



FDA Fines & Penalties for Violations

“Retail establishments are responsible for providing training to their employees.”

*www.fda.gov
Frequently Asked Questions:
Protecting Kids From Tobacco*

Q: What is an FDA “approved training program?”

An FDA “approved training program” has yet to be defined by the FDA.

What is known thus far is that the federal law allows for an FDA “approved training program” that may provide to any retailer that implements the “approved training program,” a reduced civil money penalty if that same retailer is found to be in violation. The FDA does not require training of retail employees, but it recommends retailers train and educate their employees.

When the FDA makes it clear, we’ll let you know!

**In the meantime, be prepared!
Get We Card Trained!**

What happens if a retailer is found to be in violation of these regulations?

FDA has a variety of enforcement tools to address retailers who violate the regulations, including civil money penalties, warning letters, seizures, injunctions, and/or criminal prosecution. Retailers who violate the regulations may also be in violation of state law and subject to a variety of state remedies.

FDA Compliance Check Violation	FDA Penalty/Fine without approved training program	FDA Penalty/Fine with approved training program
1st Violation	\$250	Warning letter
2nd Violation within 12 months	\$500	\$250
3rd Violation within 24-months	\$1,000	\$500
4th violation within 24 months	\$2,000	\$2,000
5th violation within 36 months	\$5,000	\$5,000
6th or subsequent violation within 48 months as determined by the Secretary on a case-by-case basis	\$10,000	\$10,000
“Repeated and serious violations of the Act relating to minors.”	No Sale Order	No Sale Order

Source: The Family Smoking Prevention and Tobacco Control Act – Public Law 111-31