

The Alabama Alcoholic Beverage Control Board has become aware of recent changes in the federal enforcement policy for certain electronic nicotine delivery systems (ENDS) and advises Alabama tobacco permit holders to review the [FDA News Release dated January 2, 2020](#) and [Industry Guidance Document dated January 2020](#).

It is our understanding that beginning February 6, 2020, the FDA intends to prioritize enforcement against illegally marketed ENDS products by focusing on the following groups of products that do not have premarket authorization:

- Any flavored, cartridge-based ENDS product (other than a tobacco- or menthol-flavored ENDS product);
- All other ENDS products for which the manufacturer has failed to take (or is failing to take) adequate measures to prevent minors' access; and
- Any ENDS product that is targeted to minors or likely to promote use of ENDS by minors.

A cartridge-based ENDS product consists of, includes, or involves a cartridge or pod that holds liquid that is to be aerosolized when the product is used. A cartridge or pod is any small, enclosed unit (sealed or unsealed) designed to fit within or operate as part of an ENDS product.

Questions regarding enforcement actions should be directed to the Food and Drug Administration at 1-877-287-1373.