

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 2/25/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
Alameda Ordinance No. 3230	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products, including e-cigarettes and menthol flavored tobacco products	Yes	Adopted: November 27, 2018 Effective: July 1, 2019 Enforced: July 1, 2019	None	No TRLs may be issued to a pharmacy No TRLs may be issued within 300 feet of a youth populated area No TRL's may be issued within 500 feet of another tobacco retailer The total number of TRLs within the city shall be limited to one for each 2,500 inhabitants of the city No tobacco retailers shall honor or redeem a coupon to allow a consumer to purchase a tobacco product for less than full price, sell a tobacco product through a multi-package discount, provide free or discounted items, or sell a tobacco product for less than full retail price Cigars and little cigars must be sold in packages of at least five Sets a minimum price of \$7 per package of cigarettes and \$5 for cigars	The City's Planning, Building and transportation Department or any other City department shall inspect each tobacco retailers for compliance A violation of the provisions of this chapter within any five-year period may result in: 1. A fine of \$1500 for a first violation 2. A 15 day suspension of the tobacco retail license for a second violation 3. A 30 day suspension of the tobacco retail license for a third violation 4. A license will be revoked for a fourth violation	No
Berkeley Ordinance No. 7,441-N.S. Municipal Code Chapter 9.80	Prohibits the sale of flavored tobacco products, including menthol flavored tobacco products, within a 600 foot buffer zone of a school (public and private K-12 with at least 25 students enrolled)	All flavored tobacco products, including e-cigarettes and menthol flavored tobacco products	Yes	Adopted: September 2015 Effective: January 1, 2017 Enforced: January 1, 2020	Only applies to retailers located within 600 feet of schools Medical cannabis dispensaries are not required to have a tobacco retail license to sell electronic smoking devices or other tobacco paraphernalia if not accompanied by any tobacco product	No new TRL may be issued to a pharmacy or renewed by a pharmacy No new TRLs may be issued within 600 feet of school	Environmental Health staff is responsible for enforcement A violation of the provisions of this chapter within any five-year period may result in: 1. The suspension of a license for up to 30 days for a first violation 2. The suspension of a license for up to 90 days for a second violation 3. The suspension of a license for up to one year for a third violation 4. The revocation of a license upon the fourth violation	Grace period of 3 years of effective date for retailers with "good cause showing"

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 2/25/19

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Beverly Hills Ordinance No. 18-2758 Municipal Code Chapter 4-2-21	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products, including e-cigarettes and menthol flavored tobacco products	Yes	Adopted: August 21, 2018 Effective: September 21, 2018 Enforced: December 21, 2018	None	The flavors policy is enforced through a TRL that must be paid annually	A violation of the provisions of this chapter will result in: 1. A civil penalty fine of \$250 for a first violation within any five year period 2. The suspension of the TRL for 90 days and a civil penalty fine of \$750 for a second violation within a five year period 3. The revocation of the TRL and a civil penalty fine of \$1,000 for a third violation within a five year period	No
Cloverdale Municipal Code Chapter 8.08	Prohibits the sale of all flavored tobacco products, with the exception of menthol flavored tobacco products, within the city limits	All flavored tobacco products, including e-cigarettes (excluding menthol flavored tobacco products)	No	Adopted: December 12, 2017	Menthol tobacco products, including cigarettes, are not included in the restrictions	Smoking (including tobacco and marijuana) is prohibited in enclosed places of employment, public places, sports arenas, and multi-unit residence common areas; and unenclosed places of employment, recreational areas, service areas, outdoor dining areas, public places, and multifamily residence common areas No tobacco retailers shall sell any single cigar or any package of cigars containing fewer than five cigars (does not apply to the sale of single cigars if the price exceeds \$5) Pharmacies may not sell tobacco products	Any person or business that violates the provisions of this chapter shall be guilty of an infraction, publishable by: 1. A fine not exceeding \$100 for a first violation 2. A fine not exceeding \$200 for a second violation within one year 3. A fine not exceeding \$500 for each additional violation within five years	No
Contra Costa County Ordinance No. 2017-01 Municipal Code Chapter 445-2	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within 1,000 feet of schools (public and private), parks, playgrounds and libraries in the unincorporated areas of the county	All flavored tobacco products, including e-cigarettes and menthol flavored tobacco products	Yes	Adopted: July 18, 2017 Effective: August 1, 2017 Enforced: January 1, 2018	Only applies to retailers within 1,000 feet of schools, parks, playgrounds and libraries	No new tobacco retail licenses may be issued in pharmacies Little cigars must be sold in packs of at least 10, and cigarillos must be sold in packs of at least 10 unless the sales price of one cigar is over \$5 No new tobacco retail licenses will be granted to businesses located within 1,000 feet of schools, parks playgrounds or libraries, or within 500 feet of another business that sells tobacco Sets a cap on the total number of tobacco retailers Prohibits the redemption of coupons or redemptions Smoking is prohibited in specified enclosed and unenclosed areas and in all multi-unit residence areas, with some exceptions	A violation of the provisions of this chapter will result in: 1. The suspension of the TRL for up to 30 days for a first violation 2. The suspension of the TRL for up to 90 days for a second violation that occurs within five years after the first violation 3. The suspension of the TRL for up to one year for a third violation and for each subsequent violation that occurs within five years after the first violation	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 2/25/19

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El Cerrito Ordinance No. 2015-08 Municipal Code 6.100.160	Prohibits the sale of all flavored, non-cigarette tobacco products, including menthol flavored non-cigarette tobacco products, within the city limits	All flavored non-cigarette tobacco products, including e-cigarettes and menthol non-cigarette tobacco products (excludes menthol cigarettes)	Yes (only for non-cigarette tobacco products)	Adopted: October 2015 Effective: January 1, 2016 Enforced: October 2017	Menthol cigarettes are not included in the restrictions	No new licenses may be issued to authorize tobacco retailing within 500 feet of schools, youth sensitive locations (parks and playgrounds, libraries), residential zones, or other tobacco retailers (tobacco retailers already in operation are exempt) No new licenses may be issued to authorize tobacco retailing within 1,000 feet of another tobacco retailer (tobacco retailers already in operation are exempt) Single cigar sales prohibited (except single cigars over \$5), a package of cigars must have at least five cigars Tobacco samples & coupons prohibited (except as allowed in adult-only businesses per state and federal law) Hookah lounges, cigar lounges, vape shops, or similar establishments are prohibited within the city limits New tobacco retailers may not operate as a “Significant Tobacco Retail Establishment” (use over 20% of the store display area for or derive over 50% of gross sales receipts from tobacco products or smoking paraphernalia) (existing tobacco retailers may seek an exception) Imitation tobacco products also included in prohibition	Compliance is monitored and enforced by the City’s Community Development Department, in conjunction with the El Cerrito Police Department A violation of the provisions of this chapter within a five year period will result in the suspension of a license for: 1. 10 days for first violation 2. 30 days for second violation 3. 60 days for third violation 4. Upon the fourth or more violations the license shall be revoked	Existing establishments within a certain distance of schools, youth sensitive areas and other tobacco retailers are allowed to continue to sell flavored tobacco products until January 1, 2018 but they must comply with all other TRL requirements
Fairfax Municipal Code 8.44.210	Prohibits the sale of all flavored tobacco products, with the exception of menthol flavored tobacco products, within the city limits	All flavored tobacco products, including e-cigarettes (excludes menthol flavored tobacco products)	No	Adopted: December 6, 2017 Effective: December 6, 2018 Enforced: January 1, 2019	Tobacco retailers may sell flavored tobacco products if the tobacco product: 1. Consists of a package of cigars containing at least five cigars or more 2. Consists of a single cigar for which the retail price exceeds \$5 3. Consists of pipe tobacco 4. Consists of a package of chewing tobacco or snuff containing at least five units or more	It shall be a violation to sell, offer for sale, or exchange for any form of consideration: 1. Any single cigar, whether or not packaged for individual sale 2. Any number of cigars fewer than the number contained in the manufacturer's original consumer packaging designed for retail sale to a consumer 3. Any package of cigars containing fewer than five cigars *(This does not apply to the sale or offer for sale of a single cigar for which the retail price exceeds \$5) Prohibits the sale of tobacco products in pharmacies	Regulations shall be monitored by the Town Manger and the Marin County Tobacco Program A violation of the provisions of this chapter within any 60-month period may result in: 1. A 30 day suspension of a license for a first violation of this article 2. A 90 day suspension of a license for a second violation of this article 3. A one year suspension for a third violation of this article	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 2/25/19

