

Field Information Kit

Prevent All Cigarette Trafficking (PACT) Act of 2009

Cigarettes, Smokeless Tobacco, and Electronic Nicotine Delivery Systems (ENDS) as Nonmailable Matter

What: On June 29, 2010, smokeless tobacco and cigarettes became nonmailable in most circumstances. Effective October 21, 2021, electronic nicotine delivery systems (ENDS) products are likewise nonmailable in most circumstances.

WHEN: A final rule to implement these changes related to the inclusion of ENDS products is being published in the *Federal Register* on October 21, 2021 and becomes effective on the same day.

WHY: These new rules result from legislation enacted on December 27, 2020. This legislation includes ENDS products within the scope of the Prevent All Cigarette Trafficking (PACT) Act of 2009, which prohibits cigarettes and smokeless tobacco in the mail except under certain conditional exceptions.

DETAILS:

Under the new rules, the following matter is generally nonmailable, except in limited circumstances. **Note:** Cigars are not subject to these rules.

- **Cigarettes**, meaning:
 - Rolls of tobacco wrapped in paper or in any substance not containing tobacco.
 - Rolls of tobacco wrapped in a tobacco-containing substance but likely to be offered to, or purchased by, consumers as a cigarette; or
 - Roll-your-own tobacco (tobacco or wrappers offered to, or purchased by, consumers for making cigarettes or cigars).

- **Smokeless tobacco**, meaning:
 - Tobacco intended to be placed in the oral or nasal cavity; or
 - Tobacco otherwise consumed without being combusted.

- **Electronic nicotine delivery systems (“ENDS”)**, meaning:
 - Electronic devices that, through an aerosolized solution, deliver nicotine, flavor, or any other substance to the user inhaling from the device; or
 - Any component, liquid, part, or accessory of an ENDS device, regardless of whether it is shipped separately from the device.

Note: Examples of ENDS devices include e-cigarettes, e-hookahs, e-cigars, e-pipes, vape pens, or advanced refillable personal vaporizers. Despite the name, ENDS are nonmailable regardless of whether they contain or are used with nicotine.

The following types of shipments of cigarettes, smokeless tobacco, and ENDS are **ineligible for any exception and are always nonmailable**, regardless of markings or other indications:

- Mail accepted via any carrier, contractor, or third-party acceptance method. Prohibited acceptance methods and locations for cigarettes, smokeless tobacco, and ENDS include Pickup on Demand, Package Pickup, customer mailboxes or collection boxes, a Community Post Office, a Contract Postal Unit, a Village Post Office, an Approved Shipper, and any other contractor- or third-party-operated acceptance location;
- Inbound international mail;
- Outbound international mail;
- Overseas military and diplomatic mail (i.e., mail to, from, or between APO/FPO/DPO addresses); or
- Mail to, from, or between the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau.

The **exceptions** under which cigarettes, smokeless tobacco, or ENDS **may be mailed** are as follows:

- **Intra-Alaska/Intra-Hawaii:** Shipments entirely within Alaska or Hawaii.
- **Business/Regulatory Purposes:** Shipments transmitted between authorized businesses for business purposes, or between authorized businesses and government agencies for regulatory purposes. This exception requires pre-authorization of the sender and recipient by the Pricing and Classification Service Center (PCSC).
- **Certain Individuals:** Infrequent, lightweight shipments mailed by adult individuals.
- **Consumer Testing/Public Health (cigarettes only):** Cigarettes sent by authorized manufacturers to adults for consumer testing purposes, and shipments sent by authorized federal agencies to consumers for public health purposes. This exception requires pre-authorization of the sender by the PCSC.

The following rules are conditions for excepted mailings:

- All shipments must bear a **unique marking** on the address side of the package.
- All shipments must be presented in **face-to-face transactions** with postal acceptance employees, therefore package pickup services are **not permitted**. If

a customer uses an electronic postage payment method such as **Click-N-Ship®**, the package must be tendered at a Post Office™ facility or business mail acceptance location. Shipments may not be tendered at contract retail units, commercial mail receiving agencies, or other third-party locations.

- Except for intra-Alaska shipments and intra-Hawaii shipments, all shipments must be sent by **Priority Mail Express or Priority Mail service with an Adult Signature service**.
- Except for intra-Alaska shipments, intra-Hawaii shipments, and other shipments between approved businesses, **absolutely no retail or ecommerce sales transactions** of cigarettes, smokeless tobacco, or ENDS may use the mail for delivery.
- Cigarettes, smokeless tobacco, and ENDS are **prohibited in inbound and outbound international mail, overseas military and diplomatic (APO/FPO/DPO) mail**, and mail to, from, within, or between **ZIP Codes in the Freely Associated States (i.e., 96939–96944, 96960, or 96970)**.
- Except for intra-Alaska and intra-Hawaii shipments, **age verification must be completed for all cigarettes, smokeless tobacco, and ENDS shipments** prior to delivery, and in some cases prior to acceptance. The federal minimum age for these purposes is **age 21** in all states and U.S. territories and possessions. Higher minimum age requirements may apply in certain locations, based on local law.

What you need to know: Familiarize yourself with the contents of this communications package on revisions to the PACT Act. Several service talks have been developed specifically for delivery operations and retail associates.

All packages must meet the requirements listed in the “PACT Act Acceptance and Delivery Procedures.” The following items appear below and are available at <https://blue.usps.gov/retail/policy-procedures/service-talks/domestic-service-talks.htm>

- “PACT Act Acceptance and Delivery Procedures” for each of the exceptions indicated above.
- “PACT Act FAQs” for all employees who accept or deliver packages.
- “PACT Act Acceptance and Delivery Rules” Job Aid.

Acceptance Service Talk

Mailability of Cigarettes, Smokeless Tobacco, and Electronic Nicotine Delivery Systems

Effective October 21, 2021, electronic nicotine delivery systems (ENDS) are generally nonmailable, similar to cigarettes and smokeless tobacco.

For mailability purposes, ENDS are defined as electronic devices that aerosolize a solution of nicotine, flavor, or any other substance and deliver the vapor to the user inhaling from the device. Despite the name, ENDS are not limited to products containing or intended to be used with nicotine. Examples include e-cigarettes, e-hookahs, e-cigars, vape pens, advanced refillable personal vaporizers, and electronic pipes. For mailability purposes, ENDS also include any component, liquid, part, or accessory of ENDS, regardless of whether it is shipped separately from the device.

The law spells out limited circumstances in which cigarettes, smokeless tobacco, and ENDS can be mailed. Even under these exceptions, several restrictions apply.

Mailings must be tendered in a face-to-face transaction with a Postal Service employee at a retail facility or Business Mail Entry Unit (BMEU). They cannot be tendered via Post Office lobby drops or other non-face-to-face methods, and they cannot be tendered at Contract Postal Units or third-party acceptance locations.

Cigarettes, smokeless tobacco, and ENDS are prohibited in international mail; mail to and from APO/FPO/DPO addresses; and mail to, from, within, and between ZIP Codes in the Freely Associated States (i.e., 96939–96944, 96960, or 96970).

In domestic mail, cigarettes, smokeless tobacco, and ENDS are permitted only in the following circumstances:

- **Intra-Alaska/Intra-Hawaii:** Shipments entirely within Alaska or Hawaii.
- **Business/Regulatory Purposes:** Shipments transmitted between ENDS/tobacco industry businesses authorized by the Postal Service's Pricing and Classification Service Center (PCSC), or between such businesses and federal or state agencies for regulatory purposes.
- **Certain Individuals:** Infrequent, lightweight shipments mailed by age-verified adult individuals.
- **Consumer Testing/Public Health:** Limited shipments by cigarette manufacturers or federal agencies pre-authorized by the PCSC to individuals for testing purposes. This applies only to cigarettes, and not to smokeless tobacco or ENDS.

