



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration
Center for Tobacco Products
9200 Corporate Boulevard
Rockville MD 20850-3229



Dear Governor [REDACTED]:

On June 22, 2009, the President signed the Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act) into law (Public Law 111-31). The Tobacco Control Act grants the Food and Drug Administration (FDA) important new authority to regulate the manufacture, marketing, and distribution of tobacco products to protect the public health generally and to reduce tobacco products use by children and adolescents. Among its many provisions, the Tobacco Control Act requires FDA to limit young people's access to tobacco products by imposing age restrictions for the purchase of cigarettes and smokeless tobacco products as well as restrictions on marketing intended to curb the appeal of these products to minors.

States and U.S. Territories will have crucial roles to play in reducing tobacco use by children and adolescents. FDA will publish a competitive Request for Proposals (RFP) for States or U.S. Territories to enforce certain provisions of the Tobacco Control Act and implementing regulations. Each State or U.S. Territory interested in submitting a proposal for these competitive contracts must identify a single agency within its jurisdiction, with enforcement authority, whose employees would be commissioned and trained to conduct FDA inspections at retail establishments. Examples of appropriate agencies may include: public health departments, attorneys general offices, law enforcement agencies, and food and drug agencies.

Many of the provisions for which FDA will contract with the States and U.S. Territories to enforce will take effect on June 22, 2010. As a result, we anticipate a very short timeframe after the RFP is published for interested States and U.S. Territories to draft and submit proposals. Therefore, I am sending you this letter to alert you to the availability of these contracts, so that you may consider which agency would be most appropriate to compete for these contracts, and also to let you know that a synopsis of this RFP will be published at www.FedBizOpps.gov shortly.

We look forward to working with you in our shared efforts to reduce youth access to and use of tobacco products.

Sincerely,

Lawrence R. Deyton, M.S.P.H., M.D.
Director, Center for Tobacco Products