

## Bryan M. Haynes

Partner

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Bryan serves clients by developing and implementing creative solutions for complex issues. Focusing in tobacco industry regulatory compliance and enforcement matters, Bryan efficiently assists clients in complying with regulatory obligations and managing risk, consistent with clients' business objectives.

### OVERVIEW

Bryan devotes his practice to representing businesses in regulatory compliance matters and disputes involving government agencies, including the Food and Drug Administration (FDA), state attorneys general, and federal and state taxing authorities.

As a member of the firm's Regulatory Investigations, Strategy + Enforcement (RISE) Practice Group and head of the firm's Tobacco + Nicotine practice, Bryan focuses on representing tobacco manufacturers, distributors, retailers, and suppliers in all aspects of their businesses, including tobacco taxation matters, FDA requirements, administrative disputes involving a federal or state governmental entity and commercial agreements. Bryan works with clients in all segments of the tobacco industry, including electronic nicotine delivery systems and other novel products and traditional tobacco products such as cigarettes, cigars, and pipe tobacco.

Bryan has been advising clients regarding compliance with the Family Smoking Prevention and Tobacco Control Act since before the law was passed in 2009. Bryan also advises companies that sell products subject to the FDA's "deeming rule," which gave FDA authority to regulate electronic nicotine delivery systems and other novel products, cigars and pipe tobacco. Bryan assists clients with FDA premarket review requirements, including substantial equivalence (SE) and premarket tobacco applications (PMTA), and has helped companies obtain numerous FDA marketing orders for new tobacco products.

He also advises tobacco companies in connection with Master Settlement Agreement (MSA) compliance issues, including negotiations with state regulators and in litigation. Further, Bryan represents distributors and retailers in connection with state and federal tax compliance and disputes, and has successfully defended manufacturers and distributors in disputes with the Alcohol and Tobacco Tax and Trade Bureau and state revenue departments. Bryan is an accomplished litigator who has served as lead counsel in state and federal courts across the U.S., representing both domestic and international clients.

Bryan frequently presents on tobacco regulatory matters, including at Food and Drug Law Institute and TMA conferences. Follow Bryan's ongoing analysis and commentary on developments in tobacco law at <https://www.tobaccolawblog.com/> and <https://www.regulatoryoversight.com/>.

## REPRESENTATIVE MATTERS

- Advises clients regarding compliance issues arising under the Family Smoking Prevention and Tobacco Control Act and associated FDA regulations for tobacco products.
- Assisted clients with hundreds of successful requests for FDA marketing authorization for tobacco products, including premarket tobacco applications, substantial equivalence, and exemption from substantial equivalence.
- Represents manufacturers, importers, and distributors of electronic cigarettes and other novel products with respect to regulatory issues, including issues with the FDA and state and federal taxation and licensing.
- Represented tobacco companies in connection with master settlement agreement (MSA) compliance issues, including negotiations with state regulators and litigation in state and federal courts.
- Advises tobacco product manufacturers and distributors regarding compliance with the Prevent All Cigarette Trafficking (PACT) Act.
- Advises clients on state and federal tobacco excise tax and licensing requirements, including the successful resolution of numerous excise tax disputes.
- Advises clients regarding regulatory issues associated with starting tobacco manufacturing, importing and distributing businesses.
- Served as counsel to numerous companies in connection with the purchase and sale of tobacco businesses, which included conducting due diligence and providing advice regarding associated federal and state regulatory issues.
- In the course of approximately one year, obtained three preliminary injunctions and/or temporary restraining orders as lead counsel on behalf of tobacco companies in disputes with states or the federal government.
- Obtained a verdict following a four-day bench trial in favor of a regional tobacco company, affirmed on appeal, in a declaratory judgment action implicating a sale on interest in \$70 million in qualified settlement fund escrow accounts.
- Served as counsel to numerous companies in connection with the purchase of tobacco businesses, which included conducting due diligence and providing advice regarding associated federal and state regulatory issues.
- Obtained a \$5.2 million judgment, after a two-day trial, on behalf of a cigarette manufacturer in a commercial dispute with a distributor.
- Successfully represented a tobacco company in a regulatory dispute with the Virginia attorney general.