How does this change to the PACT Act affect retail employees?

Retail employees must ensure that mailers comply with PACT Act requirements. Customers claiming one of the exceptions are required to put identifying markings on their packages. Where this is the case, or where there are other indications that a customer is mailing cigarettes, smokeless tobacco, or ENDS, you must evaluate whether the customer has complied with the requirements for one of the exceptions. If not, then the package is nonmailable and should be refused.

Acceptance Procedures

Business/Regulatory Purposes Exception

1. Mailings must be presented to a postal employee in a face-to-face transaction. Post Office lobby drops, Contract Postal Units, third-party acceptance locations, Pickup on Demand, Package Pickup, and other carrier-based acceptance methods are not available.
2. Check for this marking on address side (with the mailer using whichever terms in brackets apply): “[**CIGARETTE/SMOKELESS TOBACCO/ENDS**] **MAILING-DELIVER ONLY TO EMPLOYEE OF ADDRESSED [BUSINESS/AGENCY] UPON AGE VERIFICATION**”
3. Verify that postage has been prepaid via Click-N-Ship, PC Postage, Permit Imprint, or an IBI postage meter.
4. Verify that the mailer has used the following combination of products: (1) **Priority Mail Express or Priority Mail**, with (2) **Adult Signature Required or Adult Signature Restricted Delivery**.
5. Verify that the mailpiece includes the name and full mailing addresses for both the sender and recipient.
6. Verify that both the sender and recipient identified on the package are businesses and/or government agencies.
7. Ask the mailer for the mailer’s authorization letter from the PCSC and worksheets showing authorized mailers, recipients, and acceptance locations.
8. Verify that the mailer, recipient, and acceptance location are listed as authorized in the letter and/or worksheets, and that the letter does not identify the recipient as unauthorized.
9. Verify the mailer’s information by checking the “Mailers with Authorized Cigarettes, Smokeless Tobacco or ENDS Business/Regulatory Exceptions” list published weekly in a *Retail Digest* (also available on <https://blue.usps.gov/mail-acceptance/xls/PACT%20ACT%20Authorized%20Mailers%20List.xlsx>).
10. Advise the mailer that the mailer must additionally purchase Return Receipt service using PS Form 3811, *Domestic Return Receipt*. Advise the mailer that the return receipt must bear the mailer’s eligibility number issued by the Pricing and Classification Service Center (PCSC) in the return address block; include the addressee’s full name and address; and be made mailable to the address illustrated below:

PCSC PACT Mailing Office
USPS Eligibility No. [insert PCSC authorization number]
90 Church Street, Suite 3100
New York, NY 10007-2951
11. If steps 1 through 10 have been completed successfully and no other mailability issues are apparent, accept the package. If the mailer has failed to comply with any step, or if you cannot verify that the PCSC has authorized the mailer, recipient, and acceptance location, refuse the package.

Certain Individuals Exception

1. Mailings must be presented to a postal employee in a face-to-face transaction. Post Office lobby drops, Contract Postal Units, third-party acceptance locations, Pickup on Demand, Package Pickup, and other carrier-based acceptance methods are not available.
2. Check for the following marking on the address side (with the mailer using whichever terms in brackets apply): **“PERMITTED [CIGARETTE/SMOKELESS TOBACCO/ENDS] MAILING-DELIVER ONLY UPON AGE VERIFICATION”**
3. Verify that the package weighs no more than 10 ounces.
4. Ask the customer to confirm that the package is not being sent for commercial purposes.
5. Verify that postage has been prepaid via Click-N-Ship, PC Postage, Permit Imprint, or an IBI postage meter.
6. Verify that the mailer has used the following combination of products: (1) **Priority Mail Express or Priority Mail**, with (2) **Adult Signature Required or Adult Signature Restricted Delivery**.
7. Check that the shipping label bears the full name and address for both the sender and the addressee.
8. Ask the mailer to present government-issued photo identification that lists age or date of birth, such as a driver’s license or passport.
9. Check that the name on the identification matches the sender name on the Priority Mail Express or Priority Mail label.
10. Verify that the mailer is at least 21 years of age (or any higher minimum age that local law sets for the sale or purchase of the relevant products).
11. If the addressee is an individual, ask the mailer to orally confirm that the addressee is an adult of at least the minimum age for the legal sale or purchase of cigarettes, smokeless tobacco, or ENDS products at the place of delivery.
12. If you are aware that the mailer has mailed 10 or more such packages in the last 30 days, advise the mailer that the package cannot be mailed at this time.
13. If steps 1 through 11 have been completed successfully and no other mailability issues are apparent, accept the package. If the mailer has failed to comply with any step, or if you cannot verify the mailer’s identity and/or age, refuse the package.

Consumer Testing/Public Health

1. Mailings must be presented to a postal employee in a face-to-face transaction. Post Office lobby drops, Contract Postal Units, third-party acceptance locations, Pickup on Demand, Package Pickup, and other carrier-based acceptance methods are not available.
2. Check for marking on address side: **“PERMITTED CIGARETTE MAILING— DELIVER ONLY TO ADDRESSEE UPON AGE VERIFICATION”**
3. Ask the mailer to confirm that the package contains no more than 12 packs (240 cigarettes) and does not contain smokeless tobacco or ENDS.
4. Verify that postage has been prepaid via Click-N-Ship, PC Postage, Permit Imprint, or an IBI postage meter.

5. Verify that the mailer has used the following combination of products: (1) **Priority Mail Express or Priority Mail**, with (2) **Adult Signature Restricted Delivery**.
Note: Adult Signature Required is not an eligible service with this marking.
6. Check that the shipping label bears the full name and address for both the sender and the addressee.
7. Verify that the sender identified on the package is a government agency or business and that the addressee is an individual.
8. Ask the mailer for the mailer's authorization letter from the PCSC and worksheets showing authorized mailers and acceptance locations.
9. Verify that the mailer and acceptance location are listed as authorized in the letter and/or worksheets, and that the letter does not identify the recipient as unauthorized.
10. Verify the mailer's information by checking the "Mailers with Authorized Cigarettes, Smokeless Tobacco or ENDS Business/Regulatory Exceptions" list published weekly in a *Retail Digest* (also available <https://blue.usps.gov/mail-acceptance/xls/PACT%20ACT%20Authorized%20Mailers%20List.xlsx>).
11. Advise the mailer that the mailer must additionally purchase Return Receipt service using PS Form 3811, *Domestic Return Receipt*. Advise the mailer that the return receipt must bear the mailer's eligibility number issued by the Pricing and Classification Service Center (PCSC) in the return address block; include the addressee's full name and address; and be made mailable to the address illustrated below:

PCSC PACT Mailing Office
USPS Eligibility No. [insert PCSC authorization number]
90 Church Street, Suite 3100
New York, NY 10007-2951
12. If you are aware that the mailer has mailed a package to the same addressee in the last 30 days, advise the mailer that the package cannot be mailed at this time.
13. If steps 1 through 11 have been completed successfully and no other mailability issues are apparent, accept the package. If the mailer has failed to comply with any step, or if you cannot verify that the PCSC has authorized the mailer and acceptance location, refuse the package.

