

Retailer Talking Points on FDA Regulation of Tobacco

In early March, the House Energy and Commerce Committee will consider legislation granting the U.S. Food and Drug Administration (FDA) the authority to regulate tobacco (HR 1108). While the vast majority of the bill deals with the manufacturing of the product (ingredients, etc.), there are significant provisions calling for regulation of tobacco retailing. We urge all retailers to contact their Members of Congress during the President's Day Recess (February 15-25) to let them know your concerns about the legislation. Specifically, we recommend that you note the following:

- The FDA tobacco legislation (HR 1108) tells the FDA to duplicate what every single state already does and regulate all 300,000 retailers across the country. This is a waste of resources.
- This will also be less effective in preventing underage sales than the current system of state regulation because:
 - The bill does not create incentives for retailers to have good compliance and training programs
 - The bill has loopholes. It doesn't cover Internet tobacco sales and won't provide for enforcement against on-reservation retailers.
 - FDA does not have the resources to regulate retailers. It is already having a hard time making sure our food and drugs are safe. FDA just can't do this as well as the states.
- The retail provisions of HR 1108 must be changed or those provisions of the bill will do more harm than good.