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Half Moon Bay Municipal Code Section 7.60.120	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products, including e-cigarettes and menthol flavored tobacco products	Yes	Adopted: October 2018 Effective: April 1, 2019	None	No tobacco retail permits may be issued to new or existing pharmacies (this provision effective April 1, 2019) No tobacco may be sold from a vending machine No person shall distribute free tobacco products or coupons for tobacco products	The ordinance will be enforced by the county of San Mateo, its officers, employees and agents A violation of the provisions of this chapter may result in: 1. A suspension of the license for up to 30 days for the first violation 2. A suspension of the license for no less than 30 days and up to 90 days for the second violation of the ordinance within 24 months of the first determination 3. A suspension of the license for no less than 90 days and up to one year for the third and each subsequent violation of the ordinance within 24 months of a prior determination	No
Hayward Municipal Code Sec. 10-1.2780	Prohibits the sale of flavored tobacco products with the exception of menthol flavored cigarettes within a 500-foot radius of schools (public and private kindergarten, elementary, middle, junior high or high school) for <i>new</i> tobacco retailers (established after the passage of this policy) within the city limits	All flavored non-cigarette tobacco products, including e-cigarettes and menthol non-cigarette tobacco products (excludes menthol cigarettes)	Yes (only for non-cigarette tobacco products)	Adopted: July 1, 2014 Effective: August 1, 2014	Menthol cigarettes are not included in restrictions Retailers that sold products before provisions took effect are exempt Restrictions only apply to retailers within 500 feet of schools	Prohibits the sale of cigar packages containing fewer than 5 cigars or a single cigar (unless the retail price exceeds \$5) No new tobacco retailers or new sales of flavored tobacco within 500 feet of a public or private K-12 school Vapor bars, lounges, smoking device bars, electronic smoking device lounges, and hookah bars and lounges are prohibited in all zoning districts Imitation tobacco products also included in prohibition	Regulations are enforced by the City's Planning Director, in conjunction with the City's Code Enforcement Division and the Hayward Police Department Any Tobacco Retail Sales Establishment that violates regulations in ordinance three times within a three-year period shall be subject to revocation of its tobacco retail license and/or its conditional use permit	Retailers selling flavored tobacco products prior to the ordinance effective date are exempt
Hermosa Beach Ordinance No. 18-1389	Limits the sale of flavored tobacco products, including menthol flavored tobacco products, to adult-only tobacco stores within the city limits	All flavored tobacco products, including e-cigarettes and menthol flavored tobacco products	Yes	Adopted: January 8, 2019 Effective: June 1, 2019	Flavored tobacco products may still be sold in stores that permits only patrons 21 years of age or older to enter	Tobacco retailers must be located at least 500 feet from a youth-populated area No license may be issued to authorize tobacco retail licensing at farmers' markets, special temporary events, or mobile carts A TRL may not be issued to a pharmacy No TRL may be issued for businesses licensed to serve alcohol Minimum pack size requirement of 20 for little cigars	Compliance checks shall be conducted by any member of the Hermosa Beach Code Enforcement Department, Police Department, the California Department of Health Services, the California Alcohol Beverage Control Department, and the Los Angeles County Sheriff's Department, or their designees Tobacco Retailer's license shall be suspended or revoked for a violation of any provision of this chapter	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 2/25/19

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Los Gatos Ordinance No. 2259	Limits the sale of flavored tobacco products, including menthol flavored tobacco, to adult-only tobacco stores within the city limits	All flavored tobacco products, including e-cigarettes and menthol flavored tobacco products	Yes	Adopted: May 16, 2017 Effective: January 1, 2018	Ordinance exempts adult-only tobacco stores which generate over 60% of gross income from tobacco sales, do not allow anyone under 21, do not sell food or alcoholic beverages for consumption on the premises, and post a sign outside saying that minors are prohibited	TRL language is a replica of the Santa Clara County TRL Prohibits the sale or transfer of tobacco products to anyone under the age of 21 (no exemption for military personnel) Prohibits the sale of tobacco products in pharmacies Prohibits new tobacco retailing within 1,000 feet of a school Prohibits any new tobacco retailers within 500 feet of another tobacco retailer Limits storefront advertising to no more than 15% of the window and clear doors	Compliance will be monitored by the Town or its Designee; a peace officer may enforce the provisions in this policy For any violation of the TRL within a 12-month period may result in: 1. A fine not to exceed \$100 for a first violation 2. A fine not to exceed \$200 for a second violation 3. A fine not to exceed \$500 for each additional violation For any violation of the TRL within a 24-month period, permit suspension includes: 1. Permit suspension for up to 30 calendar days for a first violation 2. Permit suspension for up to 90 calendar days for a second violation 3. Permit suspension for up to one year for each additional violation	No
Manhattan Beach Ordinance No. 15-0020 Municipal Code 4.118.030	Limits the sale of flavored tobacco, with the exception of menthol flavored tobacco products, to adult-only tobacco stores with the city limits	All flavored tobacco products, including e-cigarettes (excludes menthol flavored tobacco products)	No	Adopted: December 2015 Effective: January 1, 2016	Flavored tobacco products may still be sold in adult-only tobacco stores Menthol tobacco products are not included in the prohibition	No tobacco retailer permit may be issued within 500 feet of a school or an existing retailer	The retail permit may be revoked or suspended for two or more violations within a 36-month period	No
Marin County Ordinance No. 3698	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the unincorporated areas of the county	All flavored tobacco products, including e-cigarettes and menthol flavored tobacco products	Yes	Adopted: November 6, 2018 Effective: December 5, 2018 Enforced: July 1, 2019 (Non-Tobacco Stores) July 1, 2020 (Tobacco Stores)	None	It is unlawful for any retailer, individual, or entity to sell or offer for sale any tobacco products in the unincorporated area of the county without first obtaining and maintaining a valid tobacco retailer's license from the County of Marin for each location where these sales are conducted	Enforcement shall be conducted by the Marin County Dept. of Health and Human Services A violation of the provisions of this chapter may result in: 1. An administrative citation and fine not less than \$200 for a first violation 2. An administrative citation and fine not less than \$500/violation for subsequent violations	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 2/25/19