Intra-Alaska/Intra-Hawaii Exception — Personnel in Alaska and Hawaii only

1. Mailings must be presented to a postal employee in a face-to-face transaction. Post Office lobby drops, Contract Postal Units, third-party acceptance locations, Pickup on Demand, Package Pickup, and other carrier-based acceptance methods are not available.
2. Check for marking on address side (with the mailer using whichever terms in brackets apply): **"INTRASTATE SHIPMENT OF [CIGARETTES/SMOKELESS TOBACCO/ENDS]."**
3. Check that the return address is complete, valid, and located in your state.

4. Verify that delivery address is in your state.
5. If steps 1 through 4 have been completed successfully and no other mailability issues are apparent, accept the package. If the mailer has failed to comply with any step, or if you cannot verify that both addresses are in your state, refuse the package.

Note: Not all mailings tendered in Alaska or Hawaii fall under this exception. If a mailpiece contains cigarettes, smokeless tobacco, or ENDS and is tendered in Alaska or Hawaii for delivery out of state, it can be mailable only if it meets the conditions for one of the other exceptions above.

No Exceptions Apply

If the mailing does not qualify for one of the exceptions above, inform the mailer that it cannot be mailed under U.S. law.

In addition, do not accept the item if any of the following is true:

- The package has a foreign return or delivery address.
- The package has an APO, FPO, or DPO return or delivery address.
- The package has a return or delivery address with a ZIP Code in the Freely Associated States (i.e., 96939–96944, 96960, or 96970), or is being mailed in one of those ZIP Codes.
- The package was tendered via a private mailbox, collection box, Postal Service lobby drop, Approved Shipper, Contract Postal Unit, Village Post Office, or other method besides a face-to-face transaction with a postal employee at a Postal Service retail location or BMEU.

Delivery Service Talk

Mailability of Cigarettes, Smokeless Tobacco, and Electronic Nicotine Delivery Systems

Effective October 21, 2021, electronic nicotine delivery systems (ENDS) are generally nonmailable, similar to cigarettes and smokeless tobacco.

For mailability purposes, ENDS are defined as electronic devices that aerosolize a solution of nicotine, flavor, or any other substance and deliver the vapor to the user inhaling from the device. Despite the name, ENDS are not limited to products containing or intended to be used with nicotine. Examples include e-cigarettes, e-hookahs, e-cigars, vape pens, advanced refillable personal vaporizers, and electronic pipes. For mailability purposes, ENDS also include any component, liquid, part, or accessory of ENDS, regardless of whether it is shipped separately from the device.

The law spells out limited circumstances in which cigarettes, smokeless tobacco, and ENDS can be mailed. Even under these exceptions, the following restrictions apply.

Mailings must be tendered in a face-to-face transaction with a Postal Service employee at a retail facility or Business Mail Entry Unit (BMEU). They cannot be tendered via Pickup on Demand, Package Pickup, or any other method of acceptance by a letter carrier.

You may see packages with one of the following markings (with the customer using one of the terms in each set of brackets):

- **[CIGARETTE/SMOKELESS TOBACCO/ENDS] MAILING — DELIVER ONLY TO EMPLOYEE OF ADDRESSED [BUSINESS/AGENCY] UPON AGE VERIFICATION**
- **PERMITTED [CIGARETTE/SMOKELESS TOBACCO/ENDS] MAILING— DELIVER ONLY UPON AGE VERIFICATION**
- **PERMITTED CIGARETTE MAILING—DELIVER ONLY TO ADDRESSEE UPON AGE VERIFICATION**

These mailings must use an Adult Signature service, and any such mailings with a business or government return address must also have a Return Receipt (PS Form 3811) returnable to the Pricing and Classification Service Center. If mailing with one of these markings has the necessary services, then delivery should be attempted, subject to verification that the recipient is at least 21 years old. If the mailing is missing one of these services, then it is nonmailable and generally should be returned to sender with a report to the Pricing and Classification Service Center. See MI [NUMBER] for further instructions.

If a marking instructs you to deliver only to an addressee (in conjunction with Adult Signature Restricted Delivery) or to the addressee's employee, then such restrictions apply as well.

If delivery cannot be made to a person meeting the relevant criteria, then a PS Form 3849 notice should be left, and the package returned to the local Post Office.

[For offices outside of Alaska and Hawaii:] The marking “INTRASTATE SHIPMENT OF [CIGARETTES/SMOKELESS TOBACCO/ENDS]” is specific to shipments within Alaska and Hawaii only. It is invalid anywhere else. If you see a mailing with this marking, then the package is nonmailable and generally should be returned to sender with a report to the Pricing and Classification Service Center. See MI [NUMBER] for further instructions.

[For offices in Alaska and Hawaii only:] You may also see packages marked as follows: **INTRASTATE SHIPMENT OF [CIGARETTES, SMOKELESS TOBACCO, or ENDS]**. If you see a package with this marking, check to ensure that the return address is in our state. If so, then the package is mailable and should be delivered. These packages are mailable even if the shipper has not used an Adult Signature service or Return Receipt, and you do not need to verify anything at delivery, unless the shipper has opted to use such a service. If you see a package with an “INTRASTATE” marking but with an out-of-state return address, then it is nonmailable and generally should be returned to sender with a report to the Pricing and Classification Service Center. See MI [NUMBER] for further instructions.

[All offices:] Only domestic mail can be eligible for the mailability exceptions. Cigarettes, smokeless tobacco, and ENDS are prohibited in international mail; mail to and from APO/FPO/DPO addresses; and mail to, from, within, and between ZIP Codes in the Freely Associated States (i.e., 96939–96944, 96960, or 96970).

Finally, any domestic mailings with invalid markings, or with other indications that the contents are cigarettes, smokeless tobacco, or ENDS, are nonmailable and generally should be returned to sender with a report to the Pricing and Classification Service Center. See MI [NUMBER] for further instructions.

Any questions should be directed to your supervisor.

Delivery Procedures

Business/Regulatory Purposes Exception

1. Check for marking on address side: “[CIGARETTE/SMOKELESS TOBACCO/ENDS] MAILING—DELIVER ONLY TO EMPLOYEE OF ADDRESSEE [BUSINESS/AGENCY] UPON AGE VERIFICATION.” (The mailer should have chosen one of the items in each set of brackets.)
2. Make sure that the mailing is associated with Adult Signature service and has a return receipt. If the package does not have either of these services, return the package to sender with a report to the PCSC, treat as dead mail, or refer to the Inspection Service, as applicable. See MI [NUMBER] for further instructions.
3. Make sure that the return address to the PCSC on the return receipt includes the mailer’s eligibility number in the return address block, as shown in the illustration below.

PCSC PACT Mailing Office
USPS Eligibility No. XX-00-0000
90 Church Street, Suite 3100
New York, NY 10007-2951

If the eligibility number is missing on the return receipt, return the package to sender with a report to the PCSC, treat as dead mail, or refer to the Inspection Service, as applicable. See MI [NUMBER] for further instructions.

