

Compliance Training for Tobacco Retailers

**Overview of the Regulations Restricting the Sale and
Distribution of Cigarettes & Smokeless Tobacco to Protect
Children and Adolescents**

March 29, 2011

Jessica Zeller, J.D.,
Senior Regulatory Counselor
Office of Compliance and Enforcement
Center for Tobacco Products

Family Smoking Prevention and Tobacco Control Act

- President Obama signed the new law on June 22, 2009
- FDA was given the authority to regulate tobacco products under the new law

FDA Tobacco Control Goals

- Prevent youth tobacco use
- Help adults who use tobacco to quit
- Promote public understanding of the contents and consequences of the use of tobacco products
- Develop science-based and meaningful product regulation to reduce the toll of tobacco-related disease, disability, and death

The Tobacco Control Act

- Required FDA to re-issue certain regulations previously issued in 1996
- Authorizes FDA to contract with States, U.S. Territories, and Tribes to assist with inspections

New Regulation

- “Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents”
- Applies to manufacturers, distributors, and retailers who manufacture, distribute, or sell cigarettes or smokeless tobacco

21 CFR 1140

Effective 6/22/10

To What Products does Part 1140 (New Regulation) Apply?

Cigarettes: includes roll-your-own cigarette tobacco

Smokeless tobacco:

- Includes any type of tobacco that is intended to be placed in the nose or mouth
- Examples: moist snuff, snus, dry snuff, nasal snuff, loose leaf chewing tobacco, plug chewing tobacco, and twist chewing tobacco

NOT covered by Rule

Cigars and pipe tobacco which do **not** meet the definition of cigarettes

Part 1140

Sale and Distribution Provisions

- Prohibits the sale of cigarettes or smokeless tobacco to people younger than age 18
- Requires retailers to verify that a person buying cigarettes or smokeless tobacco is at least 18 years old or older by means of photographic identification (photo ID) containing the bearer's date of birth for all individuals who are under the age of 27
- Prohibits the sale of cigarette packages with fewer than 20 cigarettes

New Regulation

Sale and Distribution Provisions

- Prohibits the sale of cigarettes and smokeless tobacco in vending machines, self-service displays, or other impersonal modes of sale, except in very limited situations
- Prohibits free samples of cigarettes (except “buy one get one free”) and imposes strict requirements for the distribution of free samples of smokeless tobacco products

New Regulation

Marketing Provisions

- Prohibits tobacco brand name sponsorship of any athletic, musical, or other social or cultural event, or any team or entry in those events
- Prohibits non-tobacco gifts or other items in exchange for buying cigarettes or smokeless tobacco products or furnishing evidence of a tobacco purchase, such as credits, proofs-of-purchase, or coupons
- Prohibits the sale or distribution of items, such as hats and T-shirts, with tobacco brands or logos
- Prohibits mail order redemption of coupons

Flavored Cigarette Ban

- Prohibits all characterizing flavors in cigarettes other than tobacco or menthol
- The flavor ban applies to components of cigarettes e.g. filter, rolling paper