## AWARDS

- Super Lawyer in Administrative Law, *Law & Politics' Virginia Super Lawyers* (2012-2018)
- Virginia Rising Star in Business Litigation, *Law & Politics' Virginia Super Lawyers* (2007-2011)
- *Legal Elite* in Civil Litigation, *Virginia Business* (2010)
- *Legal Elite* in Legislative/Regulatory/Administrative, *Virginia Business* (2013)

## TOP AREAS OF FOCUS

- Cannabis
- State Attorneys General
- Tobacco + Nicotine

## ALL AREAS OF FOCUS

- Business Litigation

- Cannabis
- Government + Regulatory Litigation
- Life Sciences Transactions
- Litigation + Trial
- Regulatory Investigations, Strategy + Enforcement
- State Attorneys General
- Tobacco + Nicotine

## **PROFESSIONAL/COMMUNITY INVOLVEMENT**

- Tobacco Committee, Food & Drug Law Institute

## **EDUCATION AND CERTIFICATIONS**

### **EDUCATION**

- George Mason University Antonin Scalia Law School, J.D., *magna cum laude*, 1998, *George Mason Law Review*
- Virginia Polytechnic Institute and State University, B.A., 1993

### **BAR ADMISSIONS**

- Virginia
- District of Columbia

### **COURT ADMISSIONS**

- Supreme Court of the United States
- U.S. Court of Appeals, First Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Federal Claims
- U.S. Court of Appeals, Federal Circuit
- Supreme Court of Virginia
- U.S. District Court, Eastern District of Virginia
- U.S. District Court, Western District of Virginia
- U.S. Bankruptcy Court, Eastern District of Virginia
- U.S. Court of Appeals, District of Columbia Circuit
- U.S. District Court, District of Columbia
- U.S. Bankruptcy Court, District of Columbia

### **CLERKSHIPS**

- Hon. Diane Gilbert Sybolt, U.S. Court of Federal Claims, 1998-1999

## SPEAKING ENGAGEMENTS

- Moderator, "Taxed, Tracked, and Transformed: State-Level Strategies for Nicotine Control," FDLI: Tobacco and Nicotine Products Regulation and Policy Conference, October 29, 2025.
- Speaker, "2025 Trends in Federal, State, and Local Government Enforcement," 7th Annual Next Generation Nicotine Delivery USA, June 4-5, 2025.
- Moderator, "Navigating the Future of Next Generation Nicotine," 7th Annual Next Generation Nicotine Delivery USA, June 4-5, 2025.
- Speaker, "Post-Market Surveillance: Balancing Innovation While Guarding Against Unintended Consequences," The American Tobacco + Nicotine Forum, April 17, 2025.
- Speaker, "Recent State Regulatory and Enforcement Activity: Filling Gaps or Impeding Progress?" FDLI: Tobacco and Nicotine Products Regulation and Policy Conference, October 24, 2024.
- Panelist, CannMed 24 Innovation & Investment Summit, May 12, 2024.
- Panelist, "Taking Stock: Discussions on Legal Challenges and What Comes Next," TMA 2024 Annual Meeting, April 23, 2024.
- Panelist, "The Future of Flavors," Total Product Expo, January 31, 2024.
- Moderator, "Tobacco and Nicotine Product Enforcement Challenges: Before and After FDA's Menthol Ban," Food and Drug Law Institute Enforcement, Litigation, and Compliance Conference, December 6, 2023.
- Moderator, "Recent Premarket Tobacco Application (PMTA) Decisions, Marketing Denial Order (MDO) Litigation, and Protecting CTP Decisions from Future Legal Challenges," Tobacco and Nicotine Products Regulation and Policy Conference, October 26, 2023.
- Moderator, "2023 and Beyond – Tobacco Product Standards and Additional Needed Rulemaking," Food and Drug Law Institute Annual Conference, May 17, 2023.
- Panelist, "Tobacco-Focused Litigation Update," Food and Drug Law Institute Enforcement, Litigation, and Compliance Conference, December 7, 2022.
- Panelist, "Menthol and Other Tobacco Product Standards," Food and Drug Law Institute Annual Conference, June 15, 2022.
- Panelist, "Authorization Pathways," TMA 2022: Policy & Practice, March 29, 2022.
- Panelist, "Tobacco and E-Vapor Regulatory Update – Assessing the Current Landscape and Predictions for 2022," Convenience Retailing University, February 24, 2022.
- Panelist, "FDA Tobacco Enforcement in a Post-Compliance Policy World: Current Status and Future Implications," Food and Drug Law Institute Enforcement, Litigation, and Compliance Conference, December 9, 2021.
- Panelist, "The Post-PMTA Deadline Landscape: What Happens After September 9th?," Food and Drug Law Institute Tobacco and Nicotine Products Regulation and Policy Conference, October 23, 2020.
- Panelist, "Regulatory & Legislative Issues: 2020 & Beyond," TMA 2020: Unsteady Ground: Shifting Landscapes, May 28, 2020.
- Panelist, "How Innovation Is Changing the Vape Category," Tobacco Plus Expo, March 13, 2019.
- Moderator, "FDA Implementation of Tobacco Product Pathways," Food and Drug Law Institute 2018 Annual Conference, Washington, D.C., May 3, 2018.
- Presenter, "The E-Cigarette Regulatory Environment: The Past, Present and Future of State & Local Regulations," ABA Center for Professional Development, April 24, 2018.
- Moderator, "E-cigarettes Post Deeming – An Outlook for ENDS Products," Food and Drug Law Institute 2015 FDA Regulation of Tobacco Products Conference, Washington, D.C., October 21, 2015.
- Speaker, "Excise Taxation by Relative Product Risk and the IOM/NRC on Illicit Trade," Tobacco Merchants Association, Williamsburg, VA, May 18, 2015.
- Speaker, "Planning for the Final Deeming," Smoke Free Alternatives Trade Association Conference, Chicago,