4. At the point of delivery, ask the recipient to present (a) government-issued photo identification that lists age or date of birth, such as a driver’s license or passport and (b) proof of employment with the named addressee. Proof of employment may be any of the following:
 - a. An employee identification badge or card with the employee’s name, employer’s name, and employer’s phone number;
 - b. A signed letter from a supervisor or human resources office on company letterhead;
 - c. Any other form of identification that your postmaster deems to be sufficiently reliable; or
 - d. If delivery is made at the business’s address, observation of such factors as the recipient’s uniform and presence at a reception desk or retail counter.
5. Verify that the recipient is at least 21 years of age (or any higher minimum age that local law sets for the sale or purchase of the relevant products).
6. Verify that the recipient is an employee of the named addressee.
7. If the recipient cannot be verified as being an employee or at least the minimum age, then a PS Form 3849 notice should be left, and the package returned to the local Post Office.
8. If the recipient is verified as being an employee and at least the minimum age, advise the recipient to sign for receipt of delivery and in the appropriate signature blocks of PS Form 3811.

Certain Individuals Exception

1. Check for the following marking on the address side: **“PERMITTED [CIGARETTE/SMOKELESS TOBACCO/ENDS] MAILING—DELIVER ONLY UPON AGE VERIFICATION”** (The mailer should have chosen one of the items in brackets.)
2. Ask the recipient to present government-issued photo identification that lists age or date of birth, such as a driver’s license or passport.
3. Verify that the recipient is at least 21 years of age (or any higher minimum age that local law sets for the sale or purchase of the relevant products).
4. If the recipient cannot be verified as being at least the minimum age, then a PS Form 3849 notice should be left, and the package returned to the local Post Office.
5. If the recipient is verified as being at least the minimum age, advise the recipient to sign for receipt of delivery.

Consumer Testing/Public Health Exception

1. Check for marking on address side: **“PERMITTED CIGARETTE MAILING—DELIVER ONLY TO ADDRESSEE UPON AGE VERIFICATION”**
2. Make sure that the mailing is associated with Adult Signature Restricted Delivery service and has a return receipt. If the package does not have either of these services, return the package to sender. **Note:** Adult Signature Required is not an eligible service with this marking.
3. Make sure that the return address to the PCSC on the return receipt includes the mailer’s eligibility number in the return address block, as shown in the illustration below.

PCSC PACT Mailing Office
USPS Eligibility No. [insert PCSC authorization number]
90 Church Street, Suite 3100
New York, NY 10007-2951

If the eligibility number is missing on the return receipt, return the package to sender with a report to the PCSC, treat as dead mail, or refer to the Inspection Service, as applicable. See MI [NUMBER] for further instructions.

4. At the point of delivery, ask the recipient to present government-issued photo identification that lists age or date of birth, such as a driver’s license or passport.
5. Verify that the recipient is the addressee named on the package. If the recipient cannot be verified as the addressee, then a PS Form 3649 notice should be left and the package returned to the local Post Office.
6. Verify that the recipient is at least 21 years old. If the recipient is verified as the addressee but is not at least 21 years old, then the item is nonmailable and must be returned to sender with a report to the Pricing and Classification Service Center, treated as dead mail, or referred to the Inspection Service, as applicable. See MI [NUMBER] for further instructions.
7. If the recipient is verified as being the addressee and at least 21 years old, advise the recipient to sign for receipt of delivery.

Intra-Alaska/Intra-Hawaii Exception—Personnel in Alaska and Hawaii Only

1. Check for marking on address side: “**INTRASTATE SHIPMENT OF [CIGARETTES/SMOKELESS TOBACCO/ENDS]**” (The mailer should have chosen one of the items in brackets.)
2. Verify that the delivery address is in the same state as the return address and acceptance site.
3. If the return address or acceptance site is out of state, then the item is nonmailable and must be returned to sender with a report to the Pricing and Classification Service Center, treat as dead mail, or refer to the Inspection Service, as applicable. See MI [NUMBER] for further instructions.
4. No forwarding of intra-state exception shipments is permitted to out-of-state addresses.

Note: *Not all mailings delivered in Alaska or Hawaii fall under this exception. If a mailpiece for delivery in Alaska or Hawaii bears a marking for one of the other exceptions below, follow the appropriate tasks for that marking.*

No Exceptions Apply

Cigarettes, smokeless tobacco, and ENDS are prohibited in international mail; mail to APO/FPO/DPO addresses; and mail to, from, and between ZIP Codes in the Freely Associated States (i.e., 96939–96944, 96960, or 96970).

In any of these situations, or in any other situation not covered by an exception above where cigarettes, smokeless tobacco, or ENDS are indicated or within plain sight, in or on a domestic mailpiece, do not deliver the item. See MI [NUMBER] for further instructions.

Packages Presented for Collection

Under most circumstances, cigarettes, smokeless tobacco, and ENDS are nonmailable. Even under exceptions that permit mailing, these shipments must be entered in a face-to-face transaction with Postal Service retail or business mail acceptance personnel. Under no circumstances are cigarettes, smokeless tobacco, or ENDS eligible for carrier-based collection methods.

Carriers must refuse acceptance of any package presented by a customer, via Pickup on Demand or Package Pickup, in a mailbox or collection box, or at an Approved Shipper– or contractor-operated location, if the carrier knows or has reasonable cause to believe that the package contains cigarettes, smokeless tobacco, or ENDS.

If a carrier inadvertently accepts such a package and identifies it as such later, the item is nonmailable and must generally be returned to sender with a report to the Pricing and Classification Service Center. See MI [NUMBER] for further instructions.

Frequently Asked Questions

For All Audiences

1. *When does the law about ENDS mailings take effect?*

ENDS are generally nonmailable effective October 21, 2021.

2. *Can people still order cigarettes, smokeless tobacco, or ENDS online?*

There is no general ban on online sales of cigarettes, smokeless tobacco, or ENDS. However, such items cannot be shipped by U.S. mail from online vendors, except within Alaska and within Hawaii. In all other situations (including shipments into or out of Alaska or Hawaii), customers must ensure that the items will not be shipped by U.S. mail. Non-postal carrier options may be available; the Postal Service cannot advise what restrictions might apply for other carriers.

3. *Why is the Postal Service making cigarettes, smokeless tobacco, and ENDS nonmailable?*

The Postal Service is implementing mailability restrictions mandated by Congress and the President. Specifically, in 2010, the Prevent All Cigarette Trafficking Act (or PACT Act) was enacted, which made cigarettes and smokeless tobacco nonmailable, with some exceptions. Legislation enacted in December 2020 made ENDS subject to the PACT Act as well.

4. *What are electronic nicotine delivery systems or ENDS?*

Electronic nicotine delivery systems (ENDS) are defined in the law as “any electronic device that, through an aerosolized solution, delivers nicotine, flavor, or any other substance to the user inhaling from the device.” Note that, despite the name, ENDS are not limited to products containing or intended to be used with nicotine. Examples include e-cigarettes, e-hookahs, e-cigars, vape pens, and electronic pipe. For mailability purposes, ENDS also include any component, liquid, part, or accessory of ENDS, regardless of whether it is shipped separately from the device.

5. *If the PACT Act talks about “electronic nicotine delivery systems,” why can’t people mail ENDS liquids that don’t contain nicotine and products that aren’t used with nicotine?*

Although Congress used the phrase “electronic nicotine delivery systems,” the law makes clear that the relevant products are not limited to those containing or used with nicotine. Instead, for mailability purposes, ENDS include any electronic device that, through an aerosolized solution, delivers nicotine, flavor, *or any other substance* to the user inhaling from the device, as well as parts, liquids, components, and accessories for such devices (even if shipped separately).