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Mono County Ordinance No. 18-03 Municipal Code 7.92.070	Prohibits the sale of all flavored e-liquids, including menthol flavored e-liquids, within the unincorporated areas of the county	All flavored e-liquids (excludes all other flavored tobacco products)	Yes (only for menthol-flavored e-liquids)	Adopted: April 17, 2018 Effective: May 17, 2018	Does not include flavored tobacco products other than e-liquids	Prohibits smoking in all areas where smoking is prohibited by state or federal law, as well as county vehicles, public parks recreational areas, service areas, dining areas and public places when used for a public event Smoking may not occur closer than 20 feet outside any enclosed area and from entrances, windows, or ventilation systems * Limited flavored e-liquid sales policy is set to sunset in October 2019 and a complete ban on all flavored tobacco and menthol products will become effective Policy is not attached to a TRL	The Mono County Public Health Director or his/her designee is authorized to enforce this ordinance and to refer enforcement to the Mono County Code Compliance Division Any person or business found in violation of any provision of this Chapter shall be guilty of an infraction and subject to a fine of \$100 for the first violation \$200 for the second violation \$500 for any subsequent violation	No
Novato Ordinance No. 1615 Municipal Code 7-8	Prohibits the sale of all flavored tobacco products, with the exception of menthol flavored tobacco products, within the city limits	All flavored tobacco products, including e-cigarettes and marijuana (excludes menthol flavored tobacco products)	No	Adopted: January 31, 2017 Effective: January 1, 2018 Enforced: January 1, 2019	Menthol tobacco products are not included in the prohibition Flavored tobacco products may be sold if the product is: - a package of cigars containing at least five cigars - a single cigar for which the retail price exceeds five dollars - pipe tobacco - a package of chewing tobacco or snuff containing at least five units or more	Minimum pack size requirements prohibit the sale of: - A single cigar (unless the price of the single cigar exceeds \$5) - A package of cigars containing fewer than five cigars, or any number of cigars fewer than the number contained in the manufacturer's original consumer packaging designed for retail sale to a consumer No pharmacies may sell tobacco products	Compliance will be monitored by the Department or other agency designated to enforce A tobacco retailer found in violation of any provision of this Chapter shall: - Be issued a warning upon a finding by the department of a first violation - Have the license suspended for 30 days for a second violation of this section at a location within any 60-month period - Have the license shall be suspended for 90 days for a third violation of this section at a location within any 60-month period - Have the license shall be suspended for one year for a fourth violation of this section at a location within any 60-month period - Have the license revoked for five or more violations of this section at a location within any 60-month period	No

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Oakland Municipal Code 5.91	Limits the sale of flavored tobacco products, including menthol flavored tobacco products, to adult-only tobacco stores within the city limits	All flavored tobacco products, including e-cigarettes and menthol flavored tobacco products	Yes	Adopted: September 19, 2017 Effective: July 1, 2018	Flavored tobacco products may still be sold in adult-only tobacco stores which generate over 60% of gross income from tobacco sales and tobacco paraphernalia, do not allow minors under the age of 18 unless accompanied by a parent or legal guardian, and do not sell food or alcoholic beverages	An amendment allows clerks aged 18 and older to sell tobacco Tobacco retailers may not sell tobacco products at a discount less than full retail price, including honoring or redeeming coupons	The City designates the Oakland Police Department to enforce this Ordinance A violation of this Chapter at a location within any 60-month period may result in: 1. An agreement to stop acting as a Tobacco Retailer for at least one day and a settlement payment to the City of at least \$1,000 for a first violation 2. An agreement to stop acting as a Tobacco Retailer for at least ten days and a settlement payment to the City of at least \$5,000 for a second violation 3. No new license may be issued until five years have passed from the date of the violation for a third or subsequent violation	No
Palo Alto Ordinance No. 5418 Municipal Code 4.64.030	Limits the sale of flavored tobacco products, including menthol flavored tobacco products, to adult-only tobacco stores within the city limits	All flavored tobacco products, including e-cigarettes and menthol flavored tobacco products	Yes	Adopted: October 2, 2017 Effective: January 1, 2019	Ordinance exempts adult-only tobacco stores which generate over 60% of gross income from tobacco sales and tobacco paraphernalia, do not allow anyone under 21, do not sell food or alcoholic beverages for consumption on the premises, and post a sign outside saying that minors are prohibited	TRL language is a replica of the Santa Clara County TRL Prohibits the sale or transfer of tobacco products to anyone under the age of 21 (no exemption for military personnel) Prohibits the sale of tobacco products in pharmacies Prohibits new tobacco retailing within 1,000 feet of a school Prohibits any new tobacco retailers within 500 feet of another tobacco retailer	Compliance will be monitored by the City or its Designee, and any peace officer may enforce the penal provisions of the ordinance A violation of the provisions of this chapter may result in: 1. A fine not to exceed \$100 (within a 12-month period) and a suspension up to 30 days (within any 24-month period) for a first violation 2. A fine not to exceed \$200 (within a 12-month period) and a suspension of the retailer permit for up to 90 days (within any 24-month period) for a second violation 3. A fine not to exceed \$500 (within a 12-month period) and the suspension of the retailer permit for up to one year (within any 24-month period) for each additional violation	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 2/25/19

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Portola Valley Ordinance No. 2018-425	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products, including e-cigarettes and menthol flavored tobacco products	Yes	Adopted: September 12, 2018 Effective: October 11, 2018 January 1, 2019	None	No existing or new pharmacies may sell tobacco products	Compliance monitored will be conducted through the Environmental Health Division of San Mateo County Health Department Penalties for violation of this ordinance include: 1. A suspension of the TRL for up to 30 days and a fine not exceeding \$100 for the first violation 2. A suspension of the TRL for no less than 30 days and up to 90 days and a fine not exceeding \$200 for the second violation within 24 months of the first violation 3. A suspension of no less than 90 days and up to one year of the TRL and a fine not exceeding \$500 for the third violation and subsequent violations	None
Richmond Ordinance No. 20-18 N.S. Municipal Code 7.106	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products, including e-cigarettes and menthol tobacco products	Yes	Adopted: July 17, 2018 Effective: April 17, 2019	None	The ordinance establishes a minimum pack-size of 20 cigars and cigarillos, except for cigars that sell for more than \$5 each, and prohibits the sale of any single little cigar or cigar Prohibits new tobacco retailers from opening within 500 feet of existing tobacco retailers and 1,000 feet from a school, park, playground or library	Compliance will be monitored by the Richmond Police Department A tobacco retail license shall be revoked if the licensee, or any of the licensee's agents or employees, has violated any of the requirements, conditions, or prohibitions in the municipal code. The enforcement agency may also enforce through administrative fines	Existing tobacco retailers not in line with the distance requirement for tobacco retailers from schools and other tobacco retailers are grandfathered in unless the business changes ownership
San Francisco Ordinance No. 140-17	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the county limits	All flavored tobacco products, including e-cigarettes and menthol tobacco products	Yes	Adopted: June 27, 2017 Referendum Vote: June 5, 2018 Effective: July 20, 2018 Enforced: January 1, 2019	None	No new permit shall be issued in any supervisorial district that has 45 or more Establishments with Tobacco Sales permits No new permit shall be issued if the Applicant will be within 500 feet of the nearest point of the property line of a school No new permit shall be issued if the Applicant will be located within 500 feet of the nearest point of the property line of an existing tobacco retailer	Compliance will be monitored through the Director of Health or his or her designee For a violation of the ordinance, the Director of Health may suspend a Tobacco Sales Permit: 1. For a maximum of 90 days of the first violation 2. For a maximum of six months for a second violation that occurs within the first 12 months of the first violation 3. For a maximum of one year for a third violation if within 12 months of the prior violation	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 2/25/19

