

**U.S. Food and Drug Administration**  
Protecting and Promoting *Your* Health

[en Español \(http://esp.fda.gov/TobaccoProducts/default.htm\)](http://esp.fda.gov/TobaccoProducts/default.htm)

# Retailer Overview of FDA Regulations for Selling Tobacco Products

Did you know that FDA now regulates all tobacco products? If you're a retailer selling tobacco products, you must comply with all applicable federal laws.

FDA restricts the sale, distribution, and marketing of tobacco products to protect children and adolescents. This page contains a summary of the rules for tobacco retailers but is not comprehensive – federal requirements can be found in the Federal Food, Drug, and Cosmetic Act (FD&C Act), **[Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco \(/TobaccoProducts/Labeling/RulesRegulationsGuidance/ucm360573.htm\)](#)** and Deeming Tobacco Products To Be Subject to the Federal Food, Drug, and Cosmetic Act.

**Regulated tobacco products include, but are not limited to:**

- **[Cigarettes, cigarette tobacco, and roll-your-own tobacco](#)**
- **[Smokeless tobacco](#)**
- **[Cigars](#)**
- **[Hookah and pipe tobacco](#)**
- **[E-cigarettes and other electronic nicotine delivery systems \(ENDS\)](#)**
- **[Nicotine gels](#)**
- **[Dissolvables](#)**
- **[Why Are These Laws Important?](#)**

**Rules for Cigarettes, Cigarette Tobacco, and Roll-Your-Own Tobacco Sales**

**[FDA Rules for Cigarettes, Cigarette Tobacco, and Roll-Your-Own Tobacco Sales \(/downloads/TobaccoProducts/Labeling/ProductsIngredientsComponents/UCM499158.pdf\)](#)**

Retailers should know that some new rules apply to cigarette tobacco and roll-your-own tobacco sales.

- Beginning in 2018, do NOT sell or distribute cigarette tobacco or roll-your-own tobacco products without a warning statement on the package.<sup>1</sup>
- Beginning in 2018, do NOT display advertisements for cigarette tobacco or roll-your-own tobacco products without a warning statement.<sup>1</sup>

These other rules have been in place since 2010:

- Check photo ID of everyone under age 27 who attempts to purchase cigarettes, cigarette tobacco, or roll-your-own tobacco.
- Only sell cigarettes, cigarette tobacco, and roll-your-own-tobacco to customers age 18 or older.<sup>2</sup>
- Do NOT sell cigarettes, cigarette tobacco, or roll-your-own tobacco that contain a characterizing flavor (except menthol or tobacco flavor).
- Do NOT give away free samples of cigarettes, cigarette tobacco, or roll-your-own tobacco, including any of their components or parts.
- Do NOT sell cigarette packages containing fewer than 20 cigarettes, including single cigarettes, known as “loosies.”
- Do NOT break open packages of cigarettes, cigarette tobacco, or roll-your-own tobacco to sell products in smaller amounts.
- Do NOT sell cigarettes, cigarette tobacco, or roll-your-own tobacco in a vending machine or self-service display unless in an adult-only facility.<sup>3</sup>

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### Rules for Smokeless Tobacco Sales

 **[FDA Rules for Smokeless Tobacco Sales](/downloads/TobaccoProducts/Labeling/ProductsIngredientsComponents/UCM499156.pdf)**  
**[\(/downloads/TobaccoProducts/Labeling/ProductsIngredientsComponents/UCM499156.pdf\)](/downloads/TobaccoProducts/Labeling/ProductsIngredientsComponents/UCM499156.pdf)**

- Check photo ID of everyone under age 27 who attempts to purchase smokeless tobacco.
- Only sell smokeless tobacco to customers age 18 and older.<sup>2</sup>
- Do NOT sell smokeless tobacco in a vending machine or self-service display unless in an adult-only facility.
- Do NOT give away free samples of smokeless tobacco unless in a “qualified adult-only facility” and in limited quantities as specified in the law. <sup>3</sup>
- Do NOT break open smokeless tobacco packages to sell products in smaller amounts.
- Do NOT sell smokeless tobacco without a health warning statement displayed on the package.
- Do NOT display advertisements for smokeless tobacco products without a warning statement.