IL, May 4, 2015.

- Moderator, “The Regulation (on Not!) of E-Cigarettes,” American Bar Association Section of State and Local Government Law 2014 Fall Council Meeting, Denver, CO, October 9, 2014.
- Speaker, “Vapors, Myths and Reality Double Header,” Vapor World Expo, Chicago, IL, May 8, 2014.
- Speaker, “Past, Present and Future of FDA Regulation of Tobacco Products,” Tobacco Plus Convenience Expo, January 30, 2014.
- Speaker, Tobacco Merchants Association’s FDA Regulation of E-Cigarettes Conference, Leesburg, VA, October 30, 2013.
- Speaker, “Exploring Tobacco Product Standards: Opportunities and Challenges,” Food and Drug Law Institute FDA Regulation of Tobacco Products Conference, October 29, 2013.
- Speaker, “Deeming Regulations – A Conversation,” Tobacco Merchants Association’s 98th Annual Meeting & Conference, Williamsburg, VA, May 16, 2013.
- Panelist, “Tobacco Product Deeming Regulations – Are They Appropriate and What Should They Look Like?” Food and Drug Law Institute Annual Meeting, Washington, D.C., April 23, 2013.
- Seminar presenter, “Basics of Tobacco Regulation for the Cigarette Manufacturer,” March 31, 2009; January 18, 2011.
- Panelist, “Toward an Industry Advisory Group,” Tobacco Merchants Association 94th Annual Meeting & Conference, Williamsburg, VA, May 19, 2009.

