not affiliated with SDAT. You may report the letter to the Maryland Secretary of State, the Federal Trade Commission (FTC) at [www.ftccomplaintassistant.gov](http://www.ftccomplaintassistant.gov), or the United States Postal Inspection Service at [www.uspis.gov](http://www.uspis.gov) or 1-877-876-2455.

Starting January 1, 2024, many companies will be required to report information to the U.S. government about who ultimately owns and controls them. For more information, please go to the [FINCEN](https://www.fincen.gov) website. Thank you.

Business Name:  Search

Search by: ☒ Business Name ☐ Department ID

1 businesses found.

Department ID	Business Name	Status
Z16076176	<a href="#">NAI SATURN EASTERN LLC</a>	Active

Now click the name of the business. The following page will appear. Refer to the “Resident Agent” information below.



General Information

Filing History

Annual Report/Personal Property

General Information

Options for this Business

Department ID Number: Z16076176

Business Name: NAI SATURN EASTERN LLC

Principal Office: 250 PARKCENTER BLVD.  
BOISE IN 83706

Resident Agent: THE CORPORATION TRUST, INCORPORATED  
2405 YORK ROAD  
SUITE 201  
LUTHERVILLE TIMONIUM MD 21093-2264

Status: ACTIVE

Good Standing: THIS BUSINESS IS IN GOOD STANDING

Business Type: FOREIGN LLC

Business Code: 20 ENTITIES OTHER THAN CORPORATIONS

Date of Formation/ Registration: 09/15/2014

State of Formation: DE

Stock Status: N/A

Close Status: N/A

### What if I am unable to serve the Resident Agent?

If two good faith attempts on two separate days to serve the resident agent have failed, you may serve the State Department of Assessments and Taxation by certified mail, restricted delivery, return receipt requested. Maryland Code, [Maryland Rule, §3-124](#).

### What if the license isn't displayed in the establishment and I am unable to gather information to issue the citation and locate the Resident Agent?

If the license is not displayed, notify the ATCC to determine whether that retailer has a license. If they do, obtain the license information and follow the procedure for issuing the citation, including serving the Resident Agent if appropriate. If the retailer does not have a license, report this to the ATCC. Even in this scenario, you may still issue a criminal citation to a licensed or unlicensed person pursuant to [Criminal Law, §10-107\(c\)](#) for selling a tobacco product, including an ESD, to a person under 21. You may instead choose to issue a civil citation to a licensed or unlicensed "person" pursuant to [Health General, §24-305](#) if the sale was for an ESD. You may not, however, issue a civil citation to an unlicensed person if the sale was for a non-ESD tobacco product.

### **Collecting Penalties Subsequent to Citation Issuance and Service**

#### **Once the retailer is served, how and when will the case be set in for a hearing?**

If the retailer pays the fine, there is no hearing. You can direct that the fine be addressed to your local health department.

#### **What if the retailer wants a hearing?**

It is the retailer's responsibility to request the case be set in for a hearing by sending a request in writing to the District Court.

#### **What if the retailer doesn't request a hearing and doesn't pay the fine?**

The Defendant is liable for the fine. The municipality may:

- Double the fine;
- Request adjudication by the District Court; and
- Make a demand for judgment against the retailer.

The District Court then sets it in for the hearing and notifies the retailer of the hearing date.

#### **What happens if the retailer does not appear for the hearing?**

- The Municipality may double the fine.
- If the court finds that an infraction was committed, it must enter judgment against the retailer if a demand for judgment has been properly made.

#### **What happens if the retailer doesn't pay?**

If judgment is entered against the defendant and it remains unpaid after 30 days, it can be enforced in other ways by the court. The court may treat failure to pay as contempt of court.