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### Rules for Cigar Sales

 **[FDA Rules for Cigar Sales](/downloads/TobaccoProducts/Labeling/ProductsIngredientsComponents/UCM499153.pdf)**  
**[\(/downloads/TobaccoProducts/Labeling/ProductsIngredientsComponents/UCM499153.pdf\)](/downloads/TobaccoProducts/Labeling/ProductsIngredientsComponents/UCM499153.pdf)**


- Check photo ID of everyone under age 27 who attempts to purchase cigars.
- Only sell cigars to customers age 18 and older.<sup>2</sup>
- Do NOT give away free samples of cigars, including any of their components or parts.
- Do NOT sell cigars in a vending machine unless in an adult-only facility.<sup>3</sup>
- Beginning in 2018, do NOT sell or distribute cigars without a health warning statement displayed on the package.<sup>1</sup>
- Beginning in 2018, do NOT display advertisements for cigars without a health warning statement.<sup>1</sup>
- If you sell cigars individually, and not in a product package, beginning in 2018 you must post a sign with six required warning statements within 3 inches of each cash register.<sup>1</sup>

### Rules for Hookah and Pipe Tobacco Sales

 **[FDA Rules for Hookah and Pipe Tobacco Sales](/downloads/TobaccoProducts/Labeling/ProductsIngredientsComponents/UCM499171.pdf)**  
**[\(/downloads/TobaccoProducts/Labeling/ProductsIngredientsComponents/UCM499171.pdf\)](/downloads/TobaccoProducts/Labeling/ProductsIngredientsComponents/UCM499171.pdf)**

- Check photo ID of everyone under age 27 who attempts to purchase hookah tobacco or pipe tobacco.
- Only sell hookah or pipe tobacco to customers age 18 and older.<sup>2</sup>
- Do NOT give away free samples of hookah or pipe tobacco, including any of their components or parts.
- Do NOT sell hookah and pipe tobacco in a vending machine unless in an adult-only facility. <sup>2</sup>
- Beginning in 2018, do NOT sell or distribute hookah or pipe tobacco without a health warning statement displayed on the package.<sup>1</sup>
- Beginning in 2018, do NOT display advertisements for hookah or pipe tobacco without a health warning statement.<sup>1</sup>

### Rules for Sales of E-Cigarettes and Other Electronic Nicotine Delivery Systems (ENDS)

 **[FDA Rules for E-Cigarettes and Other Electronic Nicotine Delivery Systems \(ENDS\)](/downloads/TobaccoProducts/Labeling/ProductsIngredientsComponents/UCM499168.pdf)**  
**[Sales](/downloads/TobaccoProducts/Labeling/ProductsIngredientsComponents/UCM499168.pdf)**  
**[\(/downloads/TobaccoProducts/Labeling/ProductsIngredientsComponents/UCM499168.pdf\)](/downloads/TobaccoProducts/Labeling/ProductsIngredientsComponents/UCM499168.pdf)**

Some examples of ENDS include e-cigarettes, vape pens, e-hookahs, e-cigars, personal vaporizers and electronic pipes.

- Check photo ID of everyone under age 27 who attempts to purchase e-cigarettes or other ENDS.
- Only sell e-cigarettes and other ENDS to customers age 18 and older.<sup>2</sup>
- Do NOT give away free samples of e-cigarettes or other ENDS, including any of their components or parts.
- Do NOT sell e-cigarettes or other ENDS in a vending machine unless in an adult-only facility.<sup>3</sup>
- Beginning in 2018, do NOT sell or distribute e-cigarettes or other ENDS without a health warning statement on the package.<sup>1</sup>
- Beginning in 2018, do NOT display advertisements for e-cigarettes or other ENDS without a health warning statement.<sup>1</sup>
- If you operate a vape shop that mixes or prepares liquid nicotine or nicotine-containing e-liquids, or creates or modifies any type of ENDS, you are considered a tobacco product manufacturer and **must comply with all of the legal requirements for tobacco product manufacturers** ([/TobaccoProducts/GuidanceComplianceRegulatoryInformation/Manufacturing/default.htm](http://www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/Manufacturing/default.htm)).

