

California Law Updates: Unflavored Tobacco List and Enforcement of the Flavored Tobacco Products Law

In September 2024, Governor Newsom signed Assembly Bill (AB) 3218 and Senate Bill (SB) 1230 into law, expanding California's flavored tobacco sales ban and strengthening enforcement. The new laws took effect January 1, 2025.

AB 3218: Unflavored Tobacco List (UTL)

This law requires the California Attorney General to create and maintain an Unflavored Tobacco List, or UTL. The UTL is a list of all tobacco products that are unflavored and legal to sell in California. The state Attorney General will create this list by or before December 31, 2025. If a tobacco product that is prohibited by [California's flavored tobacco sales law](#) is not on the UTL, it will be prohibited for sale.

State and Local Laws Apply to ALL Tobacco Sales

This law also requires anyone who sells or delivers tobacco products, including online sellers, to follow all state and local tobacco laws that apply to local retailers where the products are shipped. Anyone who sells tobacco products online or via remote delivery must follow all state and local tobacco laws that apply to local retailers where the products are shipped.

Updated Definition of Tobacco Products

AB 3218 expands the definition of tobacco products to include products with synthetic nicotine and nicotine analogs.

Seizure of Illegal Products

Retailers, wholesalers, and distributors may sell only the tobacco products listed on the UTL. The California Department of Tax and Fee Administration (CDTFA) and other law enforcement agencies may seize flavored tobacco products or flavor enhancers as well as impose fines for illegal products.

SB 1230: STAKE Act Civil Penalties

This law increases the fines and penalties for any retailer who sells tobacco products to a person under 21 years old.

This law also allows the California Department of Tax and Fee Administration (CDTFA) to seize and destroy illegal flavored tobacco products and flavor enhancers.

Exemptions

The flavored tobacco sales ban does **not** apply to:

- flavored premium cigars with a wholesale price of \$12 or more
- flavored shisha/hookah tobacco sold in licensed stores that allow only people ages 21 or older

Updated Fines and Penalties

Civil Penalties for Retailers and Wholesalers Selling Illegal Flavored Tobacco Products

1 st Violation	2 nd Violation	3 rd Violation
\$50 per individual package of seized flavored tobacco product or tobacco product flavor enhancer	\$50 per individual package of seized flavored tobacco product or tobacco product flavor enhancer AND License Suspended	\$50 per individual package of seized flavored tobacco product or tobacco product flavor enhancer AND License Revoked

Civil Penalties for Distributors and Wholesalers Selling Illegal Flavored Tobacco Products

1 st Violation	2 nd Violation	3 rd Violation
Warning notice	License suspended	License revoked

Increased Civil Penalties for Retail Violations - STAKE Act and Illegal Flavored Tobacco Sales

1 st Violation	2 nd Violation (within a 5-year period)	3 rd Violation (within a 5-year period)	4 th Violation (within a 5-year period)	5 th Violation (within a 5-year period)
\$1,000-\$1,500	\$2,000-\$3,000	\$5,000-\$10,000	\$10,000-\$20,000	At least \$20,000

How to Report Violations

If you suspect a retailer sells tobacco products to anyone under age 21 (in violation of the STAKE Act), please call 1-800-5-ASK-4-ID (800-527-5443) or email the Office of Youth Tobacco Enforcement ([OYTE](mailto:OYTE@cdph.ca.gov)) at OYTE@cdph.ca.gov.

If you suspect a retailer sells illegal flavored tobacco products or is violating licensing or tax laws, visit [CDTFA's](http://www.cdtfa.ca.gov/report-violation.htm) website at www.cdtfa.ca.gov/report-violation.htm or call CDTFA at: 1-888-334-3300.