

On November 8, 2022, California voters passed Senate Bill 793, Flavored Tobacco Ban. As of January 1, 2023, this new law prohibits the sale of most flavored tobacco products by tobacco retailers statewide, including any tobacco product that has a characterizing flavor, which is defined to cover any distinguishable taste or aroma other than that of tobacco, explicitly listing mint and menthol flavors as examples.

The Statewide ban on flavored tobacco products includes:

- Menthol cigarettes
- Other menthol and flavored tobacco products (cigarillos, snus, chew, pouches, hemp wraps, etc.)
- Flavored electronic smoking device fluids (*including all nicotine and non-nicotine fluids*)
- Flavored electronic smoking devices including nicotine and non-nicotine (*such as flavored single use electronic cigarettes, electronic cigars, electronic pipes, Electronic hookahs, vapes, and vape pens, etc.*)

The new law does *not* apply to:

- The sale of hookah and shisha if sold by a licensed hookah tobacco retailer that limits entry to those aged 21 and over.
- The sale of flavored loose-leaf tobacco.
- The sale of flavored premium cigars costing more than \$12.00, that are handmade and that do not have a filter, tip, or nontobacco mouthpiece.

Statements made by manufactures identifying products as unflavored does not constitute as the final determination of a product. If you are unsure a product falls under the flavor ban contact 562-570-7905. Tobacco retailers that donot comply with federal, state, or local tobacco retailing laws, including those illegally possessing, storing, or selling flavored tobacco products, will be subject to administrative citations and/or license suspensions. Repeated violators may have their Tobacco Retail License revoked, pursuant to Long Beach Municipal Code section 5.81.90.

- A. For the first violation in any five (5) year period, the tobacco retailer's tobacco retailing permit may be suspended for ten (10) business days;
- B. For the second violation in any five (5) year period, the tobacco retailer's tobacco retailing permit may be suspended for thirty (30) business days;
- C. For the third violation in any five (5) year period, the tobacco retailer's tobacco retailing permit may be revoked;
- D. A tobacco retailer whose permit has been revoked may not apply for a new tobacco retailer's permit for a period of one hundred twenty (120) calendar days after the effective date of revocation.
- E. Any decision to suspend or revoke a permit may be appealed pursuant to Section 5.06.010 of the Long Beach Municipal Code.
- F. During any period of permit suspension or revocation, the tobacco retailer must remove from public view all tobacco products and tobacco-related advertising.

For more information regarding changes to the Long Beach tobacco retailing laws, please email the Environmental Health Bureau at: envrionmentalhealth@longbeach.gov, or call: (562) 570-7905.

FLAVORED TOBACCO BAN

2023 Update

What is the flavored tobacco ordinance?

On November 8, 2022, California voters passed Senate Bill 793, Flavor Tobacco Ban. The new law prohibits the sale of flavored tobacco products by tobacco retailers statewide, including any tobacco product that has a characterizing flavor, which is defined to cover any distinguishable taste or aroma other than that of tobacco, explicitly listing mint and menthol flavors as examples.

What products does the law prohibit?

SB 793 went into effect on **January 1, 2023** and prohibits the following products:

- ◆ Menthol cigarettes
- ◆ Other menthol and flavored tobacco products (cigarillos, snus, chew, pouches, hemp wraps, etc.)
- ◆ Flavored electronic smoking device fluids (including all nicotine and non-nicotine fluids)
- ◆ Flavored electronic smoking devices including nicotine and non-nicotine (such as flavored single-use electronic cigarettes, electronic cigars, electronic pipes, Electronic hookahs, vapes, and vape pens, etc.)



What products does the ordinance allow?

Almost all flavored products are prohibited under the ordinance with some exemptions. The ordinance does not apply to:

- ◆ The sale of hookah and shisha if sold by a licensed hookah tobacco retailer that limits entry to those aged 21 and over.
- ◆ The sale of flavored loose-leaf tobacco.
- ◆ The sale of flavored premium cigars costing more than \$12.00, that is handmade and that does not have a filter, tip, or nontobacco mouthpiece.

Statements made by manufacturers identifying products as unflavored do not constitute as a final determination that the product is allowable under the flavor ban. If you are unsure a product is allowed for sale, contact the Tobacco Retail Enforcement Program for clarification at 562-570-7905.

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. Examples of flavors include but are not limited to:

Flavored cigarillos and cigars (e.g. fruit, sweet, liquor, blue dream fusion, solar, jazz, casino)

*Products labeled "Premium Cigar" may not meet the requirements to be allowed for sale



Menthol cigarettes



Other menthol tobacco products (snus, chew, pouches, etc.) Hemp Wraps:



Flavored electronic smoking devices and fluids:

Other:



Please note, that this is a list of examples of flavored products but does not constitute an exhaustive list of all prohibited flavored tobacco products.