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### Rules for Sales of Nicotine Gels

- Check photo ID of everyone under age 27 who attempts to purchase nicotine gel.
- Only sell nicotine gel to customers age 18 and older.<sup>2</sup>
- Do NOT give away free samples of nicotine gel.
- Do NOT sell nicotine gel in a vending machine unless in an adult-only facility.<sup>3</sup>
- Beginning in 2018, do NOT sell or distribute nicotine gel without a warning statement on the package.<sup>1</sup>
- Beginning in 2018, do NOT display advertisements for nicotine gel without a warning statement.<sup>1</sup>

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### Rules for Sales of Dissolvables

These rules apply to dissolvable tobacco products that are not already regulated as smokeless tobacco.

- Check photo ID of everyone under age 27 who attempts to purchase dissolvable tobacco products.
- Only sell dissolvable tobacco products to customers age 18 and older.<sup>2</sup>
- Do NOT give away free samples of dissolvable tobacco products.
- Do NOT sell dissolvable tobacco products in a vending machine unless in an adult-only facility.<sup>3</sup>
- Beginning in 2018, do NOT sell or distribute a dissolvable tobacco product without a health warning statement on the package.<sup>1</sup>
- Beginning in 2018, do NOT display advertisements for dissolvable tobacco products without a health warning statement.<sup>1</sup>

**Retailer Training and Enforcement**

**(/TobaccoProducts/GuidanceComplianceRegulatoryInformation/Retail/ucm249332.htm)**

**Tobacco Retailer Warning Letters Overview**

**(/TobaccoProducts/GuidanceComplianceRegulatoryInformation/Retail/ucm316432.htm)**

### Why Are These Laws Important?

These laws are designed to make regulated tobacco products less accessible and less attractive to youth. Every day, more than 2,600 kids try their first cigarette and nearly 600 kids become cigarette daily smokers.<sup>4</sup> Additionally, the CDC and FDA found that during 2011-2015, e-cigarette use rose from 1.5 percent to 16.0 percent among high school students.<sup>5</sup> Many of these children will become addicted before they are old enough to understand the risks. As a retailer, you play an important role in protecting children and adolescents by complying with the law and regulations.



### Additional Resources

- [Effective and Compliance Dates Applicable to Retailers, Manufacturers, Importers, and Distributors of Newly Deemed Tobacco Products \(/TobaccoProducts/GuidanceComplianceRegulatoryInformation/ucm500778.htm\)](/TobaccoProducts/GuidanceComplianceRegulatoryInformation/ucm500778.htm) ↻
- [Extending Authorities to All Tobacco Products, Including E-Cigarettes, Cigars, and Hookah \(/TobaccoProducts/Labeling/RulesRegulationsGuidance/ucm388395.htm\)](/TobaccoProducts/Labeling/RulesRegulationsGuidance/ucm388395.htm) ↻
- [Small Business Assistance \(/TobaccoProducts/GuidanceComplianceRegulatoryInformation/SmallBusiness/default.htm\)](/TobaccoProducts/GuidanceComplianceRegulatoryInformation/SmallBusiness/default.htm) ↻
- [Tobacco Product Manufacturing \(/TobaccoProducts/GuidanceComplianceRegulatoryInformation/Manufacturing/default.htm\)](/TobaccoProducts/GuidanceComplianceRegulatoryInformation/Manufacturing/default.htm) ↻
- [Products, Ingredients & Components \(/TobaccoProducts/Labeling/ProductsIngredientsComponents/default.htm\)](/TobaccoProducts/Labeling/ProductsIngredientsComponents/default.htm) ↻

### References



#### More in Retail

[\(/TobaccoProducts/GuidanceComplianceRegulatoryInformation/Retail/default.htm\)](/TobaccoProducts/GuidanceComplianceRegulatoryInformation/Retail/default.htm)

#### Retailer Education Materials

[\(/TobaccoProducts/GuidanceComplianceRegulatoryInformation/Retail/ucm237741.htm\)](/TobaccoProducts/GuidanceComplianceRegulatoryInformation/Retail/ucm237741.htm)

#### ▶ Retailer Overview of FDA Regulations for Selling Tobacco Products

[\(/TobaccoProducts/GuidanceComplianceRegulatoryInformation/Retail/ucm205021.htm\)](/TobaccoProducts/GuidanceComplianceRegulatoryInformation/Retail/ucm205021.htm)

#### Retailer Regulations and Guidance

[\(/TobaccoProducts/GuidanceComplianceRegulatoryInformation/Retail/ucm237759.htm\)](/TobaccoProducts/GuidanceComplianceRegulatoryInformation/Retail/ucm237759.htm)