TOBACCO REGULATIONS IN FLUX

UNSCRAMBLING THE LETTERS OF THE LAW

At the PMTA deadline, questions surrounding compliance and enforcement continue to arise.

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Amid the already dynamic tobacco landscape, the COVID-19 pandemic threw another wrench into the system. And not just for everyday concerns of consumer traffic and sales volume—navigating behind-the-scenes regulatory systems remains an additional challenge for retailers, too.

Just a few weeks before the May 12 deadline for submitting premarket tobacco applications (PMTAs), the U.S. Food and Drug Administration (FDA) requested a 120-day extension, citing the coronavirus pandemic for creating delays by disrupting laboratory work, clinical studies, travel and manufacturing. On April 21, the United States District Court granted permission to move the deadline to Sept. 9, 2020.

Barring further extensions, tobacco and vaping manufacturers must submit their PMTAs by this deadline in order for their products to remain on store shelves during FDA review. Still, as dictated by the original court order, companies that submit their applications on time can generally continue to market their products for one year, unless the FDA takes negative action against a submission during that time.

As much as staying on top of current rules and restrictions can be a challenging task, it's critical. Once it is announced that a product has marketing orders from the FDA, the information should be clear. Yet, many wholesalers and retailers left unsure of how to best navigate post-September 9 are left asking which products have submitted PMTAs, which is a confidential process, and how long these products can remain in store. In the meantime, retailers are unfairly being asked to police what is on their shelves – under penalties of fines and no-tobacco sale orders – without guidance.

Seeing the number of obstacles retailers face in seeking to maintain compliance, vapor industry leader Logic Technology Development (Logic) is active in proposing solutions to lawmakers and industry. Especially in an evolving, often confusing, landscape, retailers need to work with vendors that take compliance as seriously as they do, with products they can confidently put on their shelves,

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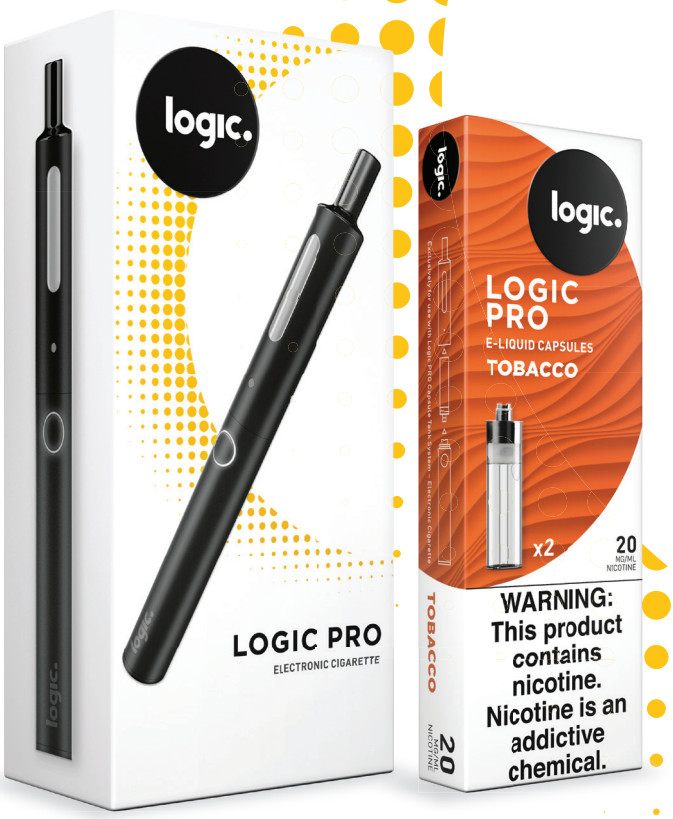

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*Based on Nielsen AOD data through May 2020 within the Traditional Closed Tank Segment

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like Logic Pro, a matte black, soft-touch finished vaporizer that uses pre-filled capsules that offers one-touch operation, and Logic Power, an e-cigarette product with just two components with convenient cartridges.

When the federal government began prioritizing enforcement against most flavored products in February 2020, Logic was not only ready to help get current flavored products off shelves, but was already well ahead of others in the category by submitting its PMTAs ahead of the then May 2020 deadline. Now, leading up to PMTA deadline enforcement, many products currently on the market may not be after September 2020.

Logic's dedication to regulatory compliance goes beyond merely remaining within the letter of the law; the company plays an active role in advocating for science and evidence-based regulation of the category.

Logic has vigorously advocated for flavored products that receive FDA marketing orders through the PMTA process be allowed to return to the market. In New York for example, the PMTA marketing order exemption language, which allows a flavored vaping product to return to the shelf after FDA deems that a product is appropriate for the protection of public health through the PMTA pathway, is now law.

Logic continues to advocate more states adopt this language and approach, and for there to be an efficient, clear way for retailers to quickly know which products, flavored or not, have received marketing orders and may be legally sold in their state.

As a category veteran committed to long-term, responsible operations, Logic is a name to trust. Throughout years of business, Logic has held both business growth and innovation as well as regulatory compliance in high esteem.

"For retailers, partnering with a trusted, well-established manufacturer such as Logic is one of the most reliable ways to ensure they are able to keep up consistent sales without costly disruptions related to noncompliance," said Renee Duszynski, VP of Sales for Logic. "That's why Logic provides a wealth of information to help c-stores learn more about tobacco regulations—all the while boosting sales, profits and satisfaction for adult consumers."

There are, no doubt, more changes on the horizon for the tobacco and vapor categories. But by counting on reliable manufacturers such as Logic for standby products and up-to-date information, retailers can find the consistency they're looking for. **To learn more, call 1-800-896-4612**

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