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FDA REGULATION OF TOBACCO PRODUCTS

The Petroleum Marketers Association of America (PMAA) represents the owners and suppliers of more than 100,000 gasoline station/convenience stores in the United States.

President Obama signed H.R. 1256, the Family Smoking Prevention and Tobacco Control Act, into law (Public Law No: 111-31) on June 22, 2009. PMAA realizes the grave health effects caused by the use of tobacco products and does not endorse their use by anyone under age 18. Still, tobacco products are legal for sale in the U.S. and responsible retailers should be allowed to make those products available to adults.

PMAA supports provisions that would allow the Food and Drug Administration (FDA) to regulate sales of tobacco on Native American lands and regulate internet tobacco sales. PMAA continues to be concerned that the law will punish retailers if the packaging, labeling or advertising for tobacco products are found to be out of compliance with regulations which are determined by the FDA. Retailers are rarely involved with any of those decisions and should not be punished for manufacturers' mistakes.

Last year PMAA formed a task force of retailers to explore the implications of the FDA's proposed rules and submit comments. PMAA outlined its concerns in comments filed in September 2009. Comments were due January 8, 2010.

Congressional oversight of tobacco sales did not stop with passage of H.R. 1256. The House and Senate have approved S. 1147, the Prevent All Cigarette Trafficking (PACT) Act to prevent tobacco smuggling and to ensure the collection of all tobacco taxes. PMAA joined a coalition of tobacco retailers and wholesalers last year to support passage of the PACT Act.

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