



OVERVIEW *as of February 2020*

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 30 who attempts to purchase.	✓	✓	✓	✓	✓	✓	✓
NO UNDERAGE SALES Follow federal, state & local minimum age laws*	✓ Minimum Age Law Federal law and FDA requires denying sales to under 21 year old customers — If your state or city has a higher minimum age you MUST follow that minimum age. See We Card's list of state and city minimum-age requirements: wecard.org/minimum-age-laws						
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)	✓	-	-	-	-	-	✓ See Requirement ⁴
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.	Required Sign For Cigars sold Individually without packaging, you must post a specific sign at each POS. ³	-	-	-	-

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>
 3 FDA regulation requirement overturned by federal court in Feb. 2020. However be prepared for this ongoing legal matter to continue.
 4 No cartridge-based and pod-based flavored products (except tobacco and menthol flavors)
 * The federal 21-year minimum age law for all tobacco and vaping products became effective 12-20-19. There are no exceptions to the law.