## PUBLICATIONS

- Co-author, “Federal Court Finalizes Definition of FDA-Exempt Premium Cigars,” *Regulatory Oversight and Tobacco Law Blog*, April 23, 2026.
- Co-author, “FDA Issues Draft Guidance on Flavored ENDS PMTAs,” *Regulatory Oversight and Tobacco Law Blog*, March 23, 2026.
- Co-author, “North Carolina Court Affirms Sealed Container Defense in Vape Battery Malfunction Case,” *Regulatory Oversight and Tobacco Law Blog*, March 17, 2026.
- Co-author, “Changes to California’s Prop 65 Warnings: Four Things Nicotine Product Sellers Should Know,” *Regulatory Oversight*, March 16, 2026.
- Co-author, “Court Enjoins Oregon’s Extended Producer Responsibility Law for Some Companies, but Others Face Continued Compliance Obligations,” *Environmental Law and Policy Monitor* and *Regulatory Oversight*, February 11, 2026.
- Co-author, “Federal Court Bars Enforcement of Virginia Vapor Directory, Pending Fourth Circuit Ruling,” *Regulatory Oversight and Tobacco Law Blog*, December 24, 2025.
- Podcast, “12 Days of Regulatory Insights: Day 7 – Tobacco and Nicotine Regulatory Roundup,” *Regulatory Oversight* Podcast, December 12, 2025.
- Co-author, “FDA Pilot Program Will Fast-Track Certain Nicotine Pouch PMTAs,” *Regulatory Oversight*, October 21, 2025.
- Co-author, “Court Rules That Ohio AG Cannot Enforce FDA Premarket Authorization Requirements,” *Regulatory Oversight and Tobacco Law Blog*, October 14, 2025.
- Co-author, “California Finalizes Unflavored Tobacco List Regulations,” *Regulatory Oversight and Tobacco Law Blog*, September 23, 2025.
- Co-author, “Feds Seize Illegal E-Cigarettes Worth Millions,” *Regulatory Oversight and Tobacco Law Blog*, September 15, 2025.
- Co-author, “Drawback Claims Are Increasingly a Boon for Cigarette Importers,” *Regulatory Oversight and Tobacco Law Blog*, September 3, 2025.
- Co-author, “High Court E-Cig Ruling Opens Door For FDA Challenges,” *Law360*, August 29, 2025.

- Co-author, “Court Denies Indian Tribe’s Injunction Request Pending Appeal in PACT Act Case,” *Regulatory Oversight* and *Tobacco Law Blog*, August 18, 2025.
- Co-author, “Are State ENDS Directories Preempted? Federal Courts Are Split,” *Regulatory Oversight* and *Tobacco Law Blog*, July 24, 2025.
- Co-author, “Indian Tribe Fights With ATF Over Applicability of PACT Act to Its Cigarette Sales,” *Regulatory Oversight* and *Tobacco Law Blog*, July 21, 2025.
- Co-author, “Supreme Court Says Affected Retailers May Challenge ENDS Manufacturer’s Marketing Denial Orders,” *Regulatory Oversight* and *Tobacco Law Blog*, July 10, 2025.
- Co-author, “New Mississippi Cigarette and ENDS Directory Laws Take Effect in July,” *Regulatory Oversight* and *Tobacco Law Blog*, June 16, 2025.
- Co-author, “FDA and CBP Seize Nearly \$34M Worth of Illegal E-Cigarettes in Joint Operation,” *Regulatory Oversight* and *Tobacco Law Blog*, May 29, 2025.