6. *Are all cigarettes, smokeless tobacco, and ENDS nonmailable now?*

These items are nonmailable under most circumstances. They are always nonmailable in inbound and outbound international mail; overseas military and diplomatic mail (i.e., mail to, from, and between APO/FPO/DPO addresses); and mail to, from, and between the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau. For other types of domestic shipments, cigarettes, smokeless tobacco, and ENDS are nonmailable unless the sender and addressee have met various conditions and requirements. Among other things, except for shipments entirely within Alaska or within Hawaii, cigarettes, smokeless tobacco, and ENDS cannot be mailed to consumers as part of a sales transaction. See Chapter 47 of Publication 52, *Hazardous, Restricted, and Perishable Mail* (Cigarettes, Smokeless Tobacco, and Electronic Nicotine Delivery Systems).

7. If a postal customer qualifies for an exception allowing the shipment of cigarettes, smokeless tobacco, or ENDS, is there an age restriction for the mailer or addressee?

The federal minimum age to purchase cigarettes, smokeless tobacco, and ENDS is 21, although state and local governments may set higher minimum ages. In most instances where cigarettes, smokeless tobacco, and ENDS may be mailable, federal law requires verification of the mailer and recipient's age as a condition for accepting and delivering the package.

8. If a postal customer qualifies for an exception allowing the shipment of cigarettes, smokeless tobacco, or ENDS, can the customer use Package Pickup or Pickup on Demand service? What about leaving the package in the mailbox, a collection box, or Post Office lobby drop?

No. All such shipments must be tendered in face-to-face transactions with postal employees at a retail or business mail acceptance location. They are not allowed to be tendered through any other method. Federal law requires the Postal Service to verify that the sender and addressee qualify for an exception, and that cannot be done without a face-to-face transaction to review the customer's authorization.

9. If a postal customer qualifies for an exception allowing the shipment of cigarettes, smokeless tobacco, or ENDS, why does the customer have to use only certain combinations of services (Priority Mail Express or Priority Mail, plus an Adult Signature service and, in some cases, Return Receipt service)?

Federal law requires that all shipments of cigarettes, smokeless tobacco, or ENDS (except for intrastate shipments in Alaska or Hawaii) be sent with a service that provides tracking and confirmation of delivery, and that the Postal Service verify the recipient's age, employment, and/or identity as a condition for delivery. The postal products that meet these criteria are Priority Mail Express with Adult Signature service and Priority Mail with Adult Signature service. Regarding return receipts, see FAQ #12.

10. May postal customers send or receive cigarettes, smokeless tobacco, or ENDS in international mail?

No. Cigarettes, smokeless tobacco, and ENDS are prohibited in inbound and outbound international mail. Postal customers should not solicit mailings of such items from foreign businesses.

11. Can postal customers in the United States send cigarettes, smokeless tobacco, or ENDS to overseas U.S. military or diplomatic locations, or vice versa?

No. The PACT Act's exceptions require verification of age, employment, and/or identity at the point of acceptance and delivery. The postal services that enable fulfillment of these requirements—Adult Signature Required and Adult Signature Restricted Delivery—are not currently available for items mailed to or from APO/FPO/DPO addresses. Because verification cannot be performed, the law does not permit cigarettes, smokeless tobacco, or ENDS to be mailed to or from these addresses.

12. Why do business or government mailers mailing cigarettes, smokeless tobacco, or ENDS have to make their return receipts returnable to the PCSC rather than the sender?

By law, the Postal Service must collect and maintain records showing sender and recipient information for each shipment sent by business or government mailers (other than within Alaska or within Hawaii). The use of return receipts returnable to the PCSC provides a centralized way for the Postal Service to maintain records of these shipments.

13. Why do business and government mailers have to get advance approval from the PCSC to send cigarettes, smokeless tobacco, or ENDS?

By law, the Postal Service must verify that business and government shippers and addressees meet various statutory criteria before mailing cigarettes, smokeless tobacco, or ENDS. The Postal Service has determined that a centralized approval process is more efficient and convenient for customers than requiring them to provide complete eligibility documentation for every shipment.

14. Can manufacturers, related businesses, or government agencies mail smokeless tobacco and ENDS as part of a consumer test?

No, unless the shipping location and addressee are both in Alaska or both in Hawaii. In all other situations (including shipments into and out of Alaska or Hawaii), the law restricts consumer testing mailings to combustible cigarettes only.

15. If a postal customer has complied with the PACT Act rules for mailing ENDS, is there anything else that the customer should know?

Yes. Some ENDS products contain or are intended for use with federally controlled substances (including marijuana and marijuana derivatives),

regardless of whether those products are legal in the sender or addressee's state. Such products may be prohibited or restricted because they are controlled substances, regardless of the mailer's compliance with PACT Act rules. Refer customers to Publication 52, *Hazardous, Restricted, and Perishable Mail*, Chapter 453 (Controlled Substances and Drugs).

In addition, some shipments of ENDS liquids (particularly liquids containing nicotine) and batteries may qualify as hazardous material/dangerous goods to which special labeling and packaging requirements apply. Refer customers to Publication 52, *Hazardous, Restricted, and Perishable Mail*, part 3 (Hazardous Materials), Chapters 348 (Corrosives) and 349 (Miscellaneous Hazardous Materials); part 4 (Restricted Matter), Chapter 453 (Controlled Substances and Drugs); and part 6 (International Mail).

Postal customers may also need to comply with applicable state and local laws.

16. Why is the Postal Service regulating cigarettes, smokeless tobacco, and ENDS? Isn't that the job of the Food and Drug Administration (FDA)?

The Postal Service is implementing mailability restrictions enacted by Congress and the President. See FAQ #3. These restrictions affect whether and how certain products can be sent through the U.S. postal system. By contrast, the FDA regulates the manufacturing, marketing, and distribution of tobacco products to protect the public health, regardless of any particular distribution method used for such products. The Postal Service and FDA rules are based on different laws that vary in scope. Either or both sets of laws (as well as other laws) may bear on a particular product and situation. Mailers are responsible for ensuring that they are compliant with all applicable laws, including mailing rules and other agencies' regulations.

17. Whom can we contact with questions about cigarettes, smokeless tobacco, or ENDS mailings?

For general questions from individual customers, contact the local Post Office or email ProductClassification@usps.gov.

For business and government customers with questions about applications and eligibility letters, email MDA@usps.gov.

For all other questions from business or government customers, email PCSC@usps.gov.

For customers who believe their mailings to have been wrongly rejected, contact the PCSC (PCSC@usps.gov).

For questions about whether specific products are restricted as cigarettes, smokeless tobacco, or ENDS, contact the Bureau of Alcohol, Tobacco, Firearms and Explosives, with a copy to the PCSC:

Bureau of Alcohol, Tobacco, Firearms and Explosives
99 New York Avenue NE
c/o 90 K St. NE, Ste. 250
Washington, DC 20226

Pricing and Classification Service Center
90 Church St., Ste. 3100
New York, NY 10007-2951

For Postal Service Personnel

18. We are aware that retailers are sending cigarettes, smokeless tobacco, and ENDS sold to consumers by U.S. mail. Is this legal?

It is only legal for intra-Alaska and intra-Hawaii shipments. In any other circumstance (including shipments from those states to other locations and vice versa), cigarettes, smokeless tobacco, and ENDS cannot be sold to consumers by mail. Refer customers to Publication 52, *Hazardous, Restricted, and Perishable Mail*, Chapter 47 (Cigarettes, Smokeless Tobacco, and Electronic Nicotine Delivery Systems). Contact the Postal Inspection Service about the suspected unlawful mailing activity.

