

# RAISING THE FEDERAL MINIMUM AGE OF SALE OF TOBACCO PRODUCTS TO 21

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On December 20, 2019, the President signed legislation amending the Federal Food, Drug, and Cosmetic Act, and raising the federal minimum age for sale of tobacco products from 18 to 21 years.



**Effective immediately, it is now illegal for a retailer to sell any tobacco product—including cigarettes, cigars, and e-cigarettes—to anyone under 21.**



The new federal minimum age of purchase applies to all retail establishments and persons with no exceptions.

## Will there be any transition period?

When the law went into effect, FDA recognized that both the agency and some retailers would need to update their practices to implement the new law—commonly referred to as “Tobacco 21” or “T21”—and stated that FDA would use only minors under the age of 18 in the compliance check program during the ramp-up period. During this period of transition, FDA expected retailers to follow the law and take measures to ensure an individual purchasing tobacco products is 21 or older, including manually checking IDs. Now that a reasonable transition period has concluded, FDA has begun utilizing individuals under the age of 21 in its nationwide compliance check inspection program to determine retailer compliance. FDA also expects that retailers will continue to verify the age of anyone under the age of 27.

## What resources is FDA offering to assist retailers?

FDA has free resources available to assist retailers in calculating the age of customers. Retailers who use FDA’s **This Is Our Watch**® digital age verification calendar may update the minimum purchase age on the calendar to 21 years. Instructions on how to do so can be found **on the back of this sheet**. Retailers who would like a **This Is Our Watch**® digital age verification calendar may order one free of charge from FDA’s Center for Tobacco Products Exchange Lab. Additionally, retailers who use FDA’s Age Calculator app should update the age limit to 21 years through the app settings. Instructions are provided within the help feature of the app.

FDA has launched a hub for all T21 information on its website and will be updating the web page and other materials, including regulations, in the near future to reflect the change in law. Visit the page at: <https://www.fda.gov/tobacco-products/retail-sales-tobacco-products/tobacco-21>.

## How and when will FDA enforce the new minimum age?

FDA’s enforcement of the federal minimum age of purchase for tobacco products is ongoing. To date, the agency has conducted more than 1 million compliance checks of tobacco retailers. FDA will continue to conduct compliance check inspections of tobacco product retailers to determine a retailer’s compliance with federal laws and regulations.



# HOW TO USE FDA'S DIGITAL AGE VERIFICATION CALENDAR

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FDA's free digital age verification calendar helps retailers quickly determine if a customer is old enough to legally purchase tobacco products. The calendar can be programmed to display the exact date a customer must have been born on or before to legally buy tobacco products. Under federal law, the minimum age of tobacco purchase is 21. To program or change the age verification calendar to determine whether a customer is 21 years of age or older, follow the steps listed below.

1. **Insert Batteries.** The default date will read 01-01-2019.
2. Turn the calendar over. On the back panel are five buttons: **MODE**, **SET**, **18**, **19 ▲** and **21 ▼**.
3. To set or change the current date, press **SET** for three seconds. Use the **▲** and **▼** buttons to change the year, month, and day. Press **SET** to confirm each value. Press **MODE** to switch to time mode.
4. To set the current time, press **SET** for three seconds. Use the **▲** and **▼** buttons to change the hour and minute (based on a 24-hour clock). Press **SET** to confirm each value. When finished, press **MODE** to exit.
5. After correctly setting the date and time, to set the legal purchase age, press **21**, and the year will adjust to the most recent date customers must have been born on or before to purchase tobacco products. For example: If today's date is January 1, 2020, the calendar will display January 1, 1999.
6. If a calendar was previously set to reflect a different legal age of purchase other than 21, this can be easily changed by pressing **SET** for three seconds and repeating step 5 above.



Retailers who do not have a This Is Our Watch® digital age verification calendar may order one from the FDA Center for Tobacco Products Exchange Lab, online at: <https://digitalmedia.hhs.gov/tobacco>.