MICHIGAN PETROLEUM ASSOCIATION
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July 29, 2026

MASTERCARD PAUSES VAPE ENFORCEMENT POLICY AS INDUSTRY ADVOCACY CONTINUES

MPA/MACS has learned of an important development regarding Mastercard's Business Risk Assessment and Mitigation (BRAM) enforcement program involving electronic nicotine delivery system (ENDS) products.

In a recent letter responding to concerns raised by a coalition of national trade associations, Mastercard clarified that its May 2026 communication was intended to remind acquiring banks of their responsibility to ensure merchants comply with applicable federal and state laws governing ENDS products. Mastercard also emphasized that it did not direct acquiring banks to terminate or alter relationships with merchants selling lawful vaping products. **Most importantly, the company announced it is temporarily pausing BRAM assessments to provide customers additional time to implement remediation plans and demonstrate compliance.**

The announcement follows several weeks of coordinated advocacy by MPA/MACS and national organizations, including the Energy Marketers of America (EMA), National Association of Convenience Stores (NACS), National Association of Tobacco Outlets (NATO), and the Convenience Distribution Association (CDA). Those organizations argued that Mastercard's enforcement program appeared to conflict with the U.S. Food and Drug Administration's (FDA) current enforcement guidance for certain products with pending Premarket Tobacco Product Applications (PMTAs).

Over the past several weeks, payment processors and several major oil companies notified retailers that they could face substantial fines or other penalties for selling ENDS products not specifically authorized by the FDA. National media reports have also highlighted efforts by a coalition of state attorneys general urging payment networks to help combat illegal vape sales. While those efforts underscore the importance of preventing unlawful sales, MPA/MACS and other industry groups have consistently maintained that retailers need clear, consistent federal guidance regarding products that remain under FDA review.

While Mastercard's decision to temporarily pause assessments is an encouraging development, the underlying issues have not been fully resolved. Mastercard remains the only major payment card network to have announced this type of enforcement initiative. Retailers should continue to carefully evaluate the products they offer for sale.

MPA/MACS will continue working with national and state partners, federal policymakers, payment processors, manufacturers, distributors, and regulators to seek greater clarity and a practical resolution. Retailers that receive any compliance notice or other related communications are encouraged to forward the information to MPA/MACS so the Association can continue monitoring developments and advocating on behalf of Michigan's petroleum marketers and convenience retailers.

UPCOMING EVENTS

2026

- **End of Summer Conference -** Hotel Perry, Petoskey (8/11-8/14) **Tuesday-Friday**
- **Education Foundation Golf Outing -** Emerald Golf Course, St. Johns (9/18)
- **NACS Show -** Las Vegas, NV (10/6-10/9)
- **Christmas Party -** Soaring Eagle Casino & Resort (12/3)

2027

- **Winter Seminar -** Hilton Marco Island Beach Resort, Marco Island, FL (2/25-2/28)
- **Michigan Show -** DeVos Place, Grand Rapids (3/24 & 3/25)

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