**Local Laws in Maryland**

<b>Local Penalties for Sales to Individuals under 18</b>	<b>Local Penalties for Sales to Individuals under 21</b>	<b>Tobacco Product Placement</b>
<p><b>Kent County</b>  <i>Prohibits the sale of any substance containing to tobacco</i>  <i>Owners – fines of \$300 for first violation and \$500 for subsequent violations within 24 months</i>  <i>Others – fines of \$50 for first violation and \$100 for subsequent violations within 24 Months</i>  <i>§156-2, Kent County Code</i></p> <p><b>Prince George’s County</b>  <i>Prohibits distribution of tobacco products, not including ESDs</i>  <i>Owners – fines of up to \$300 for first violation and up to \$1,000 for subsequent violations</i>  <i>Employees – fines of up to \$50 for first violation and \$100 for subsequent violations</i>  <i>§12-202, Prince George’s County Code</i></p>	<p><b>Baltimore City</b>  <i>Prohibits the sale or distribution of tobacco products, including ESDs</i>  <i>Fine of up to \$1,000 for each offense</i>  <i>§§12-501 – 12-507, Baltimore City Health Code</i></p> <p><b>Carroll County</b>  <i>Prohibits the sale and distribution of tobacco products, including ESDs</i>  <i>\$300 fine for first violation</i>  <i>\$500 fine for subsequent violations within 24 months</i>  <i>Maryland Code, Local Government, §1-1203</i></p> <p><b>Cecil County</b>  <i>Prohibits the sale and distribution of tobacco products, including ESDs</i>  <i>\$300 fine for first violation</i>  <i>\$500 fine for second violation</i>  <i>\$750 fine for subsequent Violations</i>  <i>Maryland Code, Local Government, §1-1203</i></p> <p><b>Garrett County</b>  <i>Prohibits the sale and distribution of tobacco products, including ESDs</i>  <i>Fine of up to \$300</i>  <i>Maryland Code, Local Government, §1-1203</i></p> <p><b>St. Mary’s County</b>  <i>Prohibits the sale and distribution of tobacco products, including ESDs</i></p>	<p>The following local jurisdictions require tobacco products, some of which include ESDs, to be placed in a location inaccessible to customers and impose civil penalties for violations:</p> <ul style="list-style-type: none"> <li>• Baltimore City, (includes ESDs), §12-402</li> <li>• Baltimore County, (includes ESDs), §13-12-104</li> <li>• Carroll County, (includes ESDs), Maryland Code, Local Government, §1-1202</li> <li>• Charles County (does not include ESDs), §127-3; §127-6</li> <li>• Garrett County, (includes ESDs), Maryland Code, Local Government, §1-1202</li> <li>• Howard County, (includes ESDs), §12-1201-03</li> <li>• Kent County, (does not include ESDs), §156-3</li> <li>• Montgomery County, (includes ESDs), §24-12</li> <li>• Prince George’s County, (does not include ESDs), §12-203</li> <li>• Talbot County, (does not include ESDs), § 159-13</li> <li>• Wicomico County, (does not include ESDs), §135-10-12</li> </ul>

	<p>\$300 fine for first violation  \$500 fine for subsequent violations within 24 months  <i>Maryland Code, Local Government, §1-1203</i></p> <p><b>Baltimore County</b>  <i>Prohibits the sale and distribution of tobacco products, including ESDs</i>  \$500 fine for first violation  \$1,000 fine for second violation  \$1,500 for subsequent violation  <i>§13-12-103, Baltimore County Code</i></p> <p><b>Howard County</b>  <i>Prohibits the sale of tobacco products, including ESDs</i>  \$500 for first violation  \$1,000 for a second violation occurring within 24 months  <i>§12-1300-02, Howard County Code</i></p> <p><b>Montgomery County</b>  <i>Prohibits the sale of tobacco products or ESDs</i>  Fine up to \$1,000 for first offense and \$1,000 for subsequent offenses  <i>§24-9C, Montgomery County Code</i></p>	
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### **Federal, State, and Local Enforcement Programs**

Federal, state, and local laws restrict the sale of tobacco products and electronic smoking devices (ESDs), to individuals based upon their age. These laws also authorize enforcement programs to monitor retailer compliance and penalize establishments that illegally offer to sell tobacco products and ESDs in violation of law. In Maryland, federal, state, and local authorities monitor more than 6,000 licensed tobacco, other tobacco product, and ESD retailers and enforce laws against violators. The three primary enforcement programs operating in the State are: (1) FDA inspections, (2) Synar checks, and (3) local enforcement programs.