- Co-author, “New US AG Shifts Resources Away From Tobacco Enforcement,” *Regulatory Oversight* and *Tobacco Law Blog*, February 26, 2025.
- Co-author, “Supreme Court Weighs Vape Venue Dispute,” *Regulatory Oversight* and *Tobacco Law Blog*, February 3, 2025.
- Co-author, “Federal Appellate Court Agrees that FDA Cannot Regulate “Premium Cigars,”” *Regulatory Oversight* and *Tobacco Law Blog*, January 29, 2025.
- Co-author, “FDA Proposes Limiting Nicotine Levels in Cigarettes and Certain Other Combusted Tobacco Products,” *Regulatory Oversight* and *Tobacco Law Blog*, January 18, 2025.
- Podcast, “12 Days of Regulatory Insights: Day 9 – Trends in the Tobacco Industry,” *Regulatory Oversight Podcast*, December 17, 2024.
- Co-author, “California AG Provides Update on State Tobacco Enforcement Efforts,” *Regulatory Oversight* and *Tobacco Law Blog*, November 11, 2024.
- Co-author, “Class Action Lawsuit Alleges Puff Bar Violated State Consumer Protection Laws,” *Regulatory Oversight* and *Tobacco Law Blog*, October 17, 2024.
- Co-author, “\$11M Cigarette Drawback Dispute Could Have Significant Consequences for FTZ Importers,” *Regulatory Oversight* and *Tobacco Law Blog*, October 11, 2024.
- Co-author, “FDA Says Agency Will Enforce the Cigarette Graphic Warning Rule in December 2025, But Pending Litigation Could Still Derail Those Plans,” *Regulatory Oversight* and *Tobacco Law Blog*, September 30, 2024.
- Co-author, “State AGs File Amicus Curiae Brief in US Supreme Court Case Involving Flavored E-Cigarettes,” *Regulatory Oversight* and *Tobacco Law Blog*, September 24, 2024.
- Co-author, “New Jersey Issues Notice of Violations and Fines to Retailers Allegedly in Violation of the State’s Flavor Ban,” *Regulatory Oversight* and *Tobacco Law Blog*, August 30, 2024.
- Co-author, “ATF Rift With California Tribe Could Expand State Authority Over Tribal Tobacco Sales,” *Regulatory Oversight* and *Tobacco Law Blog*, August 5, 2024.
- Co-author, “Eighth Circuit Decides Case Involving State’s Authority to Regulate Tribal Cigarette Sales,” *Regulatory Oversight* and *Tobacco Law Blog*, August 5, 2024.
- Co-author, “FDA Unauthorized ENDS Enforcement: 2024 Mid-Year Roundup,” *Regulatory Oversight* and *Tobacco Law Blog*, July 2, 2024.
- Co-author, “San Francisco Sues E-Cigarette Distributors for Violating Local Flavor Ban,” *Regulatory Oversight* and *Tobacco Law Blog*, June 18, 2024.
- Co-author, “PACT Act Basics: Five Things You Should Do if ATF Comes Knocking,” *Regulatory Oversight* and *Tobacco Law Blog*, June 7, 2024.
- Co-author, “What’s at Stake for the Premium Cigar Industry as DC Circuit Considers FDA Appeal?,” *Regulatory Oversight* and *Tobacco Law Blog*, April 23, 2024.
- Co-author, “Massachusetts High Court Upholds Local Tobacco Sales Ban,” *Regulatory Oversight* and *Tobacco*

