

Minimum
Age of Sale
for Tobacco
Products in
California

21



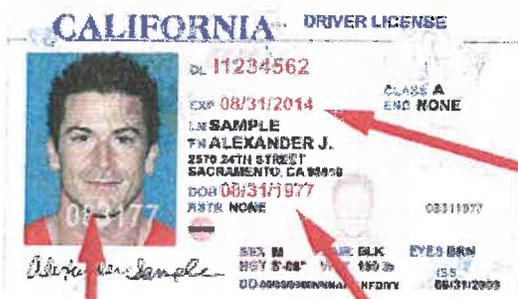
A Summary for Retailers

In California, it is illegal for retailers and clerks to sell tobacco products to anyone under the age of 21. This law applies to the sale of traditional tobacco products like cigarettes as well as to the sale of electronic smoking devices like e-cigarettes and tobacco product paraphernalia.

As of December 20, 2019, there is no longer an exemption in the law for sales to military personnel under the age of 21. A retailer caught selling a tobacco product to anyone under the age of 21 will be subject to fines and potentially jail time.

ID Verification for Tobacco Sales in California

21 or Over



1. Check the **picture first**. See that it matches the person.

2. Check the **date of birth (DOB)**. Make sure the person is at least 21 years old.

3. Check the **expiration date**. Make sure the ID has not expired.

Under 21



Retailer Requirements

TOBACCO SALES

It is ILLEGAL to sell tobacco products or paraphernalia to any person under 21 years of age.

- Retailers can accept only a valid, unexpired government-issued photo ID (driver's license, state ID, passport, military ID).

Federal law states that retailers MUST check ID for tobacco product purchasers who appear to be younger than 27 years old.

WARNING SIGNS

Under the STAKE Act, retailers MUST post the new Age-of-Sale Warning Sign, which states that the minimum sale age is 21 years, at each cash register where tobacco sales are made. Retailers must also display state and local tobacco retail licenses.

The Sale of Tobacco Products to Persons Under 21 Years of Age Is Prohibited by Law and Subject to Penalties

**To Report an Unlawful Tobacco Sale Call
1-800-5 ASK-4-ID**

Valid Identification May Be Required
Business and Professions Code Section 22952 21 U.S.C 387(d)
This sign must be readable by the consumer and must not be altered, covered or obliterated in whole or in part



- Open camera or QR code reader on your smartphone.
- Hold your smartphone over QR Code so that it's clearly visible within camera screen.
- Look for the notification banner or tap to trigger code's action.

SELF-SERVICE DISPLAYS

It is ILLEGAL to have a self-service display of tobacco products or paraphernalia in your store (including electronic smoking devices, atomizers, vaping tanks or mods, and e-liquids). A self-service display is any display that allows customers to access items without help from the retailer.

- Exception: A tobacco store may have self-service displays of cigars in packages of 6 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. 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.

What are tobacco products and tobacco paraphernalia?

A TOBACCO PRODUCT IS

- any product containing, made, or derived from tobacco or nicotine that is intended for human consumption;
- any electronic smoking device (whether or not it contains nicotine); or
- any component, part, or accessory of a tobacco product, whether or not sold separately.

For example, atomizers, vaping tanks or mods, add on flavor pods, rolling papers, and e-liquids are tobacco products. Tobacco product does not include any product that the United States Food & Drug Administration (FDA) has approved as a cessation product or for other therapeutic purposes in which the product is marketed and sold solely for such an approved purpose. For example, nicotine patches are not tobacco products.



TOBACCO PARAPHERNALIA INCLUDES:

Cigarette papers or wrappers, pipes, cigarette rolling machines, and other instruments or products designed for the smoking or ingestion of tobacco products.

For example, atomizers, vaping tanks or mods, and e-liquids are also tobacco paraphernalia.



Tobacco retailers are responsible for knowing and complying with all federal, state, and local laws regarding the sale and distribution of tobacco products. This summary does not include all federal, state, and local laws that apply to tobacco retailers.

For more information please visit: www.cdph.ca.gov/Tobacco21

1. Business and Professions Code Section 22962 (a) (2)
2. 21 U.S.C 387f(d)

What is a “tobacco product” under California law?

California state law expanded the definition of tobacco products. A tobacco product is (1) any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, (2) any electronic vaping device (whether or not it contains nicotine), or (3) any component, part, or accessory of a tobacco product, whether or not sold separately. For example, e-cigarettes, atomizers, vaping tanks or mods, and “e-liquid” or “e-juice” are tobacco products. But products like nicotine patches that the U.S. Food & Drug Administration has approved as cessation products or for other therapeutic purposes are not included. [Business and Professions Code Section 22950.5 (d)]

Tobacco Products Include:



Cigarettes



Cigars



Little Cigars/Cigarillos



Smokeless Tobacco



Electronic Cigarettes



Vape Pens



E-liquids



Hookah



Vape Tanks/Mods



Vape Atomizer



Vaporizers



E-hookah

What is defined as a flavored tobacco product?