The chart below summarizes each enforcement program, including, the authorizing statute, the enforcing agency, penalties, and types of tobacco products subject to each program.

CATEGORY	SYNAR	FDA	STATE/LOCAL
Source of Law	Alcohol, Drug Abuse, and Mental Health Admin Reorganization Act ( <a href="#">Synar Amendment</a> )	<a href="#">Family Smoking Prevention and Tobacco Control Act</a>	Md. Code, <a href="#">Crim. Law §10-107</a> ; <a href="#">Health-General §24-305</a> ; <a href="#">Health-General §24-307</a> or County ordinance
Number of Checks	10% random sample statewide conducted between May-September annually	Undisclosed; random and targeted	Varies by jurisdiction, but MDH is required to inspect each retailer once annually
Enforcement Entity	Maryland Department of Health, Center for Tobacco Prevention and Control	Maryland Department of Health, Center for Tobacco Prevention and Control staff are deputized by the FDA	Health Officer or designee, or sworn law enforcement
Penalties	No penalty for retailers. State risks losing substance abuse prevention and treatment block grant dollars if the violation rates exceed 20%.	1 <sup>st</sup> Violation – warning letter 2 <sup>nd</sup> Violation in 12 mos. - \$356 3 <sup>rd</sup> Violation in 24 mos. - \$709 4 <sup>th</sup> Violation in 24 mos. - \$2,846 5 <sup>th</sup> Violation in 36 mos. - \$7,115 6 <sup>th</sup> Violation in 48 mos. - \$14,232  No Tobacco Sales Orders – may be issued against a retailer found to have committed	Varies by jurisdiction and number of prior violations \$300-\$3,000

		repeat violations at a particular outlet.	
Covered Products	MD Synar checks cigarettes, small cigars, cigarillos, and ESDs	All tobacco products, including ESDs	All tobacco products, including ESDs

### **FDA Inspections**

The U.S. Food and Drug Administration monitors compliance with the Family Smoking Prevention and Tobacco Control Act, including illegal sales to underage people. FDA inspections can result in a warning letter, a civil fine up to \$14,232 as of January 2025 or a no-tobacco sale order.

### **Synar Checks**

The Synar Amendment, adopted by Congress in 1992, requires states to reduce youth access to tobacco products as a condition of receiving Substance Abuse Prevention and Treatment block grant funding from the Substance Abuse and Mental Health Services Administration (SAMHSA). The Trump Administration's US Department of Health and Human Services (HHS) on March 27, 2025, announced a restructuring of SAMHSA. It is now understood that this program will be overseen by the Administration for a Healthy America (AHA). States can lose up to 10% of the block grant funding if more than 20% of retailers fail random, unannounced inspections. In Maryland, a random, 10% statewide sample of licensed tobacco retailers is checked each year.

### **Local Enforcement Programs**

Each of Maryland's 24 counties (including Baltimore City) monitor illegal tobacco sales and conduct regular inspections of licensed tobacco, other tobacco product, or ESD retailers. Local enforcement programs are commonly jointly led by the county health department and the county police or sheriff's department. Enforcement officials may issue criminal citations (Md. Code [Crim. Law §10-107](#)) or civil citations (Md. Code Health-Gen. [§24-305](#) and [§24-307](#)) to violators. In addition, the ATCC may reprimand, suspend, or revoke the cigarette, other tobacco product, or ESD license for repeat violators. A repeat violation may refer to a combination of FDA, Synar, and local compliance failures.

### **Tobacco Product Licensing**

#### **Cigarettes and OTP**

To sell tobacco in Maryland, a retailer must obtain a county tobacco retailer license. The type of license required (i.e. cigarette or other tobacco products) depends on the products sold. Licenses can be obtained by applying to the County Clerk at the Circuit Court in the jurisdiction where the business is located and paying the applicable fee. A Retail Cigarette License must pay an annual fee of \$300.

A Retail Other Tobacco Products License is \$300 annually; however, this fee is not required when a business holds a Retail Cigarette License. Licenses must be renewed by April 30th each year. A retail tobacco license may be suspended or revoked for illegal tobacco sales to underage individuals. Store owners and employees may also face fines and criminal sanctions for illegal tobacco sales to minors.

