



Dear Tribal Leader:

As you may know, on December 20, 2019, the Federal Food Drug and Cosmetic Act (FD&C Act) was amended to raise the federal minimum age for the sale of tobacco products from 18 to 21 years. As a result, it is illegal for retailers to sell tobacco products including cigarettes, smokeless tobacco, cigars, and e-cigarettes, to anyone under the age of 21.

The Food and Drug Administration (FDA) has developed the attached printable flyer, to provide useful information for tobacco retailers. The flyer also provides links to additional resources and FDA contact information for retailers. Tobacco retailers play a direct role in protecting youth from nicotine addiction and the deadly effects of tobacco use so I hope that you will share this flyer with all of your Tribal tobacco retailers. FDA appreciates the ongoing efforts of Tribal governments to protect Tribal youth by preventing tobacco use.

This update applies to tobacco products sold at retail. FDA does not regulate the use of traditional (ceremonial) tobacco. The FDA respects the use of traditional tobacco by Native tribes. For more information about FDA's engagement with American Indian and Alaska Native Tribal Governments on tobacco-related issues, visit FDA's webpage:

<https://www.fda.gov/tobacco-products/state-local-tribal-and-territorial-governments/engagement-american-indian-and-alaska-native-tribal-governments#retailers>.

The FDA Intergovernmental Affairs Staff (IGA) is available to assist tribal officials for all other FDA inquiries. IGA can be reached at [IGA@fda.hhs.gov](mailto:IGA@fda.hhs.gov). For more information regarding FDA's activities with federally recognized tribal governments, including FDA's Dear Tribal Leader Letters, please visit [www.fda.gov/tribal](http://www.fda.gov/tribal).

We look forward to continuing to strengthen the relationship between FDA and tribal governments as the Agency fulfills its mission to protect and promote public health.

Sincerely,

A handwritten signature in black ink that reads "Ann Simoneau".

Ann Simoneau, J.D.  
Director  
Office of Compliance and Enforcement  
Center for Tobacco Products

Enclosure

# Federal Minimum Age for Sale of Tobacco Products Raised to 21



## Committed to Building Partnerships and Building Trust

The mission of the U.S. Food and Drug Administration (FDA)'s Center for Tobacco Products is to ensure a healthier life for every family by making tobacco-related disease and death part of the past. We understand and appreciate that many Tribal governments have also been working actively to reduce non-ceremonial tobacco use within their Tribes.

FDA respects Tribal sovereignty and honors the government-to-government relationship it has with federally recognized American Indian and Alaska Native tribes.

Communication is key to any partnership. This flier provides information on changes to the Federal Food, Drug, and Cosmetic Act (FD&C Act) that raised the federal minimum age for sale of tobacco products to 21.

## Tobacco 21 Updates for Tribal Retailers

On Dec. 20, 2019, the FD&C Act was amended to raise the minimum age for sale of tobacco products from 18 to 21 years. **It is illegal to sell tobacco products, including cigarettes, smokeless tobacco, cigars, and e- cigarettes, to anyone under the age of 21.**

The federal minimum age of sale applies to all retail establishments and persons **with no exceptions.**

Retailers can ensure they follow the law by taking measures to ensure individuals purchasing tobacco products are 21 or older, including checking IDs.



Currently, retailers must check photographic ID for anyone under the age of 27 years old who attempts to purchase a tobacco product.

## Additional Resources for Retailers

FDA provides free retailer education materials through its "This is Our Watch" program. For more information regarding "This is Our Watch," please visit: <https://www.fda.gov/tobacco-products/retail-sales-tobacco-products/our-watch>

FDA also has more information for retailers at: <https://www.fda.gov/tobacco-products/retail-sales-tobacco-products/tobacco-21>

We encourage you to share this information and FDA resources with retailers in your community to help retailers comply with laws to protect youth from non-ceremonial tobacco use.

### CONTACT US:

If you have questions, please contact:  
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