



June 16, 2022

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### **Your Comments Needed To Stop US Food and Drug Administration's Menthol Ban**

The US Food and Drug Administration has proposed a return to prohibition- this time for certain tobacco products. Your comments are needed and will help the FDA better understand the effects these bans would have on your business and why they should not move forward with their proposed rules.

Please see attached draft FDA menthol cigarette ban/cigar flavor ban. Our manufacturer and national partners have assisted in developing these comments for submitting to the FDA on the proposed rules. **Again, EVERYONE SHOULD SUBMIT COMMENTS TO THE FDA BY JULY 5<sup>TH</sup>!**

1. FDA Comments can be submitted to the FDA's Center for Tobacco Products by clicking on these two links below for the proposed regulation banning menthol in cigarettes and the proposed regulation banning characterizing flavors in cigars.
  2. You can copy and submit these comments (please update it with association and company specific information such as background information, number of c-stores you operate and number of people you employ. C-store owners and their employees should include a statement that you and your employees responsibly sell tobacco products to adult customers and work diligently to comply with state and federal laws regarding the sale of tobacco.)
  3. Menthol Ban: <https://www.regulations.gov/commenton/FDA-2021-N-1349-0001>
  4. Flavored Cigar Ban: <https://www.regulations.gov/commenton/FDA-2021-N-1309-0001>
  5. As indicated above, the FDA has proposed two separate regulations with one banning menthol in cigarettes and the second one banning flavors, except tobacco flavor, in cigars. The attached comments work for both and need to be submitted to both links.
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### **VDACS Food Safety Program Permit**

During the 2022 General Assembly session, Chapter 204 of the 2022 Acts of Assembly was passed and then signed into law by Governor Youngkin. This new law provides the authority for the issuance of permits by the Virginia Department of Agriculture and Services (VDACS) to any Virginia food manufacturer, food storage warehouse, or retail food establishment (i.e.,

supermarkets, grocery stores, convenience stores). It also requires that all food establishments regulated by VDACS be issued and have a valid permit from the agency's Commissioner in order to operate in the Commonwealth.

All food establishments under VDACS jurisdiction will be receive a food establishment permit on or about July 1, 2022. Permits will be mailed directly to each of the food establishments. If you have not received yours by by August 1, contact [foodsafety@vdacs.virginia.gov](mailto:foodsafety@vdacs.virginia.gov)

A permit will not be issued until January 1, 2023, to any food manufacturer, food storage warehouse, or retail food establishment located in a locality that adopted a local food inspection or permitting ordinance prior to January 1, 2022. This applies to the following 10 localities: City of Alexandria, Arlington County, City of Danville, Fairfax County, City of Hampton, City of Hopewell, City of Norfolk, City of Petersburg, City of Portsmouth, and City of Roanoke.

The permit will remain valid for a period of 12 months after the date of issuance. When that time period has elapsed, VDACS will provide a replacement permit. While food establishments will continue to pay the existing annual food safety fee, there will be no additional cost associated with this permit.

Food establishments permitted by VDACS will continue to receive regular, ongoing inspections by VDACS's Food Safety Program to ensure that the inspected establishments are maintained in a clean, healthy, and sanitary condition. The only change in our regulatory process will be the issuance of the annual permit

If you have questions or would like to discuss this issue you can contact [pamela.miles@vdacs.virginia.gov](mailto:pamela.miles@vdacs.virginia.gov).

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## Save the Date

VPCMA 74th Annual Meeting  
September 25-27, 2022  
The Greenbrier Resort  
White Sulphur Springs, WV

Registration to open July 1.