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San Leandro Municipal Code 4-36	Prohibits the sale of all flavored tobacco products, with the exception of menthol flavored tobacco products, within the city limits (including flavored products that do not contain nicotine)	All flavored tobacco products, including e-cigarettes (excluding menthol tobacco products)	No	Adopted: October 16, 2017 Effective: August 15, 2018	Menthol tobacco products are not included in the prohibition Wholesale companies are excluded from the ordinance if the tobacco products made or distributed in San Leandro are sold by retailers outside the city	No tobacco retailer shall sell, offer for sale, or exchange any 1. Single cigar 2. Any pack of cigars at a price that is less than \$7.00 per five cigars (does not apply to the sale or offer for sale of a single cigar for which the retail price exceeds either five dollars or the dollar amount adopted by resolution of the City Council and adjusted from time to time, whichever is higher)	Compliance will be monitored by the San Leandro Police Department Penalties for violation of this ordinance within a 36 month period include: 1. A written warning and 30 days to correct violation for the first violation 2. A \$2,500 fine for a second violation 3. A 20 day license suspension for a third violation 4. After four or more violations, the license shall be revoked and no new license may issue for the location or tobacco retailer until three years have passed from the date of revocation	No
San Mateo County Ordinance No. 4799 Municipal Code 7.41	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the unincorporated areas of the county	All flavored tobacco products, including e-cigarettes and menthol tobacco products	Yes	Adopted: June 19, 2018 Effective: July 19, 2018 Enforcement: January 1, 2019	None	No existing or future pharmacies may sell tobacco products	Compliance will be monitored through the Environmental Health Division of San Mateo County Health Department Penalties for violation of ordinance include: 1. A suspension of the TRL for up to 30 days and a fine not exceeding \$100 for the first violation 2. A suspension of the TRL for no less than 30 days and up to 90 days and a fine not exceeding \$200 for the second violation within 24 months of the first violation 3. A suspension of no less than 90 days and up to one year of the TRL and a fine not exceeding \$500 for the third violation and subsequent violations	No
San Pablo Ordinance No. 2018-006 Municipal Code 5.06	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products, including e-cigarettes and menthol tobacco products	Yes	Adopted: December 17, 2018 Effective: March 2019	None	Requires a minimum pack size for cigars (6 per pack), cigarillos (25 per pack) and little cigars (20 per pack) Requires a minimum price of \$10.00 per cigar	Penalties for violation of ordinance within any 60-month period include: 1. A suspension of the license for up to 30 days for a first violation. At the election of the tobacco retailer, the tobacco retailer may pay a penalty of \$1000 in lieu of such suspension 2. A suspended of the license for one year for a second violation 3. The revocation of the license for and the proprietor or proprietors who had been issued the license shall never again be issued a tobacco retailer's license pursuant to this chapter for the third and subsequent violations	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 2/25/19

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Santa Clara County Ordinance No. NS-300.883	Limits the sale of flavored tobacco products, including menthol flavored tobacco products, to adult-only tobacco stores in the unincorporated areas of the County	All flavored tobacco products, including e-cigarettes and menthol tobacco products	Yes (revised in 2016 to include menthol)	Adopted: June 2010 Effective: January 1, 2016 Revised version effective: July 1, 2017	Revised ordinance exempts adult-only tobacco stores which generate over 60% of gross income from tobacco sales and tobacco paraphernalia, do not allow minors, do not sell food or beverages, and post a sign outside saying that minors are prohibited	No TRLs may be issued to a retailer containing a pharmacy No TRLs may be issued to a retailer within 1,000 feet of a school (existing retailers exempt) No TRLs may be issued to a retailer located within 500 feet of another retailer (existing retailers exempt)	Compliance shall be monitored by the Department of Environmental Health Penalties for violations of this ordinance include: 1. A fine not to exceed \$100 for the first violation within a 12-month period and a license suspension for up to 30 days within any 24-month period 2. A fine not to exceed \$200 for a second violation within a 12-month period and a license suspension for up to 90 days within any 24-month period 3. A fine not to exceed \$500 for each additional violation within a 12-month period and a license suspension for up to one year for each additional violation within any 24-month period	No
Santa Cruz Ordinance No. 2018-19 Municipal Code 6.07	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products, including e-cigarettes and menthol tobacco products	Yes	Adopted: November 27, 2018 Effective: June 11, 2019 Enforced: January 1, 2020	None	No license shall be issued to authorize tobacco retailing that is within six hundred feet of a high-risk alcohol outlet No license shall be issued to authorize tobacco retailing that is within that is within one thousand feet of a school *This prohibition shall not apply to a license applicant whose application seeks authorization to conduct tobacco retailing at a location where such retailing was taking place as of January 1, 2014, and has continued without interruption at that location since May 8, 2014	Every violation of this chapter determined to be an infraction is punishable by: 1. A fine not exceeding \$100 for a first violation and a license suspension for up to 60 days 2. A fine not exceeding \$200 for a second violation and the suspension of a license for 120 days 3. A fine not exceeding \$500 for a third and each additional violation and the suspension of a license for 180 days 4. The tobacco retailer's license shall be revoked, and no new license may be issued for the location until five years have passed from the date of revocation upon the fourth and each subsequent violation	No
Saratoga Municipal Code 4-90	Prohibits the sale of all flavored tobacco products, with the exception of menthol flavored tobacco products, within the city limits	All flavored tobacco products (excluding menthol flavored tobacco products)	No	Adopted: October 3, 2018	Menthol flavored tobacco products are not included in the policy	No tobacco retailer permit tobacco may be issued to a licensed pharmacy No tobacco retailers established after September 16, 2016 shall be granted a tobacco retailer license for a location which is within 500 feet of another retailer or within 1000 feet of an elementary, middle, or high school or a City park No tobacco product or paraphernalia may be sold from a vending machines	Penalties for violations of this ordinance within a 24 month period include: 1. The suspension of an existing license for up to 60 days from the date of the citation issuance for a first violation 2. The revocation of any existing license shall for up to 24months from the date of the administrative citation issuance for a second or subsequent citation	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 2/25/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
Sausalito Ordinance No. 1264	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products, including e-cigarettes and menthol tobacco products	Yes	Adopted: July 2018 Effective: November 1, 2018	None	Ordinance amends city's current "Clean Indoor Air and Health Protection" municipal code chapter to add "Tobacco Retail License Requirement and Prohibit the Sale of Flavored Tobacco Products" Smoking is prohibited in all enclosed places of employment, public places, recreational areas, common areas Smoking is prohibited in all unenclosed places of employment, recreational areas, services areas, dining areas, common areas that meet certain requirements Smoking restrictions included for multi-unit housing complexes and rental units	Anyone who violates a provision in this chapter will be deemed guilty of an infraction The City may seek the revocation or suspension of a tobacco retailer's license	No
Sonoma Ordinance No. 04-2015 Municipal Code 7.25	Prohibits the sale of all flavored tobacco products, with the exception of menthol flavored tobacco products, within the city limits	All flavored tobacco products, including e-cigarettes (excluding menthol flavored tobacco products)	No	Adopted: June 1, 2015 Effective: September 1, 2015 Enforced: September 1, 2015	Menthol flavored tobacco products are not included in the policy Flavored tobacco products may still be sold if 1. the tobacco product consists of a package of cigars that contains at least five cigars or more 2. a single cigar for which the retail price exceeds \$5 3. the tobacco product consists of pipe tobacco 4. the package of chewing tobacco or snuff contains at least five units or more	It is a violation to sell any single cigar (unless the retail price of the cigar exceeds \$5) and a package of cigars containing fewer than five cigars or the number of cigars contained in the manufacture's original consumer packaging Limits the eligibility of retailers permitted to apply for a tobacco retail license	Decoy enforcement operations conducted annually by Sonoma Police Department Penalties for violations of this ordinance within a 60-month period include: 1. The suspension of a license for 30 days for a first violation 2. The suspension of a license for 90 days for a second violation 3. The suspension of a license for one year for a third violation 4. The revocation of a license for a fourth or subsequent violations Violations of this chapter are subject to a civil action punishable by a fine not less than \$250 and not exceeding \$1,000 per violation	No

