

NATO News

Critical News for Members on Tobacco Legislation, Litigation and Regulations

January 2, 2020

Free Age 21 “We Card” Resources Available

All Retailers Need to Comply with New Federal Age 21 to Purchase Law

The We Card organization is making certain retail resources available at no cost to assist retailers in complying with the new federal law that went into effect on December 20, 2019 which raised the legal age to purchase any kind of tobacco product to 21 years of age.

Specifically, the four kinds of free resources for retailers are as follows:

- Three different age 21 signs to download, print and display in stores.
- The We Card Age Checker Application.
- The www.wecardnow.com Age Calculator for use on mobile phones.
- A 10 minute “Training Booster” video course that covers the new age 21 purchase law.

To obtain access to these free We Card retail resources, click on the link below:

Link to We Card Resources: <http://www.wecard.org/21-year-minimum-age-resources>

In addition, retailers can continue to order other products from We Card to assist in properly verifying the legal age of customers. To order other materials, go to www.wecard.org.

All Retailers Need to Comply with New Federal Age 21 Law: As NATO has recently reported, the FDA posted the following notice on its website regarding the immediate effectiveness of the federal age 21 law:

Note: On December 20, 2019, the President signed legislation to amend the Federal Food, Drug, and Cosmetic Act, and raise the federal minimum age of sale of tobacco products from 18 to 21 years. It is now illegal for a retailer to sell any tobacco product – including cigarettes, cigars and e-cigarettes – to anyone under 21. FDA will provide additional details on this issue as they become available.

In order to comply with the new federal law, retailers in every state need to immediately cease selling any kind of tobacco product (i.e., cigarettes, cigars, smokeless tobacco, pipe tobacco,

electronic cigarettes, nicotine vapor products, hookah tobacco, etc.) to anyone that is under the age of 21. NATO has received reports from member retailers that some competing stores continue to sell tobacco products to 18, 19 and 20-year-olds. The sale of tobacco products to 18, 19 and 20-year-olds is a violation of the new federal law and all retailers need to comply by not selling any tobacco product to anyone under the age of 21.

NATO has been in contact with the FDA and asked the agency whether it plans to exercise its enforcement discretion to temporarily delay retail compliance checks to allow retailers the time needed to adequately train employees on the new law, educate customers about the new higher legal age, and reprogram point-of-sale systems to reflect the new age 21 law. While NATO is waiting for a response from the FDA, complying with the new law and enforcing the new law are two different things. That is, retailers are advised to comply with the new law now while the FDA determines how and when the agency will begin retail compliance inspections.