

FDA COMMERCIAL TOBACCO RETAIL COMPLIANCE CHECK INSPECTION PROGRAM

CENTER FOR TOBACCO PRODUCTS

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FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT



- FDA is committed to protecting the public from tobacco-related death and disease by regulating tobacco products and by educating the public, especially young people, about tobacco products and the dangers their use poses to themselves and others.

TOBACCO PRODUCTS UNDER FDA JURISDICTION

- FDA regulates ALL tobacco products including:
 - Cigarettes
 - Cigarette Tobacco
 - Roll Your Own Tobacco
 - Smokeless Tobacco
 - Electronic Nicotine Delivery Systems (ENDS)
 - Electronic Cigarettes
 - Electronic Hookah
 - Vape Pens
 - Pipe Tobacco
 - Cigars
 - Hookah/Waterpipe Tobacco
 - E-liquid



*FDA does not regulate the use of traditional (ceremonial) tobacco.

- FDA conducts inspections of tobacco product retailers to determine a retailer's compliance with federal laws and regulations.
- FDA conducts two types of compliance check inspections:
 - Undercover Buys inspections
 - Advertising and Labeling inspections
- Compliance Check Inspections are not preannounced to the retailer.

- FDA is authorized to award tobacco retail inspection contracts to States, Tribes, U.S. Territories, and private contractors to conduct retail inspections.
- The Tobacco Control Act specifically prohibits FDA from contracting with any state to exercise enforcement authority under the Tobacco Control Act in Indian Country without the express written consent from the tribe involved.

- FDA previously has awarded contracts to the following Tribes:
 - The Mescalero Apache Tribe
 - The Rincon Band of Luiseño Indians
 - The Seminole Tribe of Florida
 - The Shoshone-Bannock Tribes of the Fort Hall Reservation
- A collaborative partnership with Tribes to reduce youth access to tobacco products will help protect the health of Native communities by ensuring compliance with the Tobacco Control Act.

- On March 8, 2023, the FDA Office of Acquisitions and Grants Services (OAGS) posted a Request for Information (RFI) to determine whether there are American Indian and Alaska Native tribes that are interested and capable to submit a proposal to participate in the FDA Tobacco Retail Compliance Inspection program. The RFI closed on May 8, 2023.
- To learn more about the Retail Compliance Check Inspection contract, you can view the RFI by visiting the Sam.gov website and searching the notice ID number FDA-2023-117000.

FOR MORE INFORMATION



- For more information about the FDA Retail Inspection Program, please contact the Center for Tobacco Products' Office of Small Business Assistance at SmallBiz.Tobacco@fda.hhs.gov or 1-877-287-1373 (Monday–Friday, 9:00 a.m.–4:00 p.m. Eastern Time).