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West Hollywood Ordinance No. 16-991 Municipal Code 5.114	Prohibits the sale of all tobacco products, including flavored tobacco products and menthol flavored tobacco products, within 600 feet of a youth-populated area (school, youth center, child-care facility, etc.)	All tobacco products	Yes	Adopted: October 2016 Effective: November 2016	Tobacco retailers operating prior to May 1, 2016, adult-only facilities, and hotels that sell tobacco products as part of incidental sales on the premises may still sell all tobacco products regardless of location	Policy includes a ban on all tobacco products, not just flavored tobacco products No new tobacco retailer licenses may be issued for tobacco retailers within 600 feet of a school No new licenses may be issued for tobacco product shops within 1000 feet of a youth-populated area Little cigars must be sold in pack size of at least 20	Any member of the West Hollywood Code Compliance Division, Alcohol Beverage Control Department, and the Los Angeles County Sheriff's Department, or their designees are authorized to monitor and enforce the provision	Yes, existing retailers operating prior to May 1, 2016 are grandfathered regardless of any change or transfer of ownership of the business
Windsor Ordinance No. 2018-323 Municipal Code 3-11-115	Prohibits the sale of all flavored tobacco products, with the exception of menthol flavored tobacco products, within the city limits	All flavored tobacco products, including e-cigarettes (excludes menthol tobacco products)	No	Adopted: March 7, 2018 Effective: April 6, 2018 Enforcement: July 30, 2018	Menthol flavored tobacco products are not included in the policy Tobacco retailers may sell flavored tobacco products if: - The tobacco product consists of a package of cigars containing at least five cigars or little cigars - The tobacco product is a single cigar for which the retail price exceeds \$5.00 - The tobacco product consists of pipe tobacco - The package of chewing tobacco or snuff contains at least five units	No tobacco retailer shall sell to a consumer: - A package of cigarettes at a price that is less than \$7.00 per package of twenty 20 cigarettes, including all applicable taxes and fees - A package of little cigars that is less than \$7.00 per package of five little cigars, including all applicable taxes and fees - A package of cigars that is less than \$7.00 per five cigars, including all applicable taxes and fee. - A package of chewing tobacco or snuff that is less than \$7.00 per package of five units It shall be a violation of this chapter for any licensee or any of the licensee's agents or employees to sell, offer for sale, or exchange for any form of consideration: - Any single cigar or little cigar, whether or not packaged for individual sale; - Any number of cigars or little cigars fewer than the number contained in the manufacturer's original consumer packaging designed for retail sale to a consumer; - Any package of cigars or little cigars containing fewer than five cigars. - Any package of chewing tobacco or snuff containing fewer than five units. *This section shall not apply to the sale or offer for sale of a single cigar for which the retail price exceeds \$5.00 No license may be issued to authorize tobacco retailing within 1,000 feet of a school (unless the retailer was operating before the date of the ordinance codified in this chapter) Limits the eligibility of retailers permitted to apply for a tobacco retail license	The policy will be enforced by the County of Sonoma Department of Health Services Penalties for violations of this ordinance within a 60-month period include: - The suspension of a license for 30 days for a first violation - The suspension of a license for 90 days for a second violation - The suspension of a license for one year for a third violation - The revocation of a license for four or more violations	No