19. A local customer runs a business involving cigarettes, smokeless tobacco, or ENDS, and they want to make sure that they can continue using the mail to move inventory to and from other businesses in the industry. Can they use the mail for this?

Generally, yes, but the sending business must first apply to the PCSC for authorization to ship to the receiving businesses. Refer the customer to Publication 52, *Hazardous, Restricted, and Perishable Mail*, Section 473.3 (Exception for Business/Regulatory Purposes), for more information about mailing requirements.

20. A business mailer has presented us with a letter from the PCSC authorizing mailings of cigarettes, smokeless tobacco, or ENDS at our installation and seeks to mail containers using Priority Mail Express with Adult Signature service or Priority Mail with Adult Signature service. What else do they need to do?

See Publication 52, *Hazardous, Restricted, and Perishable Mail* Sections 473.3 (Exception for Business/Regulatory Purposes), 473.5 (Consumer Testing Exception), and 473.6 (Public Health Exception), and the Acceptance Procedures contained in this Field Information Kit.

21. Marijuana has been decriminalized or legalized at the state or local level where I live. A customer has a business selling marijuana-based ENDS products, and they want to know whether they can still get deliveries from suppliers through the mail and/or use the mail to send their products to other businesses. What should I tell them?

See FAQ #15. While other ENDS products might be mailable between businesses under certain conditions, this does not apply if the product qualifies as a controlled substance or drug paraphernalia under federal law. At this time, marijuana and most marijuana derivatives are still nonmailable controlled

substances, and ENDS intended for use with such substances can qualify as nonmailable drug paraphernalia. The federal laws governing use of the mails, including intrastate or local mailings, apply regardless of whether a product is legal under state or local law. The only exceptions are for hemp and hemp-based products (including cannabidiol (CBD)), if those products contain no more than 0.3 percent tetrahydrocannabinol (THC) by weight. Refer customers to Publication 52, *Hazardous, Restricted, and Perishable Mail*, Chapter 453 (Controlled Substances and Drugs). Contact the Postal Inspection Service if you believe that a mailing contains controlled substances or drug paraphernalia, or that a customer is engaging in such mailings.

22. An individual adult customer in the United States wants to mail cigarettes, smokeless tobacco, or ENDS to a friend or relative in the United States. Is this allowed?

Generally, yes, if the shipment is not being sent for commercial purposes and the sender complies with a number of requirements prior to mailing. Refer the customer to Publication 52, *Hazardous, Restricted, and Perishable Mail*, Section 473.4 (Exception for Certain Individuals), for more information about mailing requirements. The customer may also need to comply with applicable state and local laws.

23. An individual adult customer wants to mail cigarettes, smokeless tobacco, or ENDS to the manufacturer for warranty service or as part of a product recall. Is this allowed?

Generally, yes, if the sender is not receiving any value back from the manufacturer beyond what was paid for the item, plus return shipping, and the sender complies with a number of requirements prior to mailing. Refer the customer to Publication 52, *Hazardous, Restricted, and Perishable Mail*, Section 473.4 (Exception for Certain Individuals), for more information about mailing requirements. The customer may also need to comply with applicable state and local laws.

24. An individual adult customer wants to mail used ENDS parts to a business that recycles used products. Is this allowed?

Generally, yes, if the sender is not receiving any value in exchange for the used goods and complies with a number of requirements prior to mailing. Refer the customer to Publication 52, *Hazardous, Restricted, and Perishable Mail*, Section 473.4 (Exception for Certain Individuals), for more information about mailing requirements. The customer may also need to comply with applicable state and local laws.

25. A local Approved Shipper or Contract Postal Unit has customers who are mailing, or who are asking about mailing, cigarettes, smokeless tobacco, or ENDS. Is this okay?

No. See FAQ #8.

26. I found a package labeled as cigarettes, smokeless tobacco, or ENDS in a customer mailbox, collection box, or Postal Service lobby drop. What should I do with it?

See FAQ #8. If such a shipment is found in a customer mailbox, it must be refused. If it is found in a collection box or lobby drop, or if it is identified after retrieval from a customer mailbox, it generally must be returned to sender with a report to the Pricing and Classification Service Center. See MI [NUMBER] for further instructions.

27. One of our customers wants to schedule Pickup on Demand or Package Pickup of a shipment containing cigarettes, smokeless tobacco or ENDS. What should we do?

See FAQ #8. Advise the customer to present the package at the Post Office or a BMEU, because Pickup on Demand and Package Pickup service are not available for shipments containing cigarettes, smokeless tobacco or ENDS.

28. We are in Alaska or Hawaii and have customers that send groceries, including cigarettes, smokeless tobacco, and ENDS, through the mail. What should we tell them?

These customers should be advised that such shipments are mailable to customers within your state (AK and HI only). Refer the customer to Publication 52, *Hazardous, Restricted, and Perishable Mail*, Section 473.2 (Intra-Alaska and Intra-Hawaii Shipments), for more information about mailing requirements.

29. We are in Alaska or Hawaii and are seeing packages marked with "INTRASTATE SHIPMENT OF" followed by cigarettes, smokeless tobacco, or ENDS. What are we supposed to do with these?

Shipments with this marking should be delivered as usual, if both the return and delivery addresses are within your state (AK and HI only).

For Individual Customers

30. I use ENDS products to help me quit smoking or for therapeutic reasons. Can I still get these products through the mail?

No, unless you are in Alaska or Hawaii and purchasing from a vendor located in and shipping from your state. In all other situations, the vendor can no longer use the mail to ship ENDS products that you buy. While the Food and Drug Administration (FDA) may have authorized the marketing of various ENDS products, it has not approved any ENDS products specifically for tobacco-cessation or therapeutic purposes. Without such FDA approval, individuals' uses, motivations, or beliefs regarding ENDS products have no effect on whether they are mailable.

31. I want to mail cigarettes, smokeless tobacco, or ENDS back to a manufacturer for warranty service or as part of a product recall. Is this allowed?

Generally, yes, if you are not receiving any value back beyond what was paid for the item, plus return shipping, and you comply with all applicable requirements prior to mailing. See Publication 52, *Hazardous, Restricted, and Perishable Mail*, Section 473.4 (Exception for Certain Individuals), for more information about mailing requirements. You may also need to comply with applicable state and local laws.

32. I want to mail used ENDS parts to a business that recycles used products. Is this allowed?

Generally, yes, if you are not receiving any value in exchange for the used goods and you comply with all applicable requirements prior to mailing. See Publication 52, *Hazardous, Restricted, and Perishable Mail*, Section 473.4 (Exception for Certain Individuals), for more information about mailing requirements. You may also need to comply with applicable state and local laws.

33. My carrier had a package of cigarettes, smokeless tobacco, or ENDS that I was expecting, but asked me for photo identification before giving it to me. Is this required?

Yes. Federal law requires the Postal Service to verify that recipients of packages containing cigarettes, smokeless tobacco, or ENDS are eligible adults.

34. I am planning to mail cigarettes, smokeless tobacco, or ENDS to a friend of mine (also in the United States) as a gift. What do I need to do?

If you and your friend are both in Alaska or both in Hawaii, follow the instructions in Publication 52, *Hazardous, Restricted and Perishable Mail*, Section 473.2 (Intra-Alaska and Intra-Hawaii Shipments). In all other situations (including shipments into or out of Alaska or Hawaii), follow the instructions in Publication 52, *Hazardous, Restricted and Perishable Mail*, Section 473.4 (Exception for Certain Individuals). Other restrictions may apply to ENDS products: see FAQ #15. You may also need to comply with applicable state and local laws.