*Law Blog*, March 25, 2024.

- Co-author, "US Supreme Court Declines to Hear Challenge to California's Flavor Ban," *Regulatory Oversight* and *Tobacco Law Blog*, February 9, 2024.
- Co-author, "En Banc Fifth Circuit Solidifies Circuit Split on Flavored ENDS Product MDOs," *Regulatory Oversight* and *Tobacco Law Blog*, February 5, 2024.
- Co-author, "Multiple States Consider Establishing Vapor Product Directories," *Regulatory Oversight* and *Tobacco Law Blog*, January 22, 2024.
- Co-author, "FDA's Center for Tobacco Products Releases Annual Regulatory Agenda," *Regulatory Oversight* and *Tobacco Law Blog*, January 22, 2024.
- Co-author, "FDA Maintains Heightened Enforcement Against Sellers of Illegal E-Cigarettes," *Regulatory Oversight* and *Tobacco Law Blog*, December 21, 2023.
- Co-author, "ENDS Companies Take Legal Action Against Allegedly Noncompliant Competitors," *Regulatory Oversight* and *Tobacco Law Blog*, October 30, 2023.
- Co-author, "FDA Ramps Up Enforcement Against Flavored Disposable E-Cigarettes as External Pressures Mount," *Regulatory Oversight* and *Tobacco Law Blog*, September 29, 2023.
- Co-author, "Congress Urges FDA to Complete Its Review of E-Cigarette Applications," *Regulatory Oversight* and *Tobacco Law Blog*, June 22, 2023.
- Co-author, "*Juul Labs, Inc. v. FDA*: A FOIA Twist on the Challenge to FDA's Marketing Denial Order," *Update*, May 25, 2023.
- Co-author, "Stakeholders' Input Welcome: Virginia ABC to Assess Options for Regulating Liquid Nicotine in the Commonwealth," *Regulatory Oversight* and *Tobacco Law Blog*, May 19, 2023.
- Co-author, "Inside FDA's Response to Reagan-Udall Foundation Report: Spotlight on the Cross-Cutting and Regulation and Guidance Task Forces," *Tobacco Law Blog*, April 20, 2023.
- Co-author, "Inside FDA's Response to Reagan-Udall Foundation Report: Spotlight on the Science and Application Review Task Force," *Regulatory Oversight* and *Tobacco Law Blog*, March 22, 2023.
- Co-author, "Taxation Situation," *Vapor Voice*, February 22, 2023.
- Podcast, "2022 Significant Developments in the Tobacco Industry and What to Expect in 2023 (Part One)," *Regulatory Oversight* Podcast, February 16, 2023.
- Co-author, "Oregon Bill Proposes to Replace Escrow Deposit System With "Equity Assessment" for Certain Tobacco Product Manufacturers," *Regulatory Oversight* and *Tobacco Law Blog*, January 30, 2023.
- Co-author, "FDA Implements More Aggressive Approach to Enforcement of ENDS Premarket Requirements," *Regulatory Oversight* and *Tobacco Law Blog*, December 15, 2022.
- Co-author, "FTC Releases Second Report on E-Cigarette Sales and Advertising in the US," *Regulatory Oversight*, September 23, 2022.
- Co-author, "FDA Cigarette Graphic Warning Rule Delayed ... Again," *Regulatory Oversight*, August 23, 2022.
- Co-author, "State Taxation of Remote Sellers: US Supreme Court Declines Review of First Post-Wayfair Decision from a State Supreme Court," *Regulatory Oversight*, August 15, 2022.
- Co-author, "Troutman Lawyers Share Updates on MDO Lawsuits," *Vapor Voice*, April 22, 2022.
- Co-author, "Vermont Continues Its Crackdown on Online ENDS Sellers," *Tobacco Law Blog*, April 19, 2022.
- Co-author, "State Licensing and Excise Tax Considerations for Tobacco Companies," *Tobacco Law Blog*, January 12, 2022.
- Co-author, "Delta-8's 2018 Farm Bill Honeymoon May Be Slowly Coming to an End," *Tobacco Law Blog*, September 29, 2021.
- Co-author, "FDA Withdraws Notice of Proposed Rulemaking for Premium Cigars," *Tobacco Law Blog*, June 14, 2021.
- Co-author, "THC, CBD and Other Non-tobacco Vaping Product Sellers Should Take Note of New PACT Act Provisions," *Tobacco Law Blog*, January 6, 2021.

