

Maryland's New Law

Minimum-Age: 21 years old



Effective Date
October 1, 2019

Contents



- Minimum Age Restrictions
- Minimum Age to Ask for ID
- Age Restricted Products - Tobacco and Vapor
- Acceptable Forms of ID
- Post Sign Required by State Law
- Fines and Penalties

- *We Card* Responsible Retailing Resources

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Minimum Age Restrictions

Maryland Law Summary



NEW MINIMUM-AGE Law effective October 1, 2019 is 21 years old.

Customers must be 21 years or older to purchase tobacco products, e-cigarettes and e-vapor products and tobacco paraphernalia (See Restricted Products section). It is illegal for a person to sell, give, or supply tobacco, tobacco products, e-cigarettes and e-vapor products, and tobacco paraphernalia to any person under the age of 21 years, or to any person seeking to purchase such products for persons under 21 years.



EXCEPTION: For Active Duty military personnel, the minimum-age is 18 years old. A valid military identification card shall be accepted as proof of age for this exception.

FDA Summary (Federal)

You must follow the Maryland's 21 year minimum-age since it is higher than FDA's 18 year minimum-age requirement.

Minimum Age to Ask for ID

Maryland Law Summary

No requirement, but you must follow FDA's requirement below.

FDA Summary (Federal)

You must **Check photo ID of everyone appearing under age 27** who attempts to purchase FDA regulated products and verify the customer is of legal age to purchase. This is an each-and-every time requirement (even if you know the person to be of legal age.) If you "carded" them yesterday, you must "card" them again today!

Decline a sale when the customer is underage, has no photo ID, the photo ID contains no date-of-birth or the photo ID has expired.



Age Restricted Products - Tobacco and Vapor

Maryland Law Summary

Tobacco product means any product that is: intended for human inhalation, absorption, ingestion, smoking, heating, chewing, dissolving, or any other manner of consumption that is made of, derived from, or contains: tobacco; or nicotine; or an accessory or a component used in any manner of consumption of a product, including: cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, and snus; electronic smoking devices; and filters, rolling papers, pipes, and liquids used in electronic smoking devices regardless of nicotine content.

Electronic smoking device means: a device, or component that can be used to deliver aerosolized or vaporized nicotine to an individual inhaling from the device, including: an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, a vape pen and vaping liquid; and any component, part or accessory of such a device regardless of whether or not it is sold separately, including any substance intended to be aerosolized or vaporized during use of the device.

Tobacco paraphernalia includes: a cigarette rolling paper; metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe with or without screen, permanent screen, or punctured metal bowl; water pipe; a carburation tube or device; a smoking or carburation mask; a roach clip; a chamber pipe; a carburetor pipe; an electric pipe; an air-driven pipe; a chillum; a bong; and an ice pipe or chiller.

Distributing a coupon redeemable for Restricted Products to an individual under 21 years of age is prohibited.

FDA Summary (Federal)



Cigarettes,
Cigarette Tobacco
& Roll-Your-
Own Tobacco



Smokeless
Tobacco



Cigars



Hookah
& Pipe
Tobacco



Loose Cigarettes



Nicotine
Gels



Dissolvable
Tobacco
Products



Electronic
Nicotine
Delivery Sales
(ENDS)

BANNED: SINGLE CIGARETTES OR "LOOSIES"

Do not sell single cigarettes ("loosies") or break open packs of 20 cigarettes to sell them in quantities of less than 20 cigarettes OR sell any quantity of smokeless tobacco that is smaller than the smallest package distributed by the manufacturer for individual consumer use.**

ENDS include e-cigarettes, e-hookah, ecigars, vape pens, advanced refillable personal vaporizers, electronic pipes, components & parts (such as e-liquids, atomizers, tank systems, batteries)

Acceptable forms of ID

Maryland Law Summary

Driver's license or other valid identification issued by a governmental unit that positively identifies the purchaser or recipient as being at least 21 years of age or as at least 18 years of age and an active duty member of the military.

EXCEPTION: Active duty military personnel — 18 years old is the minimum age. A military identification card is acceptable proof.



FDA Summary (Federal)

Unless otherwise required by state or local law, FDA recommends that retailers accept only government-issued photographic identification with the bearer's date of birth. (e.g., State-issued driver's license or identification card, military identification card, passport or immigration card) for establishing a legal age to purchase FDA regulated products. The Photo ID is not acceptable if it has expired.

Post Signs Required by State Law

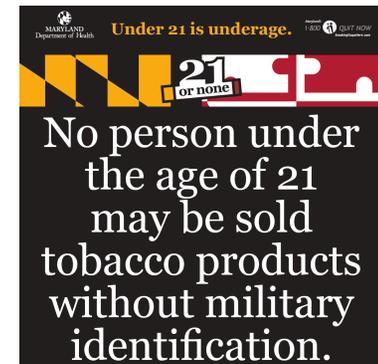
Maryland Law Summary

A licensee shall post a sign in a location that is clearly visible to the consumer that states,

“NO PERSON UNDER THE AGE OF 21 MAY BE SOLD TOBACCO PRODUCTS WITHOUT MILITARY IDENTIFICATION”.

