

Federal Update: FDA Proposal to Regulate E-cigarettes, Cigars, and Other Tobacco Products with the White House

October 26, 2015

The U.S. Food and Drug Administration (FDA) has moved one step closer to finalizing its proposal to regulate e-cigarettes, cigars, little cigars, hookah, pipe tobacco and other tobacco products. On October 21, 2015, the FDA sent the proposed deeming regulations to the White House Office of Management and Budget (OMB) for final review. Technically, OMB has a period of 90 days to review final federal agency regulations, but can extend the review time by another 30 days.



When Congress passed The 2009 Family Smoking Prevention and Tobacco Control Act, it created FDA's Center for Tobacco Products and gave it immediate authority over cigarettes, smokeless and roll-your-own tobacco products. In addition, Congress gave authority to the agency to assert jurisdiction over other tobacco products.

This regulation would extend basic authority found in the Tobacco Control Act to all other tobacco products (including e-cigarettes, cigars, little cigars, hookah, and pipe tobacco), such as:

- Registration by all manufactures with FDA, including a list of all tobacco products they sell
- Disclosure of ingredients by manufacturers to FDA
- Prohibit the sales of tobacco products to anyone under the age of 18
- Eliminate free sampling of all tobacco products
- Good manufacturing practice requirements
- Premarket review for any "new" tobacco product
- Premarket review of any product wishing to make a "modified risk or harm" claim

Please [click here](#) to access the American Lung Association's press release from April 2014.

Center for Tobacco Policy & Organizing, October 26, 2015

If you have questions about this analysis, please contact Samantha Pellon at (Samantha.Pellon@lung.org) or Lindsey Freitas at (Lindsey.Freitas@lung.org) at (916) 554-5864 (LUNG).

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