



NOTICE!

NEW CITY TOBACCO PRODUCT SALES REQUIREMENTS STARTING AUGUST 5, 2024

Starting August 5, 2024, all tobacco retailers in the City of Emeryville must obtain and maintain a local tobacco retail license in order to sell tobacco products, and comply with new tobacco sales requirements including the following:

No sale of ANY flavored tobacco products, with no exemptions

This includes, but is not limited to, the following flavored tobacco products:



Menthol, Mint, or Wintergreen Flavored Cigarettes



Flavored Chewing Tobacco and Snus



Flavored Hookah Tobacco



Flavored "Tobacco-Free" Nicotine Pouches, Lozenges, Gum



Flavored Cigars, Cigarillos, Little Cigars, Cigar/Blunt Wraps



Flavored E-cigarettes, E-hookahs, Vape Devices, and E-Liquids



Tobacco Product Flavor Enhancers

What is a flavored tobacco product?

A flavored tobacco product imparts a distinguishable taste or aroma, other than the taste or aroma of tobacco. This includes, but is not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, mint, wintergreen, menthol, herb or spice. It also includes tobacco products that impart a heating, cooling, or numbing sensation. Note: California state law prohibits the sale of tobacco product flavor enhancers, which are intended to add flavor to a tobacco product, even if the tobacco product flavor enhancer does not contain tobacco or nicotine.

No sale of ANY electronic smoking devices, flavored or unflavored

This includes, but is not limited to: vapes, e-cigarettes, e-hookahs and other vaping devices, as well as any component, part, or accessory of the device, including e-liquids & e-pods, whether or not they contain nicotine



No sale of cigar products in packages less than 20 and priced under \$10, except for single cigars priced at \$10 or more



Retailers must sell cigar products (including cigars, cigarillos, little cigars, blunts, blunt wraps, and cigar wraps) in packages of at least 20, for a minimum price of \$10 per package, including all applicable taxes and fees.

No sale of cigarettes in packages less than 20, priced under \$10

Retailers must sell cigarettes in packages of at least 20, for a minimum price of \$10 per package, including all applicable taxes and fees.



The price of each tobacco product offered for sale must be clearly displayed



Retailers must clearly and conspicuously display the price of each tobacco product offered for sale.

No redemption of discounts or coupons on tobacco products

Retailers may not honor or redeem any coupons or discounts for tobacco products. Tobacco products cannot be sold for less than their full retail price.



No sale of tobacco products in pharmacies



Pharmacies in the city of Emeryville cannot sell any tobacco products.

Visible display of local and state tobacco retail licenses in store

All tobacco retailers in Emeryville must obtain and maintain a valid city tobacco retail license, in addition to their state tobacco retail license. Both local and state licenses must be prominently displayed in a publicly visible location in the store.



No delivery or online sales of tobacco products



All tobacco product sales must be conducted on-site and in-person in a licensed tobacco retail location. Delivery sale of tobacco products is prohibited, including by phone, mail, internet, app-based service or curbside pick-up.

The following penalties apply to tobacco retailers in violation of Emeryville's Tobacco Retail Licensing Ordinance:

First Violation

- Tobacco Retail License will be suspended for 30 days and the tobacco retailer is subject to an administrative fine of \$100.

Second Violation

- Tobacco Retail License will be suspended for 90 days. If the violation occurred within 5 years of the 1st violation, the tobacco retailer is subject to an administrative fine of \$200.

Third Violation

- Tobacco Retail License will be suspended for 1 year. If the violation occurred within 5 years of the 2nd violation, the tobacco retailer is subject to an administrative fine of \$500.

Fourth Violation and Additional Violations

- After 4 or more violations within any 60-month period, no new Tobacco Retail License will be issued for 5 years from the date of revocation.

**For more information, please contact: Nicole Ewing,
Emeryville Code Enforcement Officer at Nicole.ewing@emeryville.org**