

August 29, 2024

Dear Tribal Leader:

The U.S. Food and Drug Administration (FDA or the Agency) has issued a final rule: *“Prohibition of Sale of Tobacco Products to Persons Younger than 21 Years of Age.”* This final rule amends FDA’s regulations to reflect the increased Federal minimum age of sale for tobacco products.

In December 2019, Congress enacted the Further Consolidated Appropriations Act, 2020 (Pub. L. 116-94, div. N, tit. I, subt. F, sec. 603, 133 Stat. 2534, 3123-24) (the Appropriations Act) legislation raising the Federal minimum age of sale for tobacco products to 21 years, effective immediately. The legislation also directed FDA to issue a final rule amending the Agency’s regulations, to carry out the new Federal minimum age of sale. This final rule makes the conforming changes required by the Appropriations Act. Specifically, the final rule:

- Increases the minimum age of sale for cigarettes, smokeless tobacco, and covered tobacco products from 18 to 21 years of age;
- Increases the minimum age for age verification by means of photographic identification for cigarettes, smokeless tobacco, and covered tobacco products from under the age of 27 to under the age of 30;
- Increases the minimum age of individuals who may be present or permitted to enter facilities that maintain vending machines to sell cigarettes, smokeless tobacco, or covered tobacco products from 18 to 21 years of age; and
- Increases the minimum age of individuals who may be present or permitted to enter facilities that maintain self-service displays to sell cigarettes or smokeless tobacco from 18 to 21 years of age.

The final rule will become effective on September 30, 2024, and is available on the Federal Register at [Public Inspection: Prohibition of Sale of Tobacco Products to Persons Younger than 21 Years of Age](#).

As discussed in the preamble of the final rule, FDA did not consider tribal consultation on this rule to be practicable. The Appropriations Act established a new Federal minimum age of 21 for the sale of tobacco products and made it effective immediately. Additionally, the Appropriations Act directed FDA to issue the final rule to make conforming changes to its regulations. Accordingly, FDA is carrying out the mandate by Congress.

Of important note, FDA does not regulate individual consumer use, including the use of traditional (ceremonial) tobacco, and the Agency respects the ceremonial use of traditional tobacco by American Indian and Alaska Native tribes.

If you have any questions regarding the final rule, please contact Megan Hicks at [CTP-TribalLiaison@fda.hhs.gov](mailto:CTP-TribalLiaison@fda.hhs.gov).

For general questions regarding FDA's activities with federally recognized Tribal Nations, or to submit formal correspondence to the Agency, please contact the Agency's Intergovernmental Affairs (IGA) staff at [IGA@fda.hhs.gov](mailto:IGA@fda.hhs.gov). IGA serves as FDA's primary liaison with Tribal Nations and officials and is a dedicated resource for tribal officials to interface with the Agency.

FDA encourages you to stay informed about further developments related to tobacco products through the Center for Tobacco Products (CTP) website located at <http://www.fda.gov/TobaccoProducts> or by signing up for CTP email newsletters at <https://www.fda.gov/tobacco-products/ctp-newsroom/subscribe-fda-center-tobacco-products-ctp-email-newsletters>. You may also contact the Center via telephone at 1-877-CTP-1373, via email at [AskCTP@fda.hhs.gov](mailto:AskCTP@fda.hhs.gov), or via mail at 10903 New Hampshire Ave., Silver Spring, MD 20993.

We look forward to continuing to strengthen the relationship between FDA and Tribal Nations to protect and advance public health among American Indian and Alaska Native tribes.

Sincerely,

A handwritten signature in blue ink that reads "Brian A. King". The signature is fluid and cursive, with the first name "Brian" being the most prominent.

Brian A. King, PhD, MPH  
Director, Center for Tobacco Products