

CALIFORNIA'S FLAVORED TOBACCO BAN (SB793)

A tobacco retailer, or any of the tobacco retailer's agents or employees, shall not sell, offer for sale, or possess with the intent to sell or offer for sale, a flavored tobacco product.

THE LAW

TEXT OF THE LAW

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TOBACCO RETAILER:

anyone selling tobacco products from a retail location or vending machine.

FLAVORED TOBACCO PRODUCT:

any tobacco product that has a characterizing flavor

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PREEMPTION

The law does not preempt local action that goes beyond the state law nor does it override laws passed by local jurisdictions.

This creates an opportunity for local jurisdictions to close loopholes and tighten language from the state law.

WHAT NOW?

Inspire enforcement and spread the word to your local communities, merchants, and law enforcement.

Violations by retailers, a retailer's agent, or employee is an infraction that is punishable by \$250 per violation.

The law does not penalize anyone who purchases, uses, or possesses a flavored tobacco product. Online ordering (direct-to-consumer delivery from an out-of-state retailer) is not restricted under the law.

COVERED PRODUCTS:

- Menthol cigarettes
- Chewing tobacco
- Snuff
- Little cigars
- Cigarillos
- E-cigarettes
- Roll-your-own tobacco
- Flavor enhancers

EXEMPT PRODUCTS:

- Hookah and shisha (must be sold by a licensed retailer that limits entry to those aged 21 and over)
- Pipe tobacco (loose leaf tobacco that is cut or shredded and usually sold in pouches)
- Premium cigars that are handmade with a leaf wrapper, have a wholesale price no less than \$12, and do not have a filter or tip

