

July 30, 2021

Dear Tobacco Retail Operator(s):

This is the second notification letter, to inform you that all flavored tobacco products must be removed from sale by **Sunday, August 15th, 2021**. On April 13, 2021, the Long Beach City Council approved to permanently prohibit the sale of certain flavored tobacco products within the City of Long Beach. Under the Long Beach Municipal Code (LBMC), Chapter 5.81, flavored tobacco products include but not limited to:

- Menthol tobacco products (cigarettes, snus, chew, etc.)
- Flavored cigarillos
- Flavored electronic devices (such as electronic cigarettes, electronic cigars, electronic pipes, electronic hookahs, vapes, vaporizers, and vape pens),
- Flavored electronic smoking device fluids, and flavored cigarettes, including menthol cigarettes are banned.

The ordinance does **not** apply to:

- The sale of shisha tobacco products by a hookah tobacco retailer if certain conditions are met.
- The sale of premium cigars sold in cigar lounges where products are purchased and consumed only on the premises.
  - "Premium cigar" means any cigar that is handmade, is not mass produced by use of mechanization, has a wrapper that is made entirely from whole tobacco leaf, and has a wholesale price of no less than twelve dollars (\$12). A premium cigar does not have a filter, tip, or nontobacco mouthpiece and is capped by hand.
- The sale of loose-leaf tobacco or premium cigars.

Tobacco retailers shall comply with federal, state, and local laws, including provisions of the City's Tobacco Retail Permit. Information about the City's Tobacco Retail Permit can also be found under the LBMC Chapter 5.81. Implementation and enforcement of this provision will be primarily undertaken by the Long Beach Department of Health and Human Services, Environmental Health Bureau. Business owners are responsible to ensure compliance within their establishments. Non-compliance may result in legal action including denial, administrative citations, suspension, or revocation of any permit as set forth by LBMC Chapter 5.81. Attached is a frequently asked questions (FAQ) for your reference. To receive this FAQ and notice in Khmer or Tagalog, or for more information, please contact Nicole Lujan at (562) 570-7905.

Sincerely,



Judeth Luong MPH, REHS  
Bureau of Environmental Health Manager



# The Expanded Flavored Tobacco Ban

*What you need to know about the new ordinance*

## What is the permanent flavored tobacco ordinance?

In an effort to protect members of the public from health risks associated with flavored tobacco products, the City of Long Beach approved an expanded ordinance which **permanently** prohibits the sale or distribution of certain flavored tobacco products. While the ordinance goes into effect on May 16, 2021, there is a 90 day moratorium to allow retailers to come into compliance.

## What products does the ordinance permanently prohibit?

All flavored products must be removed prior to

**Sunday, August 15, 2021:**

- Flavored cigarillos
- Menthol tobacco products (cigarettes, snus, smokeless, etc.)
- Flavored electronic smoking device fluid  
(including all nicotine and non-nicotine fluids)
- Flavored electronic smoking devices  
(such as electronic cigarettes, electronic cigars, electronic pipes, Electronic hookahs, vapes, vaporizers, and vape pens)
- All other flavored tobacco products unless expressly exempted



## When does the ordinance go into effect?

This is a **PERMANENT BAN** and shall remain in effect as of **May 16, 2021**. A 90-day moratorium on enforcement will be in effect to allow tobacco retailers time to sell off any product acquired after the City's temporary flavored tobacco prohibition became inoperable. Enforcement of the ban will begin on August 15, 2021.

## When is the last day to sell flavored tobacco products?

Retailers have 90-days from the effective date to comply, after which it will be a violation to sell, offer for sale, or distribute any prohibited product. All flavored products must be removed before **Sunday, August 15, 2021**.

# Frequently Asked Questions

## **Q: Are products like flavored cigar wraps, which do not contain tobacco, included in this ordinance?**

A: Yes. The ordinance applies to both tobacco and vape products as well as tobacco and vape paraphernalia

## **Q: How is it enforced?**

A: The City of Long Beach will conduct routine and complaint driven inspections.

## **Q: What are the penalties for non-compliance?**

A: If an establishment is found to be in violation of the ordinance the owner may be subject to the following fines:

- One hundred dollars (\$100.00) for a first violation
- Two hundred dollars (\$200.00) for a second violation\*
- Five hundred dollars (\$500.00) for a third and for each subsequent violation within one (1) year\*

*\* Please note - if your facility does not correct the violations after the first re-inspection, an additional reinspection fee will be assessed in addition to the fine*

## **Q: What is defined as a flavored tobacco product?**

A: Flavored tobacco products have a distinguishable taste or smell, other than the taste or smell of tobacco. For any questions related to specific products, please contact the Tobacco Retail Enforcement Program at (562) 570-7905.

## **Q: Which tobacco products are exempted?**

A: This ordinance does not apply to:

- The sale of shisha tobacco products by a hookah tobacco retailer if certain conditions are met.
- The sale of premium cigars sold in cigar lounges where products are purchased and consumed only on the premises.
- The sale of loose-leaf tobacco or premium cigars.

*-"Premium cigar" means any cigar that is handmade, is not mass produced by use of mechanization, has a wrapper that is made entirely from whole tobacco leaf, and has a wholesale price of no less than twelve dollars (\$12). A premium cigar does not have a filter, tip, or nontobacco mouthpiece and is capped by hand.*

## **Q: Where can I get more information?**

For more information visit [www.longbeach.gov/health/services/directory/tobacco-permits/](http://www.longbeach.gov/health/services/directory/tobacco-permits/) or call the Tobacco Retail Enforcement Program at (562) 570-7905 or the Tobacco Education and Prevention Program at (562) 570-7950.