A: Flavored tobacco products have a distinguishable taste or smell, other than the taste or smell of tobacco. Examples of flavors include but are not limited to:

Flavored cigarillos and cigars (e.g. fruit, sweet, liquor, blue dream fusion, solar, jazz, casino)

*Products labeled "Premium Cigar" may not meet the requirements to be allowed for sale



Menthol cigarettes



Other menthol tobacco products (snus, chew, pouches, etc.) Hemp Wraps:



Flavored electronic smoking devices and fluids:

Other:



Please note, that this is a list of examples of flavored products but does not constitute an exhaustive list of all prohibited flavored tobacco products.

For more information visit www.longbeach.gov/TREP or call the Tobacco Retail Enforcement Program at (562) 570-7905.

Do you sell tobacco products?

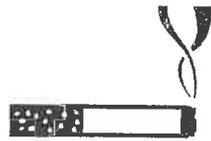
It's Illegal to Sell Tobacco Products to Persons Under the Age of 21.*

Selling tobacco products to persons under the age of 21* is a misdemeanor and may result in criminal charges and penalties.¹

Follow the law. Keep persons under the age of 21 safe.

441,000

kids now under 18 and alive in California who will ultimately die prematurely from smoking.²



64% of California's adult smokers started by age 18.³



14% of California's high school students currently use tobacco products.⁴



In 2017, 12% of tobacco only retailers in California sold tobacco to people under age 18.⁴



Tobacco products include⁵, (but are not limited to):



Cigarettes
Cigars
Little cigars/Cigarillos
Smokeless tobacco

Electronic cigarettes
Vape pens
E-liquids
Hookah

Vape Tanks/Mods
Pods
Vape Atomizer

Vaporizers
E-hookah

Follow the law¹:

- + Post your state and local (if applicable) tobacco retailer license in view of customers
- + Only sell tobacco products to persons age 21 and older
- + Train employees to check the photo ID of every person who appears to be under age 27
- + Post the required Stop Tobacco Access to Kids Enforcement (STAKE) Act age-of-sale warning signs at cash registers
- + Keep all tobacco products behind the counter or in a locked display, not in a self-service display

It is illegal to:

- Sell unpackaged single cigarettes
- Sell flavored cigarettes other than menthol
- Place advertisements for blunt wraps within two feet of candy, snacks, or nonalcoholic beverages or lower than four feet above the floor
- Sell tobacco products in vending machines
- Give away free samples of tobacco products



California Tobacco Retailer License Requirements

Retailers must apply for a license issued by the California Department of Taxes and Fees Administration to sell tobacco products and pay an annual fee of \$265. Local governments may require additional licensing fees, so check with the [local health department](http://tobaccofreeca.com/contact/): <http://tobaccofreeca.com/contact/>, to find out what fees apply to your store. If you sell tobacco products without a license, you may be penalized \$5,000 for each offense and sentenced to up to one year in jail (Business and Professions Code sections 22980.1 (h) and 22981).⁶ If you do not display your license in view of the public, you may be penalized \$500 for each offense and ultimately have your license suspended or revoked (Business and Professions Code section 22974.5).⁶

E-Liquid Manufacturers

Do you mix e-liquids, construct electronic smoking devices, or re-package or re-label these products? If so, you are a manufacturer under Federal law and must meet additional requirements.⁷ To learn more about the rules as they apply to you, visit the United States [Food and Drug Administration's \(FDA\), Center for Tobacco Products](http://www.fda.gov/TobaccoProducts/default.htm) website: www.fda.gov/TobaccoProducts/default.htm.

Penalties for Store Owners under the Stop Access to Kids Enforcement (STAKE) Act

1st Offense: **\$400-\$600**

2nd Offense: **\$900-\$1000** (within a five year period)

Fines may increase with subsequent violations up to \$6,000 and additional penalties and/or injunction under the Unfair Competition Law.

More Information

For more information on California's tobacco controls laws, visit the [California Department of Public Health, Tobacco Control Program](https://www.cdph.ca.gov/Programs/CCDPPH/DCCDIC/CTCB/Pages/Tobacco21.aspx) website: <https://www.cdph.ca.gov/Programs/CCDPPH/DCCDIC/CTCB/Pages/Tobacco21.aspx>.

Citations

1. Stop Tobacco Access to Kids Enforcement (STAKE) Act, California Business and Professions Code § Section 22950-2963 (2016).
2. U.S. Department of Health and Human Services. The Health Consequences of Smoking: 50 Years of Progress: A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health; 2014.
3. Behavioral Risk Factor Surveillance System 2016. Sacramento, CA: California Department of Public Health.
4. California Department of Public Health, California Tobacco Control Program, *California Tobacco Facts and Figures 2017*, Sacramento, CA: California Department of Public Health