



County of Los Angeles Tobacco Ordinance

Frequently Asked Questions

Updated October 2020

On September 24, 2019 the County of Los Angeles Board of Supervisors approved an Ordinance creating restrictions on retail sales of tobacco products and a new Business License requirement. The new restrictions only apply to tobacco retailers in the unincorporated areas of the County. The law does not apply to personal possession or use of tobacco products. To determine if your business is located in an unincorporated area of Los Angeles County, visit <http://gis.lacounty.gov/districtlocator/> and enter your business address to see if it is in an "unincorporated" area, or visit <https://lavote.net/apps/precinctsmaps> and select "District Map Look Up by Address" in the drop-down box under the title "Precincts Maps Application."

- 1. What are the new restrictions on retail sales of flavored tobacco products?**
Retailers may not sell any flavored tobacco or flavored tobacco products, including, but not limited to, menthol cigarettes and flavored products meant for use in electronic smoking devices.
- 2. Do the new restrictions apply to online sales of tobacco products?**
No, online sales of all tobacco products are regulated by the State of California, pursuant to California's STAKE Act (Business and Professions Code section 22960 et seq.)
- 3. When does the flavored tobacco product and menthol cigarette sales prohibition go into effect?**
The prohibition on sales of flavored tobacco products and menthol cigarettes began on May 1, 2020.
- 4. When is the last day to sell flavored tobacco products and menthol cigarettes?**
The last day to sell flavored tobacco products and menthol cigarettes was April 30, 2020.
- 5. Which retailers can sell flavored tobacco products and menthol cigarettes?**
After May 1, 2020, no retailer in the unincorporated areas of the County may sell flavored tobacco products that impart a characterizing flavor or menthol cigarettes. Retailers with a valid Tobacco Retail License may sell unflavored tobacco products and/or tobacco products containing only the flavor of tobacco.

As of November 1, 2019, pharmacies may no longer obtain or renew a Tobacco Retail License.

6. **Which retailers are affected by the prohibition on sales of flavored tobacco products and menthol cigarettes?**

Any retailer that sells tobacco products and/or cigarettes will be affected by the prohibition on sales of flavored tobacco products and menthol cigarettes.

7. **What is a flavored tobacco product?**

A flavored tobacco product is a product containing tobacco or nicotine which is intended for human consumption, imparting a characterizing flavor and includes, but is not limited to, menthol cigarettes, flavored little cigars, flavored vaping products (including flavored vaping juices not containing tobacco or nicotine), flavored chew, flavored hookah tobacco, and flavored pipe tobacco.

8. **What is a characterizing flavor?**

A characterizing flavor is a taste or aroma, excluding the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product or any byproduct produced by the tobacco product, including but not limited to, menthol, mint, wintergreen, fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, or spice. Characterizing flavor includes flavor in any form, mixed with or otherwise added to any tobacco product or nicotine delivery device, including electronic smoking devices.

9. **I am confused by the Ordinance's definitions of little cigar and cigarillo. If a little cigar or cigarillo weighs more than the weight specified in the Ordinance's definition, is it still required to be sold in packages of 20 or more?**

Pursuant to California Health and Safety Code section 14950 (b) (1), County Code section 11.35.020 (M) defines a little cigar as "any roll of tobacco wrapped in a leaf of tobacco or any substance containing tobacco and weighing not more than three pounds per thousand". Products labeled by a manufacturer as a little cigar or small cigar may not be sold individually or in packages of less than 20 units. In addition, many cigarillos and little cigars contain flavors and as of May 1, 2020, flavored tobacco products, including flavored cigarillos and little cigars other than tobacco flavored, cannot be sold in the unincorporated areas of the County of Los Angeles regardless of pack size. Enforcement of the Ordinance will be focused on retail sales of flavored products, including little cigars and cigarillo, as well as ensuring that products labeled by a manufacturer as a little cigar or small cigar are not sold individually or in packages of less than 20 units. DPH will not enforce pack size restrictions on tobacco products labeled as cigarillos.