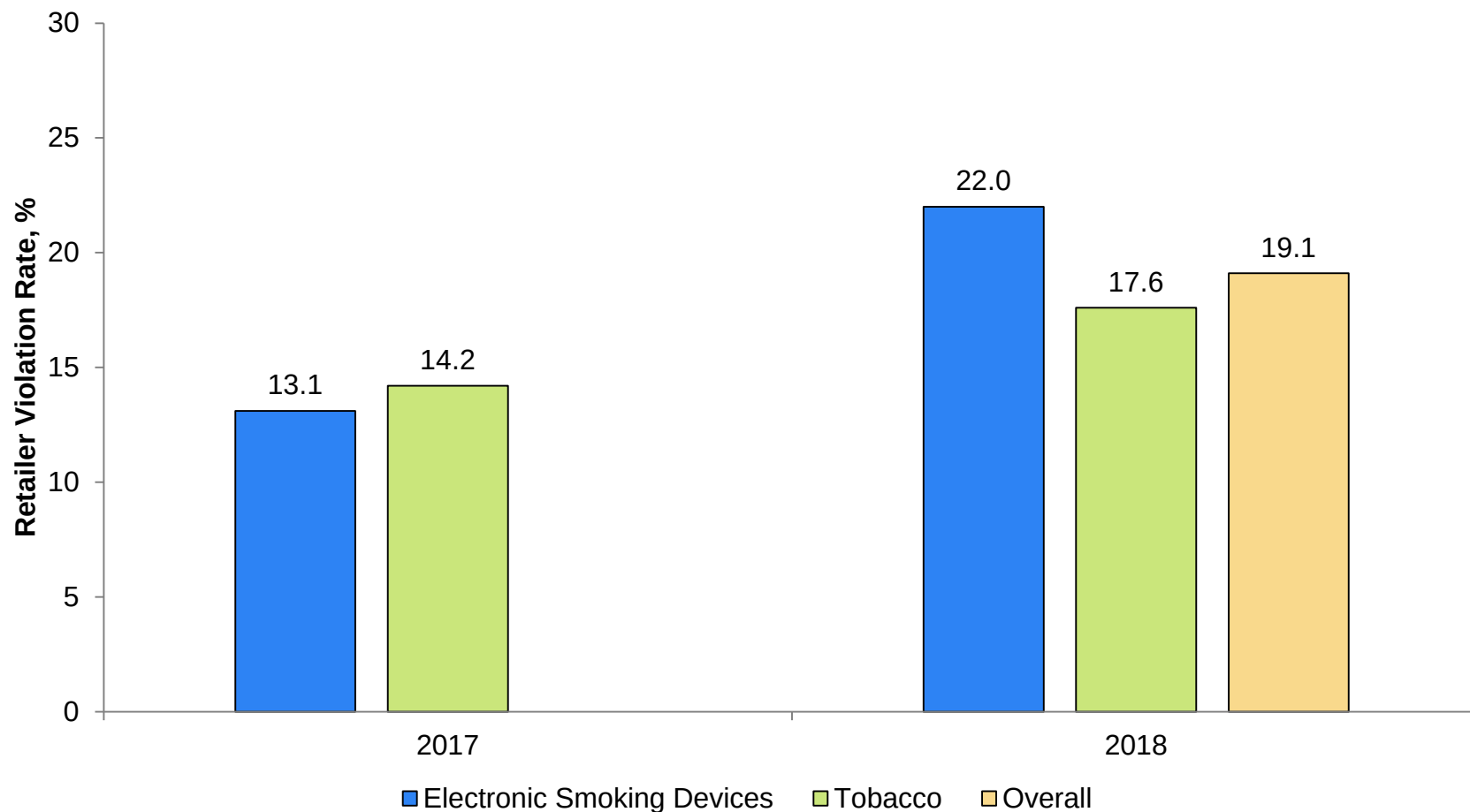
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Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
Yolo County Ordinance No. 1474 Municipal Code 6-15.10	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the unincorporated areas of the County	All flavored tobacco products, including e-cigarettes and menthol flavored tobacco products	Yes	Adopted: October 2016 Effective: May 1, 2017	None	Only existing tobacco retailers are eligible for a tobacco license	Yolo County District Attorney is authorized to perform stings for any violations of the TRL Penalties for violations of this ordinance within a 60-month period include: 1. A fine not less than \$250 and not exceeding \$1,000 and the suspension of a license for no less than 30 days for a first violation 2. A fine not less than \$1,000 and not exceeding \$2,500 and the suspension of a license for no less than 90 days for a second violation 3. A fine not less than \$2,500 and not exceeding \$5,000 and the suspension of a license for no less than five years for a third or subsequent violation In addition to any other penalty authorized by law, a license shall be revoked if any court of competent jurisdiction determines, or if the Director finds after the Tobacco Retailer or Permittee is afforded notice and an opportunity to be heard, that the Tobacco Retailer or Permittee, or any of the Tobacco Retailer's or Permittee's officers, agents or employees, has violated any of the requirements, conditions, or prohibitions of this Chapter	No



Percent of Retailers Selling Tobacco to Underage Young Adults, 2017-2018

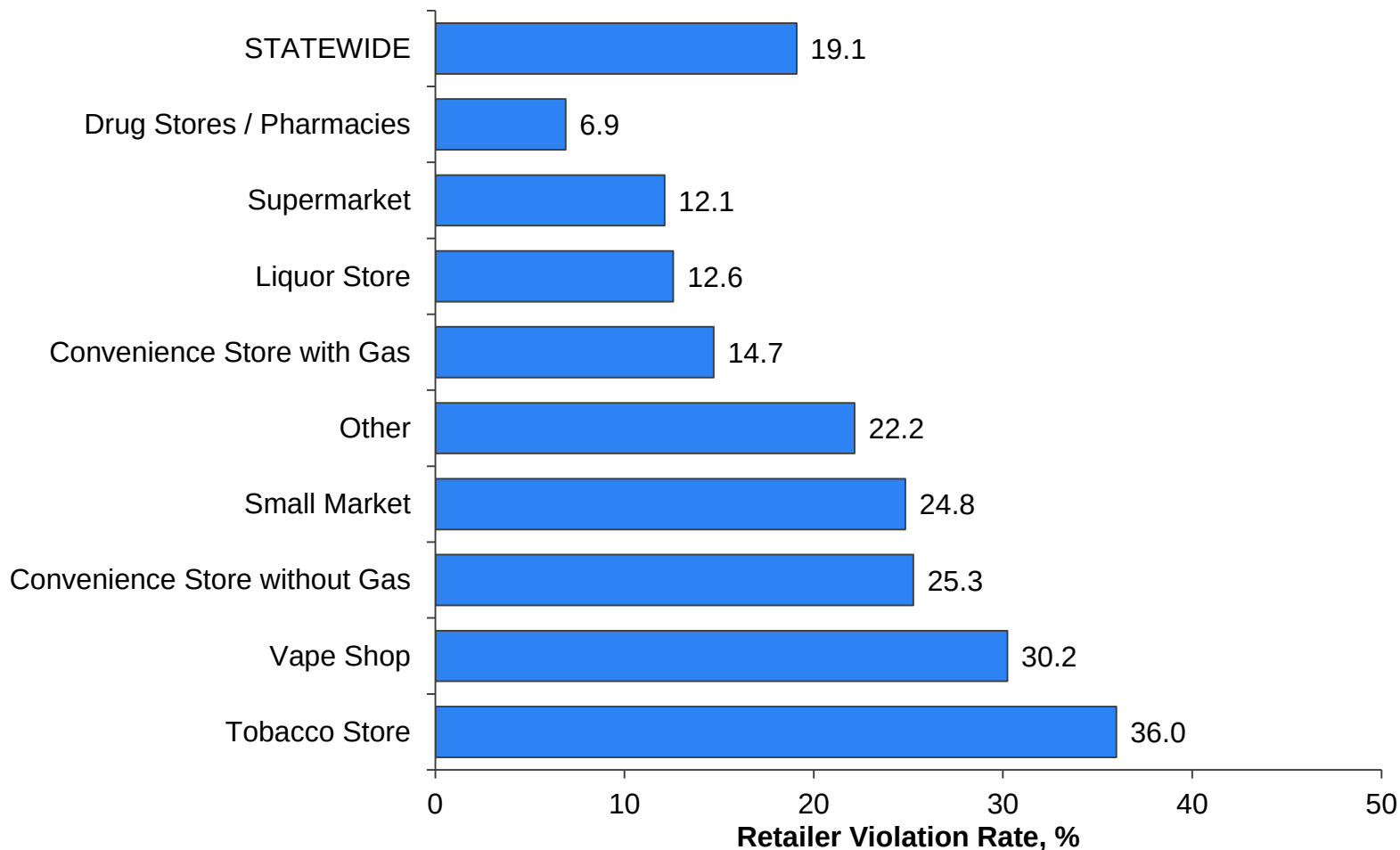


Note: In 2017, there was no overall retailer violation rate as the Young Adult E-cigarette Purchase Survey and the Young Adult Tobacco Purchase Survey were two separate surveys. In 2018, the two surveys were combined into one Young Adult Tobacco Purchase Survey. Young adults are defined as ages 18-19.

