EFFECTIVE DATES OF FDA TOBACCO LAW

(Signed into Law by the President on June 22, 2009)

FDA Provision	**When In Effect**
No direct or indirect claims of reduced risk allowed in any advertising, marketing or labeling of any existing or new cigarettes or smokeless products without prior FDA permission.	6/22/09
Federal Cigarette Labeling Act preemption of state restrictions on the time, place, and manner of cigarette advertising eliminated.	6/22/09
FDA given authority to restrict or prohibit tobacco product advertising and marketing to promote public health.	6/22/09
FDA given authority to issue product standards to promote public health that could eliminate or reduce certain ingredients or byproducts of tobacco products.	6/22/09
FDA entitled to request industry documents related to any relevant past research, by the industry or in the industry's files relating to tobacco product ingredients, constituents, impacts; actual or potential harm reduction technologies; or marketing.	6/22/09
FDA given authority to access records of any tobacco industry participant in order to investigate and combat illicit trade, smuggling or counterfeiting of tobacco products.	6/22/09
Tobacco product manufacturers and distributors required to notify the government if they have any knowledge that a tobacco product has been distributed without payment of applicable duties or taxes or otherwise diverted into illicit trade.	6/22/09
Illegal to make any express or implied statement or representation in tobacco product labeling or advertising or through the media that would mislead the consumers to believe the tobacco product is approved or endorsed by FDA; that FDA deems the product safe for use; or that the tobacco product is safe or less harmful by virtue of being regulated by FDA or being in compliance with FDA regulatory requirements.	6/22/09
Prohibition of "light," "low," "mild," and all similar descriptors in all advertising, labeling and marketing of any new cigarettes and smokeless tobacco products or brands.	7/22/09
All artificial or natural characterizing flavors other than tobacco or menthol banned from all cigarettes and their component parts.	9/20/09
Beginning of User Fee Collection From Tobacco Industry: FDA will be funded through user fees assessed on tobacco companies. First year collections will begin on or after October 1, 2009. FDA is able to borrow start-up costs prior to that date.	10/1/09
Companies provide FDA list of ingredients and additives by brand and quantity as well as all new internal documents related to health, toxicological, behavioral or physiologic effects of current or future products, their constituents, ingredients or components	12/19/09
Publication of FDA Rule on marketing and sales to youth: New restrictions on tobacco marketing to children and federal prohibition on sales to persons younger than 18 with enhanced enforcement (with effective date of 6/22/2010).	By 3/19/10
Prohibition of "light," "low," "mild," and all similar descriptors in all advertising, labeling and marketing of existing cigarettes and smokeless products.	6/22/10
Larger, stronger warning labels required on all smokeless tobacco packages and in advertisements	6/22/10
FDA Rule implemented: No vending machine sales or self-service displays of cigarettes or smokeless tobacco except in adult-only facilities	6/22/10
FDA Rule: All advertising (including electronic and video) in magazines and at point of sale must be black text on white background only – and all audio advertising must be only spoken words with no sound effects or music – except in adult-only facilities and in magazines with less than 15% or fewer than 2 million youth readers	6/22/10

Note: While the legislation applies to all tobacco products, the specific provisions of the FDA tobacco legislation apply directly to cigarettes (including RYO tobacco) and smokeless tobacco products. They apply to any other tobacco products only if and when FDA asserts its jurisdiction over them through a rule making process.

FDA Provision	**When In Effect**
FDA Rule: No branded product tie-ins, such as T-shirts, with purchases	6/22/10
FDA Rule: No free samples of cigarettes; no free samples of smokeless, except in adult-only facilities in certain restricted situations.	6/22/10
FDA Rule: No outdoor advertising within 1000 feet or schools, parks or playgrounds	6/22/10
FDA Rule: No branded sponsorships of athletic or cultural events by tobacco product manufacturers, distributors or retailers	6/22/10
FDA shall publish an action plan to enforce restrictions on promotion and advertising of menthol and other cigarettes to youth	10/1/10
New Product Review: Any new products introduced or modified after February 15, 2007, are subject to review as either a "new product" or as "substantially equivalent" to existing products. Beginning 30 months after the date of enactment, all such products must first be submitted to FDA for review prior to being placed on the market.	Covers new products introduced after Feb. 15, 2007
FDA must issue regulations to prevent the sale of tobacco products to youth via Internet, mail-order or other non-face-to-face sales.	By 10/1/12
FDA must issue regulations to address the promotion and marketing of tobacco products sold over the Internet, by mail-order or other non-face-to-face sales in order to protect youth.	By 4/1/12
FDA shall establish a list of harmful and potentially harmful constituents, including smoke constituents – and shall publish the list in a non-misleading format one year later.	By 4/1/12
FDA must publish regulations requiring larger, graphic cigarette warning labels that cover top half of front and back of all cigarette packages and in cigarette advertisements (implementation 15 months later).	By 6/22/11
Companies provide FDA a listing of all constituents identified by FDA as harmful or potentially harmful by brand and quantity	By 4/1/13
FDA must issue report (and every two years thereafter) on progress and impediments encountered in implementing the FDA tobacco legislation, number of new product and modified risk product applications received and their status, and on the number of full-time employees engaged in implementing the legislation.	By 4/1/13
FDA shall establish and require new testing and reporting of tobacco products constituents, ingredients and additives, including smoke constituents	By 10/1/13
FDA shall issue report on public health implications of raising minimum age to purchase tobacco products	By 4/1/15
FDA shall issue regulations regarding recordkeeping and labeling codes or other tobacco product designs or devices to promote the tracking and tracing of tobacco products through the distribution system and to assist in combating illicit trade, smuggling or counterfeiting of tobacco products.	No specified date
FDA must issue regulations requiring adult-only retail establishments that primarily sell tobacco products to comply with any advertising restrictions that apply to retail establishments accessible to youth.	No specified date
FDA shall establish the Tobacco Product Scientific Advisory Committee. Once established, it must take the following actions: -- Within 12 months: must issue report on menthol cigarettes impact on public health, especially among youth, African Americans, Hispanics, and other racial and ethnic minorities; -- Within 24 months: must issue report on dissolvable tobacco products on public health, especially among youth.	No Later than 10/1/10