

FDA Regulation of Tobacco Products – Effective Dates
(Updated June 24, 2009)

<u>FDA Provision</u>	<u>When In Effect</u>
No direct or indirect claims of reduced risk allowed in any advertising, marketing or labeling of any <u>existing</u> or <u>new</u> cigarettes or smokeless products without prior FDA permission (does not apply to “light,” “low,” “mild” and similar descriptors).	Upon Enactment
Federal Cigarette Labeling Act preemption of state restrictions on the time, place, and manner of cigarette advertising eliminated.	Upon Enactment
Prohibition of “light,” “low,” “mild,” and all similar descriptors in all advertising, labeling and marketing of any <u>new</u> cigarettes and smokeless tobacco.	30 Days after Enactment
All artificial or natural characterizing flavors other than tobacco or menthol banned from all cigarettes and their component parts.	3 Months after Enactment
Prohibition of “light,” “low,” “mild,” and all similar descriptors in all advertising, labeling and marketing of <u>existing</u> cigarettes and smokeless products.	12 Months after Enactment
Larger, stronger warning labels required on all smokeless tobacco packages and in advertisements	12 Months
Larger, graphic cigarette warning labels required that cover top half of front and back of all cigarette packages and in advertisements (FDA must issue regulation no later than two years after enactment, with implementation 15 months later).	No later than 39 Months after Enactment
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	9 Months
FDA Rule implemented: No vending machine sales or self-service displays of cigarettes or smokeless tobacco except in adult-only facilities	12 Months
FDA Rule: No branded product tie-ins, such as T-shirts, with purchases	12 Months
FDA Rule: No free samples of cigarettes; no free samples of smokeless, except in certain restricted situations.	12 Months
FDA Rule: No outdoor advertising within 1000 feet of schools, parks or playgrounds	12 Months
FDA Rule: No sponsorships of athletic or cultural events by tobacco product manufacturers, distributors or retailers	12 Months
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 only small youth readerships	12 Months
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. Current products must submit documentation within 30 months. 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 given authority to restrict or prohibit tobacco product marketing to promote public health.	Upon Enactment
FDA given authority to issue product standards to promote public health that could eliminate or reduce certain ingredients or byproducts of tobacco products.	Upon Enactment
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	6 months
Companies provide FDA listing of all constituents identified by FDA as harmful or potentially harmful by brand and quantity	3 years after Enactment
FDA shall establish a list of harmful and potentially harmful constituents, including smoke constituents	30 months after Enactment

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FDA entitled to request industry documents related to any relevant past research by the industry or in the industry's files	Upon Enactment
FDA must issue regulations to prevent the sale of tobacco products to youth via Internet, mail-order or other non-face-to-face sales.	18 months
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.	24 months
FDA shall establish and require new testing and reporting of tobacco products constituents, ingredients and additives, including smoke constituents	42 months after Enactment
FUNDING: FDA will be funded through user fees assessed on tobacco companies in the amounts provided for in the law and provided for in annual appropriations acts. In the first year this means collections will begin on or after October 1, 2009. FDA is able to borrow start-up costs prior to that date.	User fees collections begin on or after Oct 1, 2009