- Co-author, "DC Circuit Decides Deeming Rule Doesn't Violate Appointments Clause or First Amendment," *Tobacco Law Blog*, December 8, 2020.
- Co-author, "California Attorney General Continues Fight to Ban Flavored Tobacco Products," *Tobacco Law Blog*, November 24, 2020.
- Co-author, "California Attorney General Continues Fight to Ban Flavored Tobacco Products," *Troutman Pepper State Attorneys General Monitor*, November 2020.
- Co-author, "Navigating the Regulatory Wave," *Tobacco Reporter*, October 29, 2020.
- Co-author, "Retailers Must Focus on Online Sales Rules," *Vapor Voice*, October 22, 2020.
- Co-author, "FDA's Hand Can't Be Forced on 'Natural' Tobacco Labeling," *Law360*, May 10, 2018.
- Co-author, "Challenging the FDA on 'Natural' Cigarettes," *Law360*, Aug. 22, 2017.
- Author, "New Rules Wrong to Equate E-Cigs With the Real Deal," *Daily Journal*, May 26, 2016.
- Author, "Design Patents Build Strong, Valuable Brands," *Smokeshop*, December 2015.
- Author, "Descriptor Under Scrutiny: Modified Risk Snag," *Smokeshop*, October 2015.
- Author, "FDA's Deeming Regulations: Hope for the Best, Prepare for the Worst," *Smokeshop*, August 2015.
- Author, "New York Sues Delivery Services," *Smokeshop*, April 2015.
- Author, "Pennsylvania's Legal Battle Over MSA Payments Keeps Twisting," *Smokeshop*, February 2015.
- Author, "A Regulatory Lawyer Predicts the 2015 US Regulatory Landscape," *Vapor Digest*, January 2015.
- Co-author, "Hey Legislators: Vaping Products Don't Belong in the MSA!" *Smokeshop*, December 2014.
- Co-author, "Premium Cigars Face Regulation Strangulation Under FDA," *Smokeshop*, October 2014.
- Co-author, "Decision Time at FDA: Deciding Premium Cigars' Fate," *Smokeshop*, June 2014.
- Co-author, "E-Cigs at the Forefront," *Smokeshop*, February 2014.
- Co-author, "Disputed 2003 MSA Payments Resolved," *Smokeshop*, December 2013.
- Author, "Understanding the Tobacco Control Act and FDA Investigative Process," *Inside the Minds: Recent Developments in Food and Drug Law – Leading Lawyers on Dealing With Increased Enforcement, Keeping Up-to-Date With FDA Requirements, and Developing Compliance Practices*, *Thomson Reuters*, 2014.
- Co-author, "Compelled Commercial Speech: the Food and Drug Administration's Effort to Smoke Out the Tobacco Industry Through Graphic Warning Labels," *Food and Drug Law Journal*, 2013.
- Author, "Regulating Cigars," *Smokeshop*, June 2013.
- Author, Lexis Internal Revenue Code Explanations – Tobacco Tax Provisions.
- Author, "The Big Chill," *Smokeshop*, April 2013.
- Author, "The Split on FDA Requirement of Graphic Smoking Warnings," *Law360*, January 10, 2013.
- Author, "The PACT Act: The Latest Federal Tobacco Regulations Introduce Sweeping New Requirements for Tobacco Product Shipments," *Smokeshop Magazine*, June 2010.
- Author, "Classifying Electronic Cigarettes: Are They Drugs/Medical Devices, Tobacco Products, Both or Neither? The Industry's Future Weighs in the Balance as Regulators – and Courts – Decide the Answer," *Smokeshop*, February 2010.
- Author, "Congress Again Considers FDA Regulation: An Inside Look at the Newest Tobacco Legislation Being Considered by Congress," *Smokeshop*, April 2007.
- Author, "Pre-Filing Injunctions: A Practical Solution to the Problem of Harassing *Pro Se* Litigants," *B.A. News Journal*, August/September 2006.
- Author, "Cases Involving Government Agencies Present Unique Discovery Issues," *Atlantic Coast In-House Counsel*, July 2005.