The required sign required shall be written in letters at least one-half inch high.

The Maryland Department of Health's website indicates that they “will mail T21 compliant signs to all licensed tobacco retailers, including vape shops, across the state. Prior to the effective date, T21 signs will also be available for download at www.NoTobaccoSalesToMinors.com.”



Download the new Maryland required sign

Penalties and Fines

Maryland Law Summary

Retailers may be fined up to \$300 for the first offense, up to \$1,000 for the second offense within two years, and up to \$3,000 for third and subsequent offenses within two years. Persons found guilty of selling clove cigarettes are guilty of a misdemeanor and subject to a fine of \$500.

FDA Summary (Federal)

FDA has a variety of enforcement tools to address retailers who violate Federal statutes or regulations, including civil money penalties, warning letters, seizures, injunctions, no-sale orders and/or criminal prosecution. Retailers who violate the regulations may also be in violation of state law and subject to state penalties or other related orders.

FDA FINES & PENALTIES	
# of Violations	Fine
1st	Warning Letter
2 within 12 months	\$285
3 within 24 months	\$570
4 within 24 months	\$2,282
5 within 36 months	\$5,705
6 within 48 months	\$11,410
5 or more within 36 months	No Sale Order

Fines and penalties shown here are as of July 20, 2019.



Customers Who Are Now Underage Due to 21 Year Law

New "21" state laws* require retailers to refuse the sale of tobacco and vapor products to anyone under the age of 21. And it's quite possible that you, the retailer, will be the first one to inform your customers about this new law.

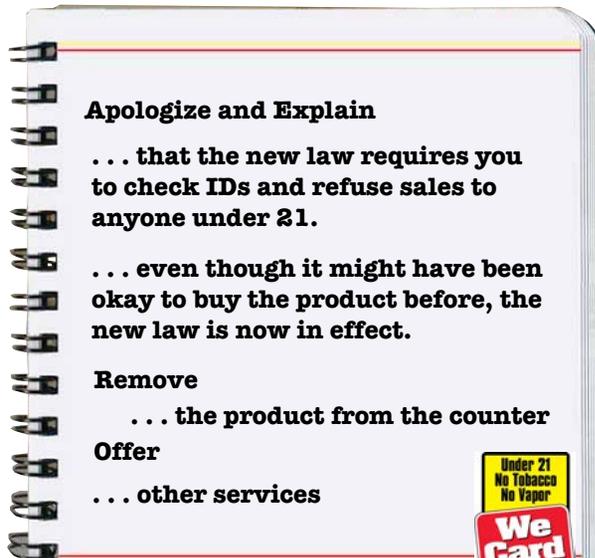
We Card training covers challenges like handling difficult situations including refusing an underage sale using the A-E-R-O method.

* See state laws summaries for any exceptions to the 21 year minimum-age.

We recommend A-E-R-O when speaking with customers who are no longer the legal age to buy tobacco and vapor products.

A-E-R-O

APOLOGIZE **EXPLAIN** **REMOVE** **OFFER**
the product from the counter another service



What do YOU say?



Hey, can I get that vape pen and 2 refill cartridges?

Sure, can I see some ID?

Here you go.

Thanks. I'm sorry, this ID shows you're under 21 so it would be against the law for me to sell the vape pen to you . . .

I'm 20 years old. I buy vape stuff and refills all the time!
WHAT'S WRONG WITH YOU?

I'm sorry, there's a new state law with 21 as the minimum age. We have to follow that law. Can I get you something else in the store?

Oh, I didn't now about the new law. Just this bottled water, thanks.

Store Sales Associate

Responsible Retailing Resources

About We Card

The *We Card* Program is a national non-profit organization focused on ensuring that age-restricted product retailers are fully educated, trained and prepared to reject underage sales.



When you need *We Card* at your fingertips!



wecardnow.com

We Card eLearning Center

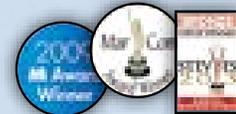


Award-winning training, now even better!
• Employee • Refresher • Manager

Learn FDA Requirements of Retailers, Rules on Regulated Products, FDA Fines and Penalties
**Based upon FDA Guidance for Tobacco Retailer Training Programs*

Additional interactive exercises and more practice in the steps employees need to prevent tobacco sales to minors.

Built to be LMS-ready and SCORM-compliant. Ask for a test drive on your LMS!



Equip Your Stores



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Mystery Shopping

We Card offers the ID Check-Up mystery shopping service at a low cost of \$26 per mystery shop which allows even the smallest retail store to participate in an ID checking system that is proven to increase carding rates.



www.wecard.org

