



TOBACCO 21: UPDATE FOR RETAILERS

CENTER FOR TOBACCO PRODUCTS

Disclaimer: This is not a formal dissemination of information by FDA and does not represent Agency position or policy.

AGENDA

- Background on Tobacco 21
- How to comply with the FDA tobacco sale regulations
- Additional resources



RAISING THE FEDERAL MINIMUM AGE OF SALE



On **December 20, 2019**, the Food Drug & Cosmetic Act (FD&C Act) was amended to raise the minimum age of sale of tobacco products from 18 to 21 years of age.

- It is illegal to sell tobacco products such as: cigarettes, cigarette tobacco, roll-your-own tobacco, smokeless tobacco, and covered tobacco products to anyone under the age of 21.
 - There are **no exemptions** from this requirement.
 - Examples of covered tobacco products: hookah tobacco, cigars, pipe tobacco, e-cigarettes, and certain other electronic nicotine delivery systems (ENDS).

BRICK AND MORTAR RETAIL STORES: HOW TO COMPLY WITH FDA TOBACCO SALE REGULATIONS



In order to comply with Federal Regulations, retailers that operate brick and mortar retail stores must:

- Only sell cigarettes, smokeless tobacco, and covered tobacco products to individuals 21 years of age or older.
- Check photo IDs of any tobacco customer under the age of 27.
- Retailers must continue to comply with all applicable requirements under the FD&C Act and FDA's tobacco product regulations.

ONLINE RETAILERS: HOW TO COMPLY WITH FDA TOBACCO SALE REGULATIONS



In order to comply with Federal Regulations, online retailers must:

- Only sell cigarettes, smokeless tobacco, and covered tobacco products to individuals 21 years of age or older.
 - To better ensure compliance with this requirement, FDA encourages online retailers to use adequate means of age and identity verification to prevent sales of cigarettes, smokeless tobacco, or covered tobacco products online to individuals under the age of 21 years.
 - Examples of age verification may include use of an independent age and identity verification service that compares customer information against independent, competent and reliable data sources, such as public records, to prevent the sale to individuals who are under 21 years.
- Retailers must continue to comply with all applicable requirements under the FD&C Act and FDA's tobacco product regulations, including ensuring tobacco products are only sold to individuals 21 years of age and older.

ENFORCEMENT: FEDERAL MINIMUM AGE FOR THE SALE OF TOBACCO PRODUCTS



Failure to comply with these laws and regulations may result in one or more of the following:

- Warning Letter
- Civil Money Penalty
- No-Tobacco-Sale Order

- FDA Tobacco 21 website:
<https://www.fda.gov/tobacco-products/retail-sales-tobacco-products/tobacco-21>
- Additional information for retailers, including other tobacco compliance webinars and FDA Age Calculator, can be found at:
<https://www.fda.gov/tobacco-products/compliance-enforcement-training/retail-sales-tobacco-products>
- CTP's This is Our Watch materials can be downloaded or ordered at:
<https://www.fda.gov/tobacco-products/retail-sales-tobacco-products/our-watch>

- Register to receive e-mail updates from CTP:
<https://www.fda.gov/tobacco-products/ctp-newsroom>
- Please direct additional questions to:
AskCTP@fda.hhs.gov or 1-877-287-1373
- CTP's Office of Small Business Assistance may be reached at:
SmallBiz.Tobacco@fda.hhs.gov