

TOBACCO RETAILER FAQ

WHAT DOES PROP 31 MEAN FOR MY STORE?

SB 793 was signed into law Aug. 28, 2020, by Gov. Gavin Newsom, banning the sale of certain flavored tobacco products. However, the law was challenged by referendum. Enough signatures were gathered to put the law on hold until the November 2022 election. It was on the ballot in California as Proposition 31 and voters passed it, upholding SB 793.

SB 793 prohibits a tobacco retailer, or any of the tobacco retailer's agents or employees, from selling, offering for sale, or possessing with the intent to sell or offer for sale, a flavored tobacco product or a tobacco product flavor enhancer.

Which products count as "flavored" under SB 793?

Any tobacco product that imparts a characterizing flavor, which is a taste or aroma other than that of tobacco, like fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb or spice.

Which products can I still sell?

Flavored premium cigars, flavored loose leaf pipe tobacco, shisha and hookah products do not count as "flavored" under SB 793. Hookah and cigar lounges can continue operating.

When do I need to stop selling flavored tobacco products?

SB-793 will take effect the fifth day after the Secretary of State certifies the election results. The Secretary of State will certify the results by Dec. 16, 2022, so the latest effective date is Dec. 21, 2022.



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More Retailer Resources

California Department of Public Health



This is the best resource for retailers. This has the regulations and an FAQ.

Public Health Law Center



There is an FAQ that may be helpful for tobacco retailers.

Undo.org



Information about how tobacco use affects communities.