Little cigars may only be sold or offered for sale in an original manufacturer's sealed package of 20 units or more that is intended for sale to consumers. The bundling of individual and/or packages of multiple little cigars to create a package of 20 units or more is prohibited.

10. Can pharmacies sell tobacco products?

Pharmacies that currently have a Tobacco Retail License may continue to sell tobacco, tobacco products, and/or tobacco paraphernalia until their Tobacco Retail License expires, but in no case may a pharmacy sell flavored tobacco products after April 30, 2020. The new law prohibits pharmacies, including stores with an on-site pharmacy, from obtaining or renewing a Tobacco Retail License and no retailer, including pharmacies, may sell tobacco, tobacco products, and/or tobacco paraphernalia without a Tobacco Retail License.

11. Why is the County of Los Angeles prohibiting the sale of flavored tobacco products in unincorporated areas of the County?

The County is committed to protecting the health and well-being of youth and the general public. Both the FDA and the U.S. Surgeon General have warned that flavored tobacco products, such as electronic smoking devices and little cigars and cigarillos, help new users establish habits that can lead to long-term addiction.^{1,2} Flavored e-cigarettes are not tested and/or approved smoking cessation devices and may expose users to high levels of nicotine. Prohibiting the sale of flavored tobacco products in the unincorporated areas of the County will help prevent tobacco-related disease and death.

12. Why is the County of Los Angeles prohibiting the sale of menthol cigarettes?

Menthol cigarettes have been shown to increase youth initiation, inhibit cessation, and promote relapse. Scientific studies have shown that because of its sensory effects and flavor: minty taste and cooling sensation, menthol may enhance the addictiveness of cigarettes. Although the use of cigarettes is declining in the U.S., sales of menthol cigarettes have steadily increased in recent years, especially among young people and new smokers.³

13. How much time do retailers have in order to sell existing inventory of flavored tobacco products and menthol cigarettes?

Existing tobacco retailers with a valid Tobacco Retail License will have until April 30, 2020 to sell any flavored tobacco products and/or menthol cigarettes.

New tobacco retailers who obtain the required license(s) prior to April 30, 2020, may sell flavored tobacco products until April 30, 2020.

14. May a retailer sell flavored liquids that do not contain nicotine or tobacco?

No. Retailers may not sell flavored liquids separately as those are considered characterizing flavors. The new law prohibits the sale of characterizing flavor in any form, that can be mixed with or otherwise added to any tobacco product or nicotine delivery device, including electronic smoking devices.

15. Will the County mail a notice about the last day to sell flavored tobacco products?

Yes. The County is issuing these *Frequently Asked Questions* and additionally, will mail notices and host webinars and in-person sessions throughout the

unincorporated areas of the County in order to provide information on the new law, including the last day to sell flavored tobacco products, which is April 30, 2020.

16. What is the new Business License requirement?

The new Business License requirement is for all Tobacco Shops exclusively or predominately selling tobacco, tobacco products, or tobacco paraphernalia, including vaping products and cigars. Tobacco Shops include, but are not limited to, smoke shops, cigar shops, vape shops, and hookah lounges.

17. How do I know if my store is a Tobacco Shop?

A Tobacco Shop is a business devoted exclusively or predominantly to the sale of tobacco, tobacco products, and tobacco paraphernalia. According to California Business and Professions Code Section 22962 (a) (4), a tobacco store is defined as a business that primarily sells tobacco products, generates more than 60 percent of its gross revenues annually from the sale of tobacco products and tobacco paraphernalia, does not permit any person under 21 years of age to be present or enter the premises, and does not permit the consumption of alcoholic beverages or food by patrons on the premises.

Please note that “tobacco products and paraphernalia” include any product containing, made, or derived from tobacco or nicotine, including, but not limited to, cigarettes, cigars, chewing tobacco, pipe tobacco, and snuff, as well as electronic smoking devices, electronic cigarettes, electronic cigars, electronic pipes, electronic hookahs, and vaping devices.

