OVERVIEW *as of November 2019*

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 27 who attempts to purchase.	✔	✔	✔	✔	✔	✔	✔
NO UNDERAGE SALES Follow state & local minimum age laws*	✔ **Minimum Age Law** FDA requires denying sales to under 18 year old customers — If your state or city has a higher minimum age, such as 19, 20 or 21 years old, 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)	✔	–	–	–	–	–	–
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 Required by FDA deadline of Aug. 10, 2018. See FDA regulation: https://www.fda.gov/TobaccoProducts/Labeling/Labeling/ucm524442.htm#individually

* FDA set the national minimum-age for legal sales at 18 years old BUT also requires you to follow your state or local law if it has a higher age limit (such as 19 or 21).

We Card's information herein is not legal advice nor is it a complete recitation of the law. This information is an overview of some of FDA's requirements of retailers for regulated products. See FDA's website www.fda.gov/tobacco for a full list of requirements that may apply to you.

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