Source: California Department of Public Health, California Tobacco Control Program. Young Adult Tobacco Purchase Survey, 2017-2018. Sacramento, CA: California Department of Public Health; October 2018.



Percent of Retailers Selling Tobacco to Underage Young Adults by Store Type, 2018



Note: Tobacco stores include vape shops/lounges. Store types with small sample sizes were grouped together with the "other" category (e.g. delis, discount stores, gift stores, hotels, car washes, restaurants, cafes, donut shops). Young adults are defined as 18-19 years old. Source: California Department of Public Health, California Tobacco Control Program. Young Adult Tobacco Purchase Survey, 2018. Sacramento, CA: California Department of Public Health; October 2018.

Tobacco Use By Youth Is Rising E-cigarettes are the main reason



Want to learn more?

www.cdc.gov/vitalsigns/youth-tobacco-use

1.5M

There were 1.5 million **more** current youth e-cigarette users in 2018 than 2017.

4.9M

4.9 million youth were current tobacco product users in 2018.

38.3%

Use of any tobacco product grew by 38.3% among high school students (2017-2018).

Overview:

Tobacco product use among US youth is increasing. More than 1 in 4 high school students and about 1 in 14 middle school students in 2018 had used a tobacco product in the past 30 days. This was a considerable increase from 2017, which was driven by an increase in e-cigarette use. E-cigarette use increased from 11.7% to 20.8% among high school students and from 3.3% to 4.9% among middle school students from 2017 to 2018. No change was found in the use of other tobacco products, including cigarettes, during this time.

Among youth:

- E-cigarettes are still the most commonly used tobacco product, ahead of cigarettes, cigars, smokeless tobacco, hookah, and pipes.
- E-cigarettes are the most commonly used product in combination with other tobacco products.
- E-cigarette use is highest for boys, whites, and high school students.



PROBLEM:

Nearly all tobacco product use begins in adolescence.

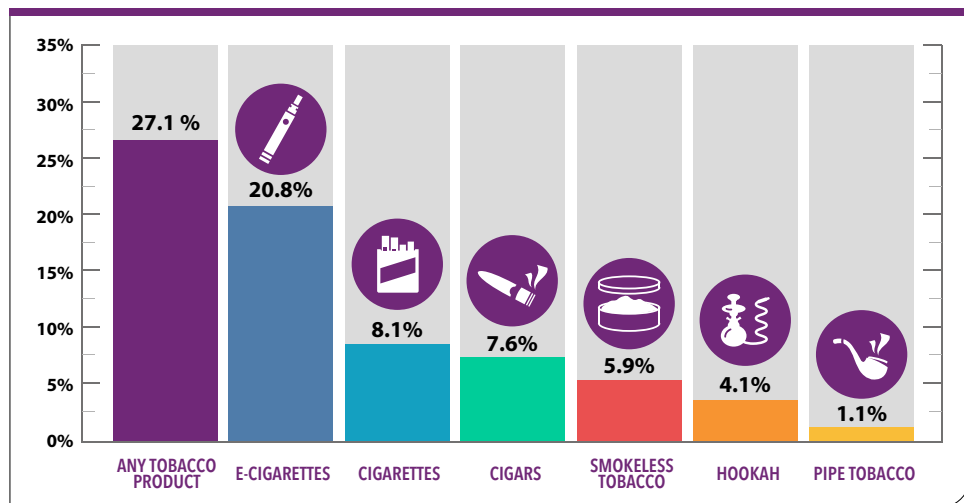
Any tobacco product use among youth is unsafe, including e-cigarettes.

- Cigarette smoke contains over 7,000 chemicals, including about 70 that cause cancer.
- Nearly all tobacco products, including e-cigarettes, contain nicotine.
- Youth nicotine use can lead to addiction and can harm the developing brain, impacting learning, memory, and attention.

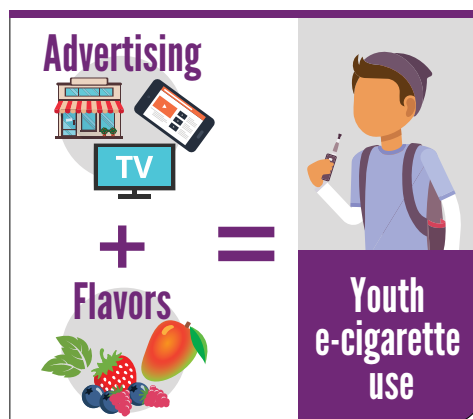
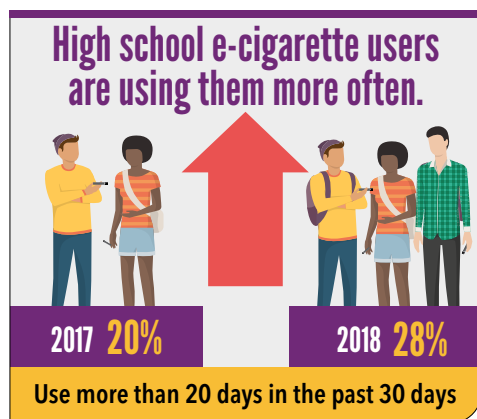


**Centers for Disease
Control and Prevention**
National Center for Chronic
Disease Prevention and
Health Promotion

Tobacco product use among high school students—2018



SOURCE: Tobacco Product Use Among Middle and High School Students — United States, 2011–2018. Morbidity and Mortality Weekly Report (MMWR), February 2019.



JUUL is now the most commonly sold e-cigarette in the US.

- JUUL is an e-cigarette shaped like a USB flash drive and is easy to conceal.
- JUUL uses liquid nicotine refills called “pods,” which contain at least as much nicotine as a pack of cigarettes and are available in flavors that appeal to youth.
- JUUL devices are being used by youth in schools, including inside bathrooms and classrooms.

THE WAY FORWARD >>

PARENTS AND EDUCATORS CAN:

- Set a positive example by not using tobacco products themselves.
- Learn about different types and risks of tobacco products, including e-cigarettes.

HEALTHCARE PROVIDERS CAN:

- Ask specifically about e-cigarettes when screening for tobacco product use.
- Warn youth about the risks of all tobacco product use, including e-cigarettes.

SCHOOLS CAN:

- Adopt and enforce tobacco-free campus policies that include e-cigarettes.
- Reject tobacco industry-sponsored prevention programs, which are proven not to work.

STATES AND COMMUNITIES CAN:

- Prohibit smoking and e-cigarette use inside workplaces and public places.
- Increase the minimum age of sale of tobacco products to 21 years.
- Prohibit the sale of flavored tobacco products.

For more information

1-800-CDC-INFO (232-4636)
TTY: 1-888-232-6348 | Web: www.cdc.gov

Centers for Disease Control and Prevention
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Press Release

Embargoed 1:00 PM ET
February 11, 2019

Contact: [CDC Media Relations](#)
(404) 639-3286

Progress erased: youth tobacco use increased during 2017-2018

4.9 million middle and high school students used tobacco products in 2018

About 4.9 million middle and high school students were current users (used in the past 30 days) of some type of tobacco product in 2018, up from 3.6 million in 2017. This increase—driven by a surge in e-cigarette use—erased past progress in reducing youth tobacco product use, according to a new [Vital Signs report](#) published by the Centers for Disease Control and Prevention (CDC).