18. If I have a Tobacco Shop, will I need two licenses from the County?

Yes. Tobacco Shops will need a new Business License pursuant to the new law, as well as a Tobacco Retail License, in order to sell tobacco, tobacco products, and tobacco paraphernalia.

19. If I have a Tobacco Shop, what are the operating requirements for the new Business License?

The new Business License requires that Tobacco Shops must 1) post signage, 2) comply with space restrictions for outward facing advertising in store windows, 3) restrict entrance and sale of tobacco to those 21 and over, 4) provide sufficient exterior lighting, 5) prohibit the consumption of food and beverages (including alcohol) by patrons, 6) prohibit the use of tobacco products, except in a Smokers’ Lounge, 7) prohibit the consumption of food and beverages (including alcohol) by patrons in a Smokers’ Lounge, and 8) prohibit loitering.

20. If I currently have a Tobacco Retail License, do I need a new Tobacco Shop business license?

Maybe. Tobacco Retail License holders who are not considered Tobacco Shops will not need to obtain a new Tobacco Shop Business License; however, current Tobacco Retail License holders who operate a Tobacco Shop (as defined

above) will be required to get a new Tobacco Shop Business License.

21. How much will the required County licenses cost?

The initial Tobacco Shop Business License fee is \$778 for the first two years and \$142 for subsequent two-year applications. As part of the initial business license process, the Department of Regional Planning requires a one-time Business License Referral fee pursuant to Section 22.250.010 of the County Code.

The Tobacco Retail License is \$235 per year and is not changed by the new law.

22. When are retailers required to get the new Tobacco Shop Business License?

Existing Tobacco Shops with a valid Tobacco Retail License must apply for the new Tobacco Shop Business License by May 1, 2020. Existing Tobacco Shops without a valid Tobacco Retail License must apply for the new Tobacco Shop Business License and obtain a Tobacco Retail License by May 1, 2020.

Tobacco Shops not currently operating must apply for and obtain the new Tobacco Shop Business License and a Tobacco Retail License before they may begin operations.

23. Does the Tobacco Shop Business License authorize the sale of cannabis or cannabis products?

No, the Tobacco Shop Business License does not authorize the sale of cannabis or cannabis products. The sale of cannabis and cannabis products is prohibited within the unincorporated areas of the County.

24. Where can I go if I have more questions?

- The County's Department of Public Health is available to answer questions related to the Tobacco Retail License as well as the health effects of smoking and resources to help smokers quit.
 - Phone: (213) 351-7890
 - Email: tobacco1@ph.lacounty.gov
 - Website: <http://www.lapublichealth.org/tob/>
- The **Business Licensing Section** of the Treasurer and Tax Collector's Office is available to answer questions regarding the new Tobacco Shop Business License and the process to apply for and obtain the new Tobacco Shop Business License.
 - Phone: (213) 974-2011
 - Email: businesslicense@ttc.lacounty.gov
- The County's **Department of Consumer and Business Affairs** has an Office of Small Business that is available to assist all business needs, regardless of what stage of the business continuum the business is in and

can connect businesses to County and community business resources. The Office of Small Business' Concierge can conduct a business assessment for businesses affected by the new law to determine business needs, opportunities to grow, and programs that can help them stay afloat. The Small Business Concierge can be contacted at:

- Department of Consumer and Business Affairs
Office of Small Business
133 North Sunol Drive, Room 218
Los Angeles, CA 90063
(323) 881-3964
www.DCBA.lacounty.gov
concierge@dcba.lacounty.gov

Sources

¹ U.S. Surgeon General. (December). Surgeon General's Advisory on E-cigarette Use Among Youth [Press release]. Retrieved on 10/7/2019: <https://e-cigarettes.surgeongeneral.gov/documents/surgeon-generals-advisory-on-e-cigarette-use-among-youth-2018.pdf>.

² Centers for Disease Control and Prevention. Vital Signs: Tobacco Product Use Among Middle and High School Students-United States 2011-2018. Morbidity and Mortality Weekly Report 2019, 68(06).

³ California Department of Public Health, California Tobacco Control Program. California Tobacco, The Truth About Menthol Cigarettes (2017).