State of California—Health and Human Services Agency
California Department of Public Health

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EDMUND G. BROWN JR.
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Dear Retailer:

NEW CALIFORNIA STATE TOBACCO LAWS

The State of California recently updated several laws that govern the sale of tobacco products, and also broadened the definition of tobacco products. Many of these changes take effect beginning June 9, 2016. This letter contains information, materials, and online resources to help you learn about and comply with the new laws.

BRIEF SUMMARY OF CHANGES TO TOBACCO RETAIL LAWS

Below is a brief summary of changes to California's tobacco laws for retailers. Visit the California Department of Public Health, Stop Tobacco Access to Kids Enforcement (STAKE) Act website for more detailed information: https://www.cdph.ca.gov/programs/Pages/STAKEProgram.aspx

Topic	Summary of Major Changes	Effective Date
Definition of Tobacco Products	• The definition of "tobacco product" is expanded to include any electronic smoking device or any component, part, or accessory, including cartridges and solutions, whether or not they contain nicotine, or whether sold separately. For example, electronic smoking devices, atomizers, vaping tanks or mods, and e-liquids are tobacco products. [Business and Professions (B&P) Code Section 22950.5(d)]	**June 9, 2016**
Minimum Sale Age for Tobacco Products	• Retailers can sell tobacco products and paraphernalia only to individuals who are at least 21 years old. There is one exception: the minimum sale age remains 18 for active duty military personnel with an identification card (ID) issued by the United States Armed Forces. [B&P Code Section 22958 and Penal Code (PC) Section 308(a)]	**June 9, 2016**

Topic	Summary of Major Changes	Effective Date
Age-of-Sale Warning Sign	• A sign stating that selling tobacco products to anyone under 21 years of age is illegal and subject to penalties must be posted at each cash register. The sign must include the "1-800-5 ASK-4-ID" phone number. [B&P Code Section 22952(b) and PC Section 308(b)]	**June 9, 2016**
Check ID	• Retailers must check the ID of anyone who looks younger than 21 years of age. [B&P Code Section 22956]. *Note: Federal law requires retailers to check ID for anyone who looks younger than 27 years of age. [21 United States Code Sections 333, 372, 387a-1, 387f(d)]*	**June 9, 2016**
Self-Service Displays	• Retailers cannot have self-service displays of tobacco products or paraphernalia (including electronic smoking devices, e-liquids, and components, parts, or accessories). A self-service display is any display that allows customers to access items without help from the retailer. [B&P Code Section 22962] • A tobacco store may have self-service displays of cigars in packages of six or more in the original wrapping, pipe tobacco, snuff, chewing tobacco, and dipping tobacco. This exception does not apply to electronic smoking devices or e-liquids, or their components, parts, or accessories. [B&P Code Section 22962(c)] • A tobacco store is a store that (1) generates more than 60% of its gross annual revenue from the sale of tobacco products and paraphernalia; (2) does not sell alcohol or food for consumption on the premises; and (3) prohibits minors from entering unless that person is accompanied by his or her parent or legal guardian. [B&P Code Section 22962(a)(4)]	**June 9, 2016**

Topic	Summary of Major Changes	Effective Date
Enforcement: STAKE Act	• The California Department of Public Health, Food and Drug Branch has primary responsibility for enforcing the STAKE Act. This law prohibits tobacco sales to persons under the age of 21 and makes such sales punishable by civil penalties against the store owner, not the clerk. Penalties range from $400-$600 for a first violation to $6,000 and/or license suspension or revocation for repeated violations. [B&P Code Section 22958(a)]	**Pending Update of STAKE Act Regulations**
Enforcement: Penal Code (PC) Section 308	• Local law enforcement agencies have primary responsibility for enforcing PC 308. Storeowners and/or clerks who sell a tobacco product to a person under the age of 21 may be charged with a misdemeanor or be subject to the following civil fines: $200 for the first violation, $500 for the second violation, and $1,000 for the third violation. [PC Section 308(a)]	**June 9, 2016**
Tobacco Retailer License	• By January 1, 2017, any retailer that sells electronic smoking devices must apply to the State Board of Equalization (BOE) for a license ($265 fee). The new licensing requirement applies only to retail locations that do not already have a state retailer license to sell tobacco products. • Beginning January 1, 2017, existing tobacco retailers are subject to a $265 fee for annual license renewals. • For questions regarding licensing requirements, please contact BOE Customer Service at 1-800-400-7115.	**January 1, 2017**
Child-Resistant Packaging	• All electronic smoking device cartridges and solutions used for filling or refilling devices must be sold in child-resistant packaging that meets federal poison prevention standards. [Health and Safety Code Section 119406]	**October 1, 2016** **A similar Federal law goes into effect July 26, 2016**

ENCLOSED MATERIALS TO HELP YOU COMPLY WITH THE LAW

- New California Tobacco Laws: Minimum Sale Age (21) and Electronic Smoking Devices: A Summary for Retailers
- Two (2) updated STAKE Act age-of-sale warning signs which meet signage requirements under state law
- One (1) "We check ID" window cling
- ID Verification for Tobacco Sales in California
- What is a 'tobacco product' under California law?

RESOURCES AVAILABLE FOR DOWNLOAD

The following resources are available for download at:
http://www.cdph.ca.gov/programs/tobacco/Pages/Tobacco21.aspx

- Frequently Asked Questions (FAQ) for Retailers
- Tips for Retailers: How to Comply with California Law and Avoid Fines and Penalties
- Order Form for age-of-sale warning signs

Tobacco retailers are responsible for knowing and complying with all federal, state, and local laws regarding the sale and distribution of tobacco products. Please refer to the FAQ for Retailers to find out more about local retail laws. Thank you for complying with California tobacco sales laws. If you should have any questions regarding this matter, please feel free to contact the California Tobacco Control Program at (916) 449-5500.

Sincerely,

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Director and State Public Health Officer