

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Jeffrey A. Kelly
Executive Director



Alan Silverstein, Chairman
Barbara Wahl, Vice-Chair
Robert Poole, Secretary
Eric Morrissette, Commissioner
Betty Buck, Commissioner
Dennis Schrader, Secretary of Health
Col. Woodrow W. Jones III, Secretary of State Police

MARYLAND ALCOHOL AND TOBACCO COMMISSION

October 2022 Minutes

DATE: October 20, 2022

TIME: 3:00 PM

PLACE: Maryland Alcohol and Tobacco Commission Headquarters
(Meeting conducted via Microsoft Teams, recorded for replay)

PRESENT: Chair Alan Silverstein
Vice Chair Barbara Wahl
Commissioner Robert Poole
Jeffrey A. Kelly, Executive Director, Alcohol and Tobacco Commission
William George, Director, Alcohol and Tobacco Commission
Dana Moncrief, Director, Maryland Department of Health
James Hock, Chief of Staff, Maryland State Police

ABSENT: Commissioner Elizabeth (Betty) Buck
Commissioner Eric Morrissette

I. CALL TO ORDER

Chair Alan Silverstein called the meeting of the Maryland Alcohol and Tobacco Commission to order at 3:00 PM.

II. APPROVAL OF MINUTES

Chair Alan Silverstein called for a motion to approve the minutes for September 20, 2022, meeting. Commissioner Barbara Wahl made a motion to approve, which Chair Silverstein seconded. All members present voted in favor and unanimously approved the previous meeting minutes.

III. EXECUTIVE DIRECTOR REPORT

Executive Director, Jeffrey Kelly, reported the activity for the Alcohol and Tobacco Commission since the last meeting.

- a. Enforcement Activity



i. The ATC's Field Operations Bureau conducted enforcement activities, including 10 incidents where 13 parties were charged. The incidents were both alcohol and tobacco related.

- 45,659 pieces of untaxed OTP and 944 packs of unstamped cigarettes were seized in tobacco-related incidents.
- 53 containers of spirits were seized in alcohol-related incidents.
- These events happened throughout the state in Anne Arundel County, Garrett County, Montgomery County, Prince George's County, Worcester County, and Baltimore City.

ii. Regulatory and Administrative Services (Not listed on Agenda)

- The Regulatory and Administrative Services Bureau has issued 58 new licenses and permits since the last meeting.
- Permits expire October 31, 2022. A total of 938 permits have been renewed; 3,841 are pending renewal.

b. Alcohol Beverage Summit (Virtual Meeting) Summary

- There were 115 in attendance online for the October 6, 2022, first public Alcohol Beverage Summit.
- The summit was an opportunity for industry members, regulators and any interested parties to make regulatory recommendations that will result in the formation of a workgroup to consider recommendations.
- A summary of topics will be published for discussion by the Alcohol Beverage workgroup. The workgroup will be comprised of 10 to 12 representatives from various industries and regulatory authorities, along with member-at-large positions for those not necessarily affiliated but who desire to provide some input.

c. Agency Reports

- Maryland General Assembly mandated the Maryland Medical Cannabis Commission and the Alcohol and Tobacco Commission to report on the merger of the two agencies.
- Executive Director Kelly shared details of the Joint Report on the Transition of Medical Cannabis Personnel to the Alcohol and Tobacco Commission which was also presented to the House Cannabis Referendum and Legalization Workgroup on October 18, 2022.
- ATC and MMCC personnel met over 12 times between April and October, reviewed and evaluated existing personnel, office spaces, vehicles, and operations, to develop the report.
- Executive Director Kelly shared the proposed organizational chart and table of merged functions and units along with their current scope of work.
- The final report has been sent to the Department of Legislative Services for publishing, and copies will be provided to the commissioners.



IV. MDH DIRECTOR REPORT

Director Dana Moncrief, Maryland Department of Health, reported on SYNAR/Underaged Consumer Sales.

a. Background on Maryland Department of Health (MDH) inspections

- There are three levels of the inspection process. MDH contracts with Food and Drug Administration (FDA) Center for Tobacco Products to conduct specific inspections throughout the state with underaged purchasers. Those include inspections done in conjunction with the Food and Drug Administration (FDA), SYNAR Program inspections and inspections done in conjunction with local health departments that include educational visits.
- Any violations are referred to ATC for follow up as part of a partnership. Violators with multiple MDH violations are referred to ATC for a hearing to determine if the license should be suspended or revoked.
- Director Moncrief reported that FDA inspectors are reporting high violation rates; therefore, there is a need to educate retailers about lawful sales of tobacco products and electronic smoking device (ESD) products (flavored vape products).
- Employment opportunity at MDH – recruitment of underaged purchasers (ages 16 to 20) to assist MDH officers by attempting undercover purchases of tobacco and ESD products; referrals may be sent to Director Moncrief.

V. NEW BUSINESS


None.

VI. ADJOURNMENT

Chairman Alan Silverstein motioned to adjourn the meeting, and Commissioner Robert Poole seconded. All members present voted in favor of adjourning the meeting. The meeting was then adjourned at 3:28 p.m.

** Next meeting is November 17, 2022, at 3:00 p.m.*

I certify that the foregoing minutes represent the minutes of the Alcohol and Tobacco Commission meeting on October 20, 2022.



Robert Poole, Secretary

November 17th 2022

Date

