



FDA BASICS: State Enforcement Webinar

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Family Smoking Prevention and Tobacco Control Act

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

FDA Tobacco Control Goals

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

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



New Regulation

Sale and Distribution Provisions

- Prohibits the sale of cigarettes or smokeless tobacco to people younger than age 18
- Prohibits the sale of cigarette packages with fewer than 20 cigarettes
- Prohibits the sale of cigarettes and smokeless tobacco in vending machines, self-service displays, or other impersonal modes of sales, except in very limited situations
- Prohibits free samples of cigarettes and imposes strict requirements for the distribution of free samples of smokeless tobacco products

New Regulation Marketing Provisions

- Prohibits tobacco brand name sponsorship or any athletic, musical, or other social or cultural event, or any team or entry in those events
- Prohibits gifts or other items in exchange for buying cigarettes or smokeless tobacco products
- Requires that audio ads use only words with no music or sound effects
- Prohibits that sale or distribution of items, such as hats and tee shirts, with tobacco brands or logos

Flavored Cigarette Ban

- Cigarettes (including component parts) can no longer contain, as a constituent or additive, an artificial or natural flavor (except tobacco or menthol) or an herb or spice, including strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee, that is a characterizing flavor of the tobacco product or tobacco smoke
- Effective September 22, 2009
- Warning Letters issued for violations

State Contracts

- Tobacco Control Act requires CTP to contract with States, Territories, and Tribes, where feasible
- Request for Proposals
- Applications
- Contract awards to States



State Contracts

15 state contracts awarded

- Alabama, Arkansas, Arizona, Colorado, Idaho, Kansas, Maine, Maryland, Massachusetts, Mississippi, Missouri, Illinois, Pennsylvania, Tennessee, and Washington

Retailer Compliance Checks

- Commissioning and training of state officials to conduct retailer compliance check inspections
- Use of minors for purchases of cigarettes and smokeless tobacco
- Obtain and document evidence of violations for use in enforcement actions



Examples of Enforcement Tools

- Warning Letters
- Civil Money Penalties
- No Tobacco Sales Orders



Retailer Education Campaign

Campaign to educate retailers and raise awareness about tobacco product regulations designed to protect kids from the dangers of tobacco use and its negative health impacts.

www.fda.gov/breakthechain



Questions?

If you have additional questions please email us at AskCTP@fda.hhs.gov.