For Business Customers

35. We are a company with all applicable licenses. We mail cigarettes, smokeless tobacco, and/or ENDS to other businesses and to regulatory agencies. What must we do to mail these products to other businesses in the industry and to government agencies?

If the shipping location and the recipient are both in Alaska or both in Hawaii, follow the instructions in Publication 52, *Hazardous, Restricted and Perishable Mail*, Section 473.2 (Intra-Alaska and Intra-Hawaii Shipments). In all other situations (including shipments into or out of Alaska or Hawaii), follow the instructions in Publication 52, *Hazardous, Restricted and Perishable Mail*, Section 473.3 (Exception for Business/Regulatory Purposes). Other restrictions may apply to ENDS products: see FAQ #15.

36. My business ships cigarettes, smokeless tobacco, or ENDS products to retailers. Are they eligible for the “business/regulatory purposes” exception?

Yes, retail businesses are engaged in “distribution” and therefore may qualify for the “business/regulatory purposes” exception, so long as they meet the other requirements for the exception. You may also need to comply with applicable state and local laws.

37. My company ships cigarettes, smokeless tobacco, or ENDS products to other offices within the company. Can we use the “business/regulatory purposes” exception for that?

Yes, if your company meets the requirements for the exception. You may also need to comply with applicable state and local laws.

38. I see that I need to list planned mailing locations in my “business/regulatory purposes” application. Do I have to go to the Post Office to mail everything? I’m worried that they will be overwhelmed.

No. While you must tender your mailings in a face-to-face transaction with a Postal Service employee, you can do so at a Postal Service business mail acceptance location, as well as at a Post Office or other Postal Service retail location.

39. My business has sent a “business/regulatory purposes” application to the PCSC. How long will it take to be processed?

Application processing time can depend on many factors, such as the volume of applications, their complexity, and the thoroughness of documentation that applicants provide up front. Due to the variability of all these factors, it is impossible to predict how long processing may take for any individual application.

40. I run a small business and have sent a “business/regulatory purposes” application to the PCSC. Will I have to wait until bigger businesses’ applications are processed, even if they sent them later?

Applications are generally processed on a first-come, first-served basis. The timing of applications, not the size of a business, determines the order in which applications are processed.

41. What if one of my approved recipients has changed, or I need to mail to a business or governmental entity that isn’t listed on my approval letter?

Use PS Form 4615 or PS Form 4615-E, along with Worksheets 4615-EM and 4615-ER, to provide any updated or new information to supplement your existing application. Be sure to provide complete documentation to show that your company and each addressee has all applicable federal, state, and/or local licenses and permits to engage in the relevant business operations.

42. I’m expecting a shipment of cigarettes, smokeless tobacco, or ENDS from a customer or a business in the industry. I received a notice saying that I

should retrieve a package at the Post Office because our business was closed when the carrier arrived. Why?

By law, shipments of cigarettes, smokeless tobacco, or ENDS can be delivered only upon verifying in a face-to-face transaction that the addressee is above age 21 and, in the case of the “business/regulatory purposes” exception, that the recipient is an employee of the addressee. You can retrieve the package at the Post Office or request redelivery through usps.com. If you wish to pick it up at the Post Office, take the PS Form 3849 that you received to the Post Office, along with government-issued photo identification and proof of employment. Once a Postal Service employee has verified your age and employment status, you will need to sign for receipt of delivery and in the appropriate block of the return receipt.

43. Is there a quantity or frequency limitation under the “business/regulatory purposes” exception?

No.

44. We need to send replacement ENDS products or parts to customers seeking warranty service. Can we send the products or parts through the mail?

Generally, no. It is legal only for intra-Alaska and intra-Hawaii shipments. In any other situation (including into or out of Alaska or Hawaii), cigarettes, smokeless tobacco, and ENDS cannot be mailed to consumers for replacement or repair.

45. Some of our customers use ENDS products to help them quit smoking or for therapeutic reasons. Can we use the mail to send ENDS products to these customers?

No, unless you are in Alaska or Hawaii and shipping to a customer located in your state. In all other situations, you can no longer use the mail to ship ENDS products. While the Food and Drug Administration (FDA) may have authorized the marketing of various ENDS products, it has not approved any ENDS products specifically for tobacco-cessation or therapeutic purposes. Without such FDA approval, individuals’ uses, motivations, or beliefs regarding ENDS products have no effect on whether they are mailable.

46. My business is in Alaska or Hawaii. Doesn’t the PACT Act have an exception that allows me to send cigarettes, smokeless tobacco, or ENDS without having to get PCSC approval? And can’t I receive them from other businesses without having to show identification and sign for delivery?

Those things are true only for intra-state shipments, so long as you include a special marking on your shipments. If you are shipping to an out-of-state business, then you need to get PCSC approval and meet the other conditions under the “business/regulatory purposes” exception. The same is true for shipments that you receive from out of state.

47. My business needs to test ENDS products in order to get government approvals. Can I mail them to individual testers?

No, unless you are in Alaska or Hawaii and shipping to testers located in your state. Although the PACT Act has an exception for consumer testing, it applies only to combustible cigarettes, not ENDS products. See FAQ #14. You can still mail ENDS products to other businesses that perform testing, investigation, and research, so long as all the requirements for the “business/regulatory purposes” exception are met.

48. I work at a laboratory that researches the health effects of ENDS products. Can I mail ENDS to individual testers as part of my research?

No, unless you are in Alaska or Hawaii and shipping to testers located in your state. Although the PACT Act has an exception for consumer testing, it applies only to combustible cigarettes, not ENDS products. See FAQ #14.

49. We are a cigarette manufacturer, or an agent of a cigarette manufacturer, with all applicable licenses. We’re conducting a consumer testing program. Can we send samples to testers through the mail?

Generally, yes. If the shipping location and the recipient are both in Alaska or both in Hawaii, follow the instructions in Publication 52, *Hazardous, Restricted and Perishable Mail*, Section 473.2 (Intra-Alaska and Intra-Hawaii Shipments). In all other situations (including shipments into or out of Alaska or Hawaii), follow the instructions in Publication 52, *Hazardous, Restricted and Perishable Mail*, Section 473.5 (Consumer Testing Exception). You may also need to comply with applicable state and local laws.

For Government Customers

50. My agency needs to send cigarettes, smokeless tobacco, or ENDS to another government agency, or to another office of my agency. Can we send them through the mail?

No, unless both agencies’ addresses are within Alaska or within Hawaii. The PACT Act allows certain mailings between businesses and government agencies and, for combustible cigarettes only, between federal agencies and individual test subjects, but not between or within government agencies.

51. My agency has regulatory jurisdiction over foreign companies that need to send product samples of cigarettes, smokeless tobacco, or ENDS to my agency. Can they send them through the mail?

No. Cigarettes, smokeless tobacco, and ENDS cannot be mailed to the U.S. from abroad.

52. My agency needs to send samples of cigarettes, smokeless tobacco, or ENDS to a business, laboratory, or government agency in another country. Can we send them through the mail?

No. Cigarettes, smokeless tobacco, and ENDS cannot be mailed internationally.

53. My agency has regulatory jurisdiction over U.S. companies that need to send product samples of cigarettes, smokeless tobacco, or ENDS to my agency. Can they send them to us through the mail?

