



## Tell the FDA to Strengthen the Deeming Regulation

On April 24, 2014, the U.S. Food and Drug Administration took the first step to regulate other products by proposing a Deeming Regulation to assert jurisdiction over other tobacco products, including e-cigarettes, cigars, “little cigars,” dissolvable products, and hookah.

Nearly five years ago, the Family Smoking Prevention and Tobacco Control Act granted the FDA the authority to regulate all tobacco products. However, in its charge to the FDA, Congress only required the FDA to regulate cigarettes, cigarette tobacco, smokeless tobacco and roll-your-own tobacco. For all other products, the FDA is required to take an affirmative step and promulgate a rule that asserts jurisdiction over those products.

As written, the proposed Deeming Regulation would prohibit sales to youth but does not prohibit youth-appealing flavors. You can [submit comments on this new docket](#), including scientific data, local survey data, and evidence of the public health impact of other tobacco products. If you need help getting started, consider these [talking points](#) when drafting your comments. The deadline to submit comments on the proposed regulation is July 9, 2014.

We hope you will add your voice to the chorus urging the FDA to strengthen the regulation. For more information on the proposed regulation, check out our resources:

- [The FDA Takes Small Steps to Expand Tobacco Regulation](#) (fact sheet)
- [A Deeming Regulation: What is Possible Under the Law](#) (fact sheet)
- [Why Should I Care about a Deeming Regulation](#) (short video)
- [A Deeming Regulation: Expanding FDA Regulation of Tobacco Products](#) (short video)

If you have any questions or need assistance with the commenting process, please do not hesitate to contact our staff attorneys:

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