



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE

4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

APR 16 2020

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
DIRECTOR, DEFENSE COMMISSARY AGENCY
DIRECTOR, DEFENSE HEALTH AGENCY
DIRECTOR, DEFENSE LOGISTICS AGENCY

SUBJECT: Minimum Age for the Sale of Tobacco Products

Pursuant to Section I of Title I of Public Law 116-94, "Health and Human Services Extenders," it is unlawful for any retailer to sell tobacco products, including electronic nicotine delivery systems, to any person younger than 21 years of age. This law applies to retail outlets on DoD installations and facilities within the United States and its territories and possessions, and on U.S. naval vessels at a U.S. port. Outside the United States and its territories and possessions and on U.S. naval vessels at sea or at a foreign port, tobacco products may be sold to persons as allowed by the laws of the host country, but may not be sold to anyone under 18 years of age, provided that such sales do not contradict international laws or treaties to which the United States are party. When selling tobacco products within the United States, retailers must check a patron's identification if his or her age is not known to be over 21 and if the patron appears to be under 30 years of age. For locations outside the United States, retailers must check a patron's identification if his or her age is not known to be over 18 and if the patron appears to be under 27 years of age.

To minimize the potential mission impacts of implementing this law, ensure a consistent implementation DoD-wide, and to facilitate the availability of tobacco cessation products to remote and deployed locations, I direct that DoD commissary, exchange, and morale, welfare, and recreation outlets that sell tobacco products implement this policy on August 1, 2020. These outlets will post signs no later than July 1, 2020 to inform patrons of this policy change, and will endeavor to stock sufficient quantities of tobacco cessation products prior to its implementation. The Director, Defense Health Agency, in coordination with the Secretaries of the Military Departments, will ensure DoD medical treatment facilities have sufficient quantities of tobacco cessation products in stock as part of the TRICARE benefit for eligible beneficiaries, and will endeavor to provide appropriate counseling and treatment capacity at locations where Service members may attempt to quit tobacco product use as a result of this policy.

DoD Instructions 1330.21, 1015.10, and 1330.17 will be updated to reflect this guidance with the next revisions of these issuances. For information regarding this memorandum, contact Mr. Berry Patrick at berry.w.patrick.civ@mail.mil or (571) 372-6612.

A handwritten signature in cursive script, reading "Matthew P. Donovan", is located at the bottom right of the page.

Matthew P. Donovan