With the exception of e-cigarettes, no change was found in the use of other tobacco products, including cigarettes, resulting in a net increase in overall tobacco product use during 2017-2018. There were 1.5 million more youth e-cigarette users in 2018 than 2017, and those who were using e-cigarettes were using them more often, as was previously [reported](#) in November 2018. Frequent use (more than 20 days in the past 30 days) of e-cigarettes, increased from 20 percent in 2017 to 28 percent in 2018 among current high school e-cigarette users.

More than 1 in 4 (27.1%) high school students and about 1 in 14 (7.2%) middle school students currently used a tobacco product in 2018. For the fifth year in a row, e-cigarettes (20.8%) were the most commonly used tobacco product among high schoolers, followed by cigarettes (8.1%), cigars (7.6%), smokeless tobacco (5.9%), hookah (4.1%), and pipe tobacco (1.1%). Among middle schoolers, e-cigarettes (4.9%) were also the most commonly used tobacco product, followed by cigarettes (1.8%), smokeless tobacco (1.8%), cigars (1.6%), hookah (1.2%), and pipe tobacco (0.3%).

Many youth tobacco product users are also using multiple products. Among current tobacco users, about 2 in 5 (1.68 million) high school students and 1 in 3 (270,000) middle school students used two or more tobacco products in 2018. The most commonly used tobacco product combination was e-cigarettes and conventional cigarettes among both middle and high school students.

Robert Redfield, M.D., CDC Director

“The skyrocketing growth of young people’s e-cigarette use over the past year threatens to erase progress made in reducing youth tobacco use. It’s putting a new generation at risk for nicotine addiction,” said CDC Director Robert R. Redfield, M.D. “Despite this troubling trend, we know what works and we must continue to use proven strategies to protect America’s youth from this preventable health risk. Youth use of any tobacco product, including e-cigarettes, is unsafe.”



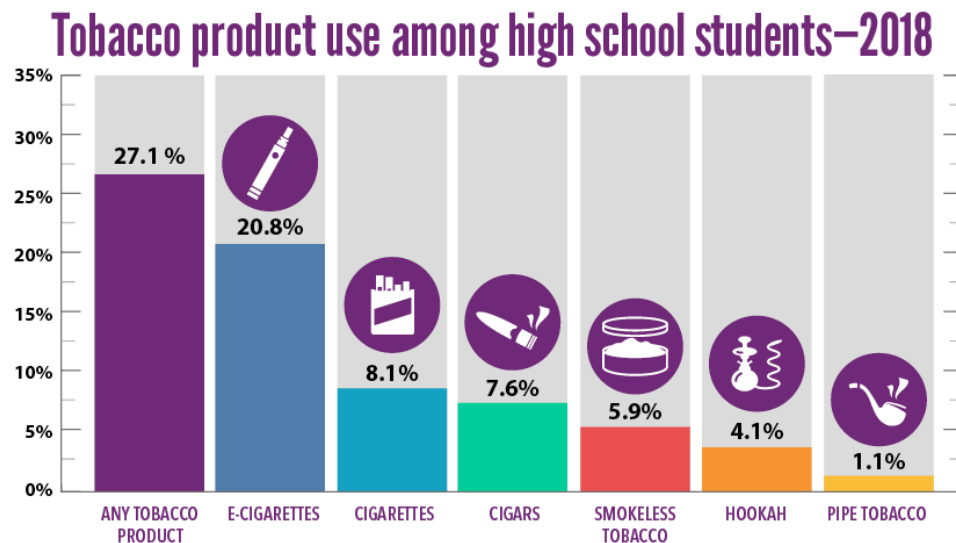
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Additional key findings:

- Among high school students in 2018, any tobacco product use was reported by 32.4 percent of non-Hispanic white, 21.7 percent of Hispanic, 18.4 percent of non-Hispanic other race, and 17.4 percent of non-Hispanic black students.
- Among middle school students in 2018, any tobacco product use was reported by 9.5 percent of Hispanics, 6.8 percent of non-Hispanic blacks, 6.6 percent of non-Hispanic whites, and 3.8 percent of non-Hispanic students of other races.
- By sex in 2018, use of any tobacco product, two or more tobacco products, e-cigarettes, cigarettes, cigars, smokeless tobacco, and pipe tobacco was higher among male high school students than females.
- By race/ethnicity in 2018, e-cigarettes were the most commonly used product among all racial/ethnic groups except black high school students, among whom cigars were the most commonly reported product.



SOURCE: Tobacco Product Use Among Middle and High School Students — United States, 2011–2018. Morbidity and Mortality Weekly Report (MMWR), February 2019.

Vital^{CDC}**signs**TM

www.cdc.gov/vitalsigns/youth-tobacco-use

CS980219C



This Vital Signs report is based on data from the 2011–2018 [National Youth Tobacco Surveys](#) analyzed by CDC, the Food and Drug Administration (FDA), and the National Cancer Institute (NCI). This annual survey assesses current use of cigarettes, cigars, smokeless tobacco, e-cigarettes, hookah, pipe tobacco, and bidis among a nationally representative sample of middle and high school students.



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Scott Gottlieb, M.D., FDA Commissioner

“These data are a sobering reminder of the rampant rise of youth e-cigarette use. I fear this trend will continue in 2019, forcing us to make some tough decisions about the regulatory status of e-cigarettes,” said FDA Commissioner Scott Gottlieb, M.D. “No child should be using any tobacco or nicotine-containing product and we’re committed to reversing this epidemic. We’ll continue to take a series of escalating regulatory actions to try to address the root causes of this spike in youth e-cigarette use, in particular by ensuring these products are sold in ways that make them less accessible and appealing to youth.”

Why are these findings a significant public health concern?

- Tobacco use is the leading cause of preventable disease and death in the United States, and nearly all tobacco use begins in adolescence.
- Cigarette smoke contains more than 7,000 chemicals, about 70 of which can cause cancer.
- Nearly all tobacco products, including e-cigarettes, contain nicotine.
- The U.S. Surgeon General has concluded that nicotine exposure during adolescence can harm the developing brain—which continues to develop until about age 25.
- Nicotine exposure during adolescence impacts learning, memory, and attention and primes the brain for addiction.
- Symptoms of nicotine addiction are increased in multiple tobacco product users compared with single-product users.
- Youth who use e-cigarettes may be more likely to go on to smoke conventional cigarettes.

What more can be done?

Regulating the manufacture, distribution, and marketing of tobacco products, coupled with proven population-based strategies, can reduce youth tobacco use and initiation. These strategies include:

- Increasing prices of tobacco products.
- Protecting people from exposure to secondhand smoke and e-cigarette aerosol.
- Sustaining hard-hitting media campaigns that warn about the dangers of tobacco product use.
- Restricting youth access to tobacco products, including increasing the minimum age of sale of tobacco products to 21 years and prohibiting the sale of flavored tobacco products.

To read the entire *Vital Signs* report, visit: www.cdc.gov/vitalsigns/.

To learn more about preventing young people from using tobacco products, visit www.BeTobaccoFree.gov.



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