#### **Electronic Smoking Devices (ESDs)**

To sell ESDs in Maryland, retailers must also obtain a license through the Office of the County Clerk at the Circuit Court in the jurisdiction where the business is located but not if they already have a cigarette or OTP license. Regardless of whether a retailer is required to obtain an ESD license, the retailer must comply with all requirements of an ESD licensee.

The application fee is \$300. Licenses must be renewed each year. Just as with the retail tobacco license, electronic smoking device licenses may be suspended or revoked for illegal sales. Additionally, owners and employees may be subject to civil fines and criminal sanctions.

### **Additional Sales Restrictions**

#### **Flavored Tobacco Products**

The sale of flavored cigarettes (excluding menthol and tobacco flavors) is prohibited under federal law.

Additionally, in January of 2020, the FDA announced that within 30 days companies were to cease the manufacture, distribution, and sale of flavored (other than tobacco and menthol) cartridge-based ESDs which have not been approved for premarket authorization. As of May 2025, no flavored ESD has been granted a marketing order. It also announced that it would focus enforcement efforts on:

- **All** other ESD products for which the manufacturer has failed to take (or is failing to take) adequate measures to prevent minors' access; and
- **Any** ESD product that is targeted to minors or likely to promote use of ENDS by minors. All federal violations may be reported to the FDA online:  
<https://www.accessdata.fda.gov/scripts/ptvr/index.cfm>

The sale of clove cigarettes in Maryland is a criminal misdemeanor punishable by a fine of \$500. Additionally, the [Maryland Office of the Comptroller announced in February of 2020](#) that all wholesalers and retailers must cease the sale and marketing of cartridge-based and disposable ESD products containing flavors, other than tobacco flavor and menthol flavor, which have not been approved for FDA's premarket authorization. These violations may be reported to the ATCC. Retailers who continue to sell cartridge-based and disposable flavored ESDs, including those that also contain CBD, may be reported to the Alcohol, Tobacco, and Cannabis Commission.

#### **Packaging and Promotions**

Cigarettes may ONLY be sold in packages of at least 20. The sale or distribution of unpackaged cigarettes is punishable by a fine of \$500 and up to 3 months imprisonment. No manufacturer, distributor, or retailer may distribute free samples of cigarettes, smokeless tobacco, or other tobacco products, except for smokeless tobacco in a qualified adult-only facility.



## **Maryland Clean Indoor Air Act**

### **What is the Clean Indoor Air Act?**

The Maryland Clean Indoor Air Act prohibits smoking and vaping in virtually all indoor workplaces in Maryland. The law provides for fair and consistent statewide protection from exposure to secondhand smoke in indoor settings.

### **What products are prohibited to be smoked inside under the Clean Indoor Air Act?**

This law prohibits the act of smoking in most public places. “Smoking” is defined as the burning of a lighted cigarette, cigar, pipe, or any other matter or substance containing, wholly or in part, tobacco, cannabis, or hemp. “Vaping” is defined as the use of an electronic smoking device or any device through which the user inhales aerosol containing tobacco, cannabis, or hemp.

Therefore, it applies to cigarettes, cigars, pipes, hookah, e-cigarettes, and vaping or burning of cannabis or hemp. It may not apply to heat-not-burn tobacco products.

### **What locations are smoke-free under the Clean Indoor Air Act?**

A person may not smoke in: (1) an indoor area that is open to the public, including bars and restaurants; (2) a government-owned or operated mass transportation vehicle such as a bus, van, train, taxi, or limousine; or (3) an indoor place of employment. Indoor areas open to the public include portions of indoor areas accessible to the public by either invitation or permission. “Place of employment” is defined in [§5-101 of the Labor and Employment Article](#) as a “place in or about which an employee is allowed to work.”