Generally, yes. If the shipping location and the recipient are both in Alaska or both in Hawaii, follow the instructions in Publication 52, *Hazardous, Restricted and Perishable Mail*, Section 473.2 (Intra-Alaska and Intra-Hawaii Shipments). In all other situations (including shipments into or out of Alaska or Hawaii), follow the instructions in Publication 52, *Hazardous, Restricted and Perishable Mail*, Section 473.3 (Exception for Business/Regulatory Purposes). Other restrictions may apply to ENDS products: see FAQ #15.

54. Can my agency use the mail to return a product sample of cigarettes, smokeless tobacco, or ENDS to a regulated business?

Generally, yes. If the shipping location and the recipient are both in Alaska or both in Hawaii, follow the instructions in Publication 52, *Hazardous, Restricted and Perishable Mail*, Section 473.2 (Intra-Alaska and Intra-Hawaii Shipments). In all other situations (including shipments into or out of Alaska or Hawaii), follow the instructions in Publication 52, *Hazardous, Restricted and Perishable Mail*, Section 473.3 (Exception for Business/Regulatory Purposes). Other restrictions may apply to ENDS products: see FAQ #15.

55. Can individuals in the U.S. use the mail to send samples of cigarettes, smokeless tobacco, or ENDS to my agency?

Yes. Individuals are allowed to send infrequent, lightweight packages of cigarettes, smokeless tobacco, or ENDS for noncommercial purposes, including to government agencies. Individuals in Alaska or Hawaii can also mail those products without restriction to government agencies located in their state. The individuals will need to comply with all applicable requirements in Publication 52, *Hazardous, Restricted, and Perishable Mail*, Sections 473.2 (Intra-Alaska and Intra-Hawaii Shipments) and 473.4 (Exception for Certain Individuals). Other restrictions may apply to ENDS products: see FAQ #15.

56. My agency requires businesses to test ENDS products in order to get government approvals. Can U.S. businesses mail their products to individual testers?

No, unless the business or its agent is located in Alaska or Hawaii and shipping to testers located in the same state. Although the PACT Act has an exception for consumer testing, it applies only to combustible cigarettes, not ENDS products. See FAQ #14. However, a regulated business can mail ENDS products to other businesses that perform testing, investigation, and research, so long as each of the businesses meets the criteria for the “business/regulatory purposes” exception. Other restrictions may apply to ENDS products: see FAQ #15.

57. My agency performs consumer testing to evaluate the health effects of ENDS products. Can we mail ENDS to individual testers in the U.S.?

No, unless you are in Alaska or Hawaii and shipping to testers located in your state. See FAQ #14.

58. My agency works with non-governmental research laboratories that perform consumer testing to evaluate the health effects of ENDS products. Can our partner laboratories mail ENDS to individual testers in the U.S.?

No, unless the laboratory is in Alaska or Hawaii and shipping to testers located in the same state. See FAQ #14.

59. My agency performs consumer testing to evaluate the health effects of cigarettes. Can we mail cigarettes to individual testers in the U.S.?

Generally, yes. If the shipping location and the recipient are both in Alaska or both in Hawaii, follow the instructions in Publication 52, *Hazardous, Restricted and Perishable Mail*, Section 473.2 (Intra-Alaska and Intra-Hawaii Shipments). In all other situations (including shipments into or out of Alaska or Hawaii), follow the instructions in Publication 52, *Hazardous, Restricted and Perishable Mail*, Sections 473.5 and .6 (Consumer Testing Exception; Public Health Exception). Note that the “public health” exception is available only to federal agencies, and not to state or local government agencies.

60. My agency requires businesses to test cigarettes in order to get government approvals. Can U.S. businesses mail cigarettes to individual testers?

Generally, yes. If the shipping location and the recipient are both in Alaska or both in Hawaii, businesses should follow the instructions in Publication 52, *Hazardous, Restricted and Perishable Mail*, Section 473.2 (Intra-Alaska and Intra-Hawaii Shipments). In all other situations (including shipments into or out of Alaska or Hawaii), businesses should follow the instructions in Publication 52, *Hazardous, Restricted and Perishable Mail*, Section 473.5 (Consumer Testing Exception). Note that the “consumer testing” exception is restricted to cigarette manufacturers and their agents.

61. My agency works with non-governmental research laboratories that perform consumer testing to evaluate the health effects of cigarettes. Can our partner laboratories mail cigarettes to individual testers in the U.S.?

No, unless the cigarettes are being shipped entirely within Alaska or within Hawaii. See FAQ #14. In all other situations, the “consumer testing” and “public health” exceptions permit shipments only by cigarette manufacturers, their agents, and federal agencies, but not by independent research laboratories. See Publication 52, *Hazardous, Restricted and Perishable Mail*, Sections 473.5 and .6 (Consumer Testing Exception; Public Health Exception).

— Customer Service Standardization,

Delivery and Post Office Operations, 10-21-21

PACT ACT – Job Aid

Mailable Cigarettes, Smokeless Tobacco and ENDS: Acceptance Rules

Exception	Type of Mailer	Priority Mail Express/Priority Mail Required?	Return Receipt to PCSC Required?	Requires Pre-Authorization?	Photo ID Required?	Special Marking Required?	Quantity Limit?	Frequency Limit?
Noncontiguous States (AK, HI)	Any	No	No	No	No	Yes ¹	No	No
Business/Regulatory	Business or Federal/State Government	Yes	Yes	PCSC letter required	No	Yes ²	No	No
Certain Individuals	Individual only	Yes	No	No	Yes, sender at least minimum purchase age ⁵	Yes ³	≤10 oz.	≤10 mailings / 30 days
Consumer Testing/Public Health (cigarettes only)	Business or Federal Government	Yes	Yes	PCSC letter required	No	Yes ⁴	≤12 packs of cigarettes (240 cigarettes)	≤1 mailing / 30 days per addressee

¹ INTRASTATE SHIPMENT OF [CIGARETTES/SMOKELESS TOBACCO/ENDS] (whichever bracketed term applies)

² [CIGARETTE/SMOKELESS TOBACCO/ENDS] MAILING – DELIVER ONLY TO EMPLOYEE OF ADDRESSEE [BUSINESS/AGENCY] UPON AGE VERIFICATION (whichever bracketed terms apply)

³ PERMITTED [CIGARETTE/SMOKELESS TOBACCO/ENDS] MAILING – DELIVER ONLY UPON AGE VERIFICATION (whichever bracketed term applies)

⁴ PERMITTED CIGARETTE MAILING – DELIVER ONLY TO ADDRESSEE UPON AGE VERIFICATION

⁵ Minimum legal age to purchase cigarettes, smokeless tobacco, and ENDS is age 21 in all states and U.S. territories and possessions, or any higher age that a state or municipality imposes.

Mailable Cigarettes, Smokeless Tobacco and ENDS: Delivery Rules

Exception	Type of Recipient	Adult Signature Required?	Photo ID Required?	Signature Requirement	Recipient Restriction
Intra-Alaska/Intra-Hawaii	Any	No	No	None	N/A
Business/Regulatory	Business or Federal/State Government	Yes	Yes, recipient at least minimum purchase age ⁵	Sign for receipt of mailpiece and PS Form 3811	Only deliver to verified employee of named business or government addressee
Certain Individuals	Any	Yes	Yes, recipient at least minimum purchase age ⁵	Sign for receipt of mailpiece	Deliver to addressee or adult agent
Consumer Testing/Public Health (cigarettes only)	Individual only	Yes (Adult Signature Restricted Delivery only)	Yes, recipient at least 21 years old	Sign receipt of mailpiece and PS Form 3811	Deliver only to named addressee