



OVERVIEW *Effective August 8, 2016*

FDA RETAILER REGULATIONS

ENDS include e-cigarettes, e-hookah, ecigars, vape pens, advanced refillable personal vaporizers, electronic pipes, components & parts (such as e-liquids, atomizers, tank systems, batteries)

RESTRICTED PRODUCTS



REQUIREMENTS	Cigarettes, Cigarette Tobacco & Roll-Your-Own Tobacco	Smokeless Tobacco	Cigars	Hookah & Pipe Tobacco	Nicotine Gels	Dissolvable Tobacco Products	Electronic Nicotine Delivery Sales (ENDS)
CHECK PHOTO ID of everyone under age 27 who attempts to purchase.	✓	✓	✓	✓	✓	✓	✓
NO UNDERAGE SALES Follow state & local minimum age laws*	✓ Minimum Age Law 18 yr - most states 19 yr - AL, AK, UT, some cities 21 yr - CA, HI, OR, NJ, some cities	✓ Minimum Age Law 18 yr - most states 19 yr - AL, AK, UT, some cities 21 yr - CA, HI, OR, NJ, some cities	✓ Minimum Age Law 18 yr - most states 19 yr - AL, AK, UT, some cities 21 yr - CA, HI, OR, NJ, some cities	✓ Minimum Age Law 18 yr - most states 19 yr - AL, AK, UT, some cities 21 yr - CA, HI, OR, NJ, some cities	✓ Minimum Age Law 18 yr - most states 19 yr - AL, AK, UT, some cities 21 yr - CA, HI, OR, NJ, some cities	✓ Minimum Age Law 18 yr - most states 19 yr - AL, AK, UT, some cities 21 yr - CA, HI, OR, NJ, some cities	✓ Minimum Age Law 18 yr - most states 19 yr - AL, AK, UT, some cities 21 yr - CA, HI, OR, NJ, some cities
NO VENDING Do NOT sell in a vending machine	✓ See Exception ¹	✓ See Exception ¹	✓ See Exception ¹	✓ See Exception ¹	✓ See Exception ¹	✓ See Exception ¹	✓ See Exception ¹
NO SELF-SERVICE Only sell in a direct face-to-face exchange.	✓ See Exception ¹	✓ See Exception ¹	-	-	-	-	-
NO FREE SAMPLES Do NOT give away free samples, including any of their components or parts.	✓	✓ See Exception ¹	✓	✓	✓	✓	✓
NO FLAVORED PRODUCTS Do NOT sell flavored product – a product that contains a characterizing flavor (except menthol or tobacco flavor)	✓	-	-	-	-	-	-
OTHER	Do NOT sell cigarette packages containing fewer than 20 cigarettes or single cigarettes, know as "loosies."	Do NOT break open packages to sell products in smaller amounts.	-	-	-	-	-

Do NOT sell without a health warning label.

MANUFACTURER REGULATIONS MAY APPLY TO ENDS SALES

Retail establishments, such as **vape shops**, that **mix and/or prepare e-liquids or assemble vaporizers are considered "tobacco product manufacturers."** MANY separate regulations will apply. See FDA regulations for tobacco product manufacturers.²

1 Exception: Only allowed in Qualified Adult-Only facilities where no minor is permitted to enter or be present (follow the minimum-age requirement of your state and locality).
 2 See FDA regulations for tobacco product manufacturers at: <http://www.fda.gov/TobaccoProducts/Labeling/RulesRegulationsGuidance/ucm499351.htm> and <http://www.fda.gov/TobaccoProducts/Labeling/RulesRegulationsGuidance/ucm499344.htm>
 * FDA set the national minimum-age for legal sales at 18 years old BUT also requires you to follow your state or local law if it has a higher age limit (such as 19 or 21).

We Card's information herein is not legal advice nor is it a complete recitation of the law. This information is an overview of some of FDA's requirements of retailers for regulated products. See FDA's website www.fda.gov/tobacco for a full list of requirements that may apply to you.