



May 17, 2021

Dear Tribal Leader:

The U.S. Food and Drug Administration (FDA), through its Center for Tobacco Products (CTP), regulates the manufacturing, marketing, and distribution of all tobacco products, including cigarettes, smokeless tobacco, e-cigarettes and cigars. CTP conducts inspections, also called compliance checks, of tobacco retailers throughout the United States and U.S. territories to determine retailer compliance with federal tobacco laws and regulations. On December 20, 2019, the Federal Food, Drug, and Cosmetic Act was amended to raise the federal minimum age for the sale of tobacco products from 18 to 21 years old. Based on this change in the law, it is unlawful for any retailer to sell tobacco products to any person younger than 21 years of age.

FDA contracts with states, territories, and Tribes to conduct compliance checks of tobacco retailers. Information about compliance check inspections can be found here: <https://www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/ucm232109.htm>. I am writing to let you know that the FDA has published a fiscal year 2021 Request for Proposal (RFP) to contract with American Indian and Alaska Native (AI/AN) Tribes to conduct compliance check inspections of tobacco product retailers on tribal lands to help ensure retailer compliance with federal tobacco laws and regulations. Please note that FDA contracts with states, territories and Tribes to help protect youth but does **not** regulate the use of traditional (ceremonial) tobacco. The FDA understands and respects the use of traditional tobacco by Native tribes.

Tobacco retailers play an important role in protecting young people from the deadly effects of tobacco use by complying with the law prohibiting the sale of tobacco products to anyone under 21. Unfortunately, the most commonly observed violations are sales of tobacco products to youth. It is important that FDA continue to protect young people by ensuring retailers comply with the law. According to the Centers for Disease Control and Prevention (CDC), the AI/AN population has the highest prevalence of cigarette smoking compared to any other population group in the United States. We appreciate that many tribal governments have been working actively to reduce tobacco use within their tribes and to prevent smoking and other tobacco use among tribal youth. An FDA collaborative partnership with tribes to reduce youth access to tobacco products will help protect the health of Native communities by ensuring compliance with the Family Smoking Prevention and Tobacco Control Act.

To learn more about this contract opportunity, you can view the RFP and instructions for submitting a proposal at: <https://beta.sam.gov/opp/eeeb30b9af48467dbc2f78001c5f86e1/view> or by going to <https://beta.sam.gov> and searching for the solicitation number 75F40121R00025. **Please note that proposals are due by June 11, 2021 at 1:00 p.m. Eastern time.**

CENTER FOR TOBACCO PRODUCTS



We understand that you may have questions about the retail inspection contract and the FDA tobacco retail inspection program. All questions regarding the RFP solicitation, of a contractual or technical nature, should be submitted in writing and sent via email to: [Janice.Heard@fda.hhs.gov](mailto:Janice.Heard@fda.hhs.gov) by **May 26, 2021 at 10:00 a.m. Eastern time**. FDA will review all questions and publicly post responses on <https://beta.sam.gov>.

For general questions about the tobacco retail inspection program, please contact: Thomas Lawson at [Thomas.Lawson@fda.hhs.gov](mailto:Thomas.Lawson@fda.hhs.gov), Center for Tobacco Products, Office of Compliance and Enforcement.

By working together, we can ensure healthier lives and communities. Ensuring tobacco retailer compliance with federal tobacco laws and regulations on tribal lands is an important part of this overall effort.

Sincerely,

A handwritten signature in cursive script that reads "Ann Simoneau".

Ann Simoneau, J.D.  
Director  
Office of Compliance and Enforcement  
Center for Tobacco Products  
Food and Drug Administration