### **Exemptions to the Clean Indoor Air Act**

The Clean Indoor Air Act does not apply to:

- Private homes or residences, including residences used as a business or place of employment (unless being used by a person who is licensed to provide child care);
- Private vehicles unless a childcare or healthcare provider is using the vehicle to transport the child;
- Hotel or motel rooms as long as the total percent of hotel or motel rooms being so used does not exceed 25%;
- Retail tobacco businesses in which the primary activity is the retail sale of tobacco products and accessories and the sale of other products is incidental;
- Any facility of a manufacturer, importer, wholesaler, or distributor of tobacco products or of any tobacco leaf dealer or processor in which employees of the manufacturer, importer, wholesaler, distributor, or processor work or congregate; or
- A research or educational laboratory for the purpose of conducting scientific research into the health effects of tobacco smoke.

### **How does the Clean Indoor Air Act apply to multiunit dwellings?**

The Clean Indoor Air Act prohibits smoking in common areas, hallways, and stairwells because these are indoor places of employment. It does not apply to individual units because these are private homes and residences. However, landlords and management companies may decide to include smoke-free provisions in their leases which prohibit smoking in private units. Homeowners Associations may also

choose to implement bylaw amendments prohibiting smoking on all or some of their properties, including individual units so long as they follow the required process and procedure outlined in their bylaws as well as the Maryland Condominium Act. For more information on smoke-free housing in Maryland, please visit <https://mdsmokefreeapartments.org/>.

### **What is the “retail tobacco business” exception?**

The “retail tobacco business” exception permits smoking on the premises of retail establishments where the “primary activity” is the retail sale of tobacco products and the sale of other products is “incidental.” There currently are not specific regulations to further define the meaning of “primary activity” or “incidental” sales. If there are questions as to whether a particular location is a retail tobacco business and subject to the retail tobacco business exception, please contact MDH at 1-866-703-3266 or your [local health department](#).

### **What should I do if I see someone smoking in violation of the Clean Indoor Air Act?**

Anyone who sees a violation of the law may file a complaint with the local health department in which the violation took place or call the Clean Indoor Air Act hotline at 1-866-703-3266 to leave an anonymous complaint.

### **Penalties**

A business who violates a provision of the Act faces penalties as follows:

- For a first violation, the Secretary or Secretary’s designee will issue a written reprimand;
- For a second violation, a civil penalty of \$100; and
- For a subsequent violation, a civil penalty not less than \$250.

### **Local Clean Indoor Air Laws**

In addition to the state Clean Indoor Air Act, several counties and Baltimore City have also enacted similar laws:

- *Baltimore City*: Smoking is prohibited in enclosed areas open to the public and in enclosed areas which are places of employment. “Smoking” includes the use of traditional tobacco products or ESDs. See Health Code, §§12-105 – 12-107.
- *Baltimore County*: Smoking is prohibited in public places and at public meetings. Smoking does not include the use of ESDs. See §§13-8-101 – 13-8-109.
- *Cecil County*: Tobacco use, which includes ESDs, is prohibited in any County Parks and Recreation owned or leased property. See §§261-5 – 261-6.
- *Charles County*: Smoking is prohibited in all enclosed public places. “Smoking” does not include the use of ESDs. See Article 2, §§127-10.
- *Frederick County*: Smoking tobacco products is prohibited in public buildings owned or controlled by the county. See §§1-11-3 and 1-11-14.

- *Harford County*: Smoking is prohibited in county buildings. “Smoking” does not include ESDs. See §§149-8 – 149-15.
- *Howard County*: Smoking, including the use of an ESD, is prohibited within a distance of 15 feet from public places and enclosed public places of employment. See §§12-601 – 12-608.
- *Montgomery County*: Smoking and the use of ESDs is prohibited in any common area in a multiple-family residential dwelling. A law passed in 2019 prohibits smoking in outdoor serving areas, not including golf courses or eating and drinking establishments that have designated a smoking/vaping space in an outside seating area that is a rooftop or balcony. See §24-9 for additional information.
- *Prince George’s County*: Smoking, which does not include the use of ESDs, is prohibited in eating and drinking establishments. See §§19-130 – 19-134.
- *Talbot County*: Smoking is prohibited in all enclosed public places and workplaces. “Smoking” includes the burning of tobacco products, but not the use of ESDs. See §§159-4 – 159-11.