

WHO MUST COMPLY

The ENDS Directory Law applies to all persons or businesses selling or storing ENDS products for sale in Pennsylvania, including:

- Manufacturers
- Importers
- Wholesalers
- Retailers

Additional Compliance Rules

- Manufacturers, wholesalers and retailers doing business in Pennsylvania must be licensed by the Department of Revenue.
- Retailers may only purchase ENDS products from a Pennsylvania-licensed tobacco product wholesaler.
- Wholesalers must remit state excise tax.
- Importers share joint and several liability with manufacturers, must provide a declaration acknowledging this with the manufacturer certification, and must have an appointed agent for service of process in Pennsylvania.

INSPECTIONS & ENFORCEMENT

- OAG and the Department of Revenue may conduct:
 - Regular and unannounced compliance inspections.
 - Inspections of books and records.
- Businesses must provide full cooperation and access. Failure to do so may result in criminal penalties, fines, and costs.
- OAG will also provide education during inspections and may exercise discretion where appropriate.
- OAG will publish the results of compliance checks at least annually.

PRODUCT REMOVAL, RETURNS & DISPOSAL

- If a product is removed from the directory, manufacturers must accept returns and provide refunds within 30 business days.
- This requirement does not apply to products that have never been listed on the directory.

- Costs of destruction of unlisted seized products fall on the possessor. Unrecovered costs are subject to recovery from the manufacturer's surety bond.
- Products may not be seized from consumers who made a bona fide purchase.
- All ENDS disposal must comply with federal, state, and local environmental laws.

CIVIL PENALTIES

- **First violation:** \$500 per product until removed or properly listed.
- **Second violation (within 12 months):** \$750–\$1,000 per day per product, plus a minimum 14-day license suspension.
- **Third violation (within 12 months):** \$1,000–\$1,500 per day per product, plus license revocation.
- ***OAG and the Department of Revenue may negotiate first-offense penalties if compliance is shown within 30 business days.***

TOBACCO NONCOMPLIANCE DATABASE

Entities with three or more violations within 12 months will be listed on the public Tobacco Noncompliance Database. Buying from or selling to listed violators constitutes a violation of Act 57 and may result in additional civil penalties.

FOR MORE INFORMATION

Visit the OAG's ENDS information webpage:
www.attorneygeneral.gov/ENDS

This guide summarizes key requirements of **Act 57 of 2025**.
For full legal obligations, consult the statute and official regulations.



833-OAG-4YOU

833-624-4968



www.attorneygeneral.gov

A GUIDE TO PENNSYLVANIA'S ELECTRONIC NICOTINE DELIVERY SYSTEMS (ENDS)/VAPE DIRECTORY LAW

**Pennsylvania Office of Attorney General
Act 57 of 2025 (72 P.S. §§ 201-I to 206-I)**

ENFORCEMENT BEGINS OCTOBER 19, 2026

Beginning on October 19, 2026, the Pennsylvania Electronic Nicotine Delivery Systems (ENDS) Directory Law's enforcement provisions go into effect. ENDS products not listed on the official Pennsylvania ENDS Directory are subject to seizure, forfeiture, and destruction by the Pennsylvania Office of Attorney General (OAG) or the Pennsylvania Department of Revenue.

Directory available at:
www.attorneygeneral.gov/ENDS



DAVE SUNDAY
Attorney General



Dear Pennsylvania Tobacco Dealer,

We are providing this information to make you aware of your obligations under Pennsylvania's ENDS Directory Law, which is being enforced as of October 19, 2026. After that date, only ENDS products listed on the state directory can be sold or kept for sale, and anything not listed may be seized or destroyed by my Office and the Department of Revenue.

This law is important because it helps make sure ENDS products sold in Pennsylvania are properly certified, meet safety requirements, and aren't coming from unregulated or misleading sources. Its overall goal is to prevent and deter the sale of uncertified products so consumers aren't put at risk. Your compliance with the law is necessary to avoid or minimize penalties and other costs that may be imposed.

This guide gives a quick overview of what you need to know: product certification requirements, what happens if items are removed, and the penalties for violations.

Thank you for doing your part to keep these products safe and compliant.

Sincerely,

Dave Sunday
Attorney General

PURPOSE OF THE LAW

The law aims to prevent and deter the sale of uncertified electronic nicotine products. Only products properly certified with the OAG and listed on the public directory may be sold in Pennsylvania.

MANUFACTURER CERTIFICATION REQUIREMENTS AND DIRECTORY LIST

- Since March 2026, OAG has provided a certification form and instructions for manufacturers seeking to list products.
- The directory identifies approved manufacturers/products.
- A list of manufacturers and products with pending applications, who have agreed to the listing of their pending status, is also published on the ENDS Directory webpage.
- The ENDS Directory List first became publicly available on June 20, 2026.

Products may only be listed if they meet at least one of the following:

1. Hold an FDA Marketing Granted Order (MGO).
2. Have a timely filed and accepted Premarket Tobacco Application (PMTA)¹ that is pending FDA review or that received a Marketing Denial Order (MDO) that is stayed, vacated, rescinded, or overturned by FDA or court order.
3. An additional PMTA was not required to be submitted because the product only reflects changes to name, brand style, or packaging of a product that is covered by one of the categories above.

¹A timely filed PMTA as defined in the law is one that relates to a tobacco product that was marketed in the United States on or before August 8, 2016 and which was submitted to FDA by September 9, 2020.

Additional Requirements & Reasons for Denial/Removal

Additional requirements, including establishing that the certifying entity fabricates the ENDS product or controls the manufacturing of the product are set forth in our published FAQs and in certification forms and instructions.

Manufacturers may be denied or removed from the ENDS Directory for:

- Selling ENDS products in PA that do not appear on the ENDS Directory.
- Submitting incomplete or inaccurate certifications.
- Failure to pay fees.
- Foreign manufacturers failing to provide required declarations.
- Failure to post the required surety bond.
- Involuntary removal or denial of listing from another state's ENDS Directory.
- Failure to provide information requested by the OAG.
- Misrepresentation or failure to update certification information.
- Sales to minors.
- Failure to report shipments under the federal Prevent All Cigarette Trafficking (PACT) Act.
www.atf.gov/alcohol-tobacco/prevent-all-cigarette-trafficking-pact-act
- Failure to adhere to the Federal nicotine packaging standards required by 15 U.S.C. § 1472a.