## **MEDIA COMMENTARY**

- Quoted, "Cause for Optimism," *Convenience Store News*, February 19, 2026.
- Quoted, "Tobacco Industry Fights Biden's Proposed Cigarette Nicotine Cut," *Bloomberg Law*, September 24, 2025.
- Quoted, "Retailers Tap Into Pricing & Data to Boost Cigar Sales," *Convenience Store News*, January 10, 2025.
- Quoted, "Convenience Stores See Cigar Sales Moderate Following Pandemic Swings," *Convenience Store News*, January 5, 2024.
- Quoted, "Giving C-store Operators the Lowdown on the FDA Crackdown," *Convenience Store News*, November 13, 2023.
- Quoted, "Oral Nicotine Gains Traction as a Promising Alternative," *Convenience Store News*, January 10, 2023.
- Quoted, "What's Next for Vapor & Harm Reduction Products?," *Convenience Store News*, September 29, 2022.
- Quoted, "FDA Flexes Muscle on Juul and Nicotine, but at What Cost?," *Law360*, July 1, 2022.
- Quoted, "What's Next for Four Key Legislative Issues," *CSP Magazine*, June 16, 2022.
- Quoted, "Menthol Ban Opens Door for FDA to Flex Power Over Big Tobacco," *Bloomberg Law*, May 11, 2022.
- Quoted, "FDA Gets Authority Over Synthetic Nicotine," *Tobacco Reporter*, March 16, 2022.
- Quoted, "Confusion Continues to Cloud Proposed Nicotine Tax," *Vapor Voice*, November 15, 2021.
- Quoted, "All Hands On Deck," *Vapor Voice*, Issue 4, 2019.
- Quoted, "Will FDA Cigarette Warnings Pass Constitutional Scrutiny?" *Law360*, August 15, 2019.
- Mentioned, "Circuit Split Not 'Minor' in \$58M Tax Row, Tobacco Co. Says," *Law360*, May 21, 2019.
- Quoted, "FDA 'Heatstick' OK Clouds Agency's Youth Vaping Campaign," *Law360*, May 8, 2019.
- Quoted, "Walgreens Changes Minimum Age to Buy Tobacco Products While States Pass Related Laws," *Corporate Counsel*, April 25, 2019.
- Quoted, "FDA Asks 12 Companies to Mitigate Sale of Tobacco to Underage Users," *Corporate Counsel*, April 15, 2019.
- Quoted, "FDA Releases Guidelines for Tobacco Retailers After Trump Administration Seeks User Fees on E-Cigarettes," *Corporate Counsel*, March 13, 2019.
- Quoted, "FDA Commissioner's Departure Sparks Hope, Uncertainty for Tobacco Industry," *Corporate Counsel*, March 7, 2019.
- Mentioned, "Supreme Court Asked to Burn Tobacco Co.'s \$58M Tax Tab," *Law360*, January 29, 2019.
- Quoted, "S. Fans of Cuban Cigars Still Have Long Wait Before They Can Be Sold Here," *Tampa Bay Times*, May 22, 2016.
- Quoted, "Cig Label Fight Shows Growing Pains in New FDA Oversight," *Law360*, June 3, 2015.
- Quoted, "Tobacco Deal Ruling Could Boost Other States in Pa.'s Boat," *Law360*, April 13, 2015.
- Mentioned, "Starbuzz Tobacco Fights TTB on \$3.5M Excise Tax, Levy," *Law360*, April 2, 2015.
- Quoted, "Product Liability Legislation and Regulation to Watch in 2015," *Law360*, January 2, 2015.
- Quoted, "U.S. Tobacco Giants Want Lion's Share of E-Cigarette Business," *France 24*, September 1, 2014.
- Quoted, "Schumer and FDA on E-Cigarettes," *WETM 18*, July 22, 2014.
- Quoted, "Quality Issues Push E-Cigarette Production to U.S. from China," *Reuters*, July 7, 2014.
- Quoted, "FDA Eases Into Regulating E-cigarettes," *Richmond Times-Dispatch*, April 24, 2014.
- Quoted, "FDA's Timid E-Cig Proposal Plays Into Industry's Hands," *Law360*, April 24, 2014.
- Quoted, "E-cigs: The Battle Happening on Nicotine's Next Front," *The Washington Post*, April 7, 2014.
- Quoted, "FDA Cigarette Regulations Protect Big Tobacco, Not Public Health," *reason.com*, February 27, 2014.
- Quoted, "Lobbyists Amp Up Efforts to Sell Washington on E-Cigarettes," *It's All Politics*, NPR Blog, February 26, 2014.
- Quoted, "States Acting Hastily in Pushing E-Cigarette Taxes," *Law360*, February 24, 2014.

- Quoted, “[Awaiting FDA, States Pursue Their Own E-Cigarette Rules](#),” *The Washington Post*, October 29, 2013.
- Quoted, “[Already Messy, E-Cigarette Regs Likely to Grow More Chaotic](#),” *Law360*, August 13, 2013.
- Quoted, “[FDA Backs Low-Nicotine Cigarette Research as It Weighs New Regulatory Power](#),” *Washington Post*, July 30, 2013.
- Quoted, “[UK Stalling on Plain Packaging Jeopardizes Global Adoption](#),” *Law360*, July 15, 2013.
- Quoted, “[Regulators Eye Crackdown on Rising Use of Tobacco Discounts](#),” *Law360*, May 22, 2013.
- Quoted, “[Zeller Takes Reins at FDA’s Center for Tobacco Products](#),” *The Washington Post*, March 3, 2013.
- Interviewed, “[Fox 5 Investigates – E-Cigarettes](#),” *Fox 5 DC*, February 8, 2013.
- Quoted, “[Tobacco Dispute Threatens Funding of Children’s Programs](#),” *Kansas Health Institute News Service*, September 17, 2012.