

January 8th, 2020

Attention CRST Tobacco Retailers:

The Food and Drug Administration (FDA) recently made significant changes that affect tobacco retailers. Please read the information provided carefully to ensure you are in compliance with the federal law. You are receiving this because you were identified as a possible tobacco retailer with the Cheyenne River Sioux Tribe (CRST) Revenue Department. If you do not sell tobacco please notify Lynnette at 605-964-7071.

On December 20th, 2019 the federal minimum age to purchase tobacco products was raised from 18 to 21.

The screenshot shows the FDA website page for 'Retail Sales of Tobacco Products'. At the top left is the FDA logo and 'U.S. FOOD & DRUG ADMINISTRATION'. The main title is 'Retail Sales of Tobacco Products'. Below the title are social media sharing buttons for Facebook, Twitter, LinkedIn, Email, and Print. A light blue box contains a note: 'Note: On December 20, 2019, the President signed legislation to amend the Federal Food, Drug, and Cosmetic Act, and raise the federal minimum age of sale of tobacco products from 18 to 21 years. It is now illegal for a retailer to sell any tobacco product – including cigarettes, cigars and e-cigarettes – to anyone under 21. FDA will provide additional details on this issue as they become available.' Below this is a section titled 'FDA regulates all tobacco products, including e-cigarettes, cigars, and hookah tobacco'. The text explains that tobacco retailers play a direct role in protecting kids from nicotine addiction and the deadly effects of tobacco use, and that the rules are designed to prevent youth from becoming the next generation of Americans to die prematurely from tobacco-related disease.

Please display the enclosed We Card signs at your sales counter and inform your cashiers of the new law and remove all outdated signs with age 18. You can also use our updated training video for cashiers on avoiding sales to minors at



<https://www.youtube.com/watch?v=0i2m5a2MjZs&feature=youtu.be>. If you need more free signs from the Canli Coalition of CRST contact Rae at 605-964-1260.

On January 2nd, 2019 the FDA declared that all e-cigarettes currently on the market are there illegally and that the federal government will prioritize enforcement to stop the sale of:

1. Flavored, cartridge-based ENDS (electronic nicotine delivery systems), which includes e-cigarette products (except for tobacco or menthol flavored); and
2. Any ENDS products targeted to, or whose marketing is likely to promote use by minors. Examples include, “products marketed with labeling and/or advertising that resemble kid-friendly foods and drinks such as juice boxes or kid-friendly cereal; products marketed directly to minors by promoting ease of concealing the product or disguising it as another product; and products marketed with characters designed to appeal to youth.”



FDA NEWS RELEASE

FDA finalizes enforcement policy on unauthorized flavored cartridge-based e-cigarettes that appeal to children, including fruit and mint

Companies that do not cease manufacture, distribution and sale of unauthorized flavored cartridge-based e-cigarettes (other than tobacco or menthol) within 30 days risk FDA enforcement actions

Vaping liquids, e-cigarettes and nicotine are considered toxic waste. If you have unsold inventory when the 30 day sell-off period ends on February 1st, 2020, contact your wholesaler for a refund or disposal. If they are unwilling to take the product back, to properly dispose of the waste and **comply with federal law**, contact a hazardous waste company or the South Dakota Department of Environmental and Natural Resources at 605-773-3153 for recommendations.

The flavor restrictions and minimum legal sales age of 21 is for all people in all places. This holds true in all states, U.S. territories, and Tribal jurisdictions. **It is the responsibility of the retailer to enforce these federal regulations.**

Thanks in advance for doing your part to protect young people from the harms of an addiction to nicotine!

Sincerely,

Lynnette Dupris, Director
CRST Revenue Department
605-964-7071



Rae O'Leary
Missouri Breaks & Canli Coalition of CRST
605-964-1260

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Resources

Food & Drug Administration. Selling Tobacco Products in Retail Stores. Dec 20, 2019.
<https://www.fda.gov/tobacco-products/compliance-enforcement-training/retail-sales-tobacco-products>

Food & Drug Administration. FDA finalizes enforcement policy on unauthorized flavored cartridge-based e-cigarettes that appeal to children, including fruit and mint. Jan 2, 2020.
<https://www.fda.gov/news-events/press-announcements/fda-finalizes-enforcement-policy-unauthorized-flavored-cartridge-based-e-cigarettes-appeal-children>

Public Health Law Center. The New Federal Tobacco-21 Law: What it Means for State, Local, and Tribal Governments. Jan 7, 2020. <https://www.publichealthlawcenter.org/blogs/2020-01-07/new-federal-tobacco-21-law-what-it-means-state-local-and-tribal-governments>

Public Health Law Center. Disposing of E-Cigarette Waste. Dec 2020.
<https://www.publichealthlawcenter.org/sites/default/files/resources/Disposing-of-E-Cigarette-Waste-FAQ-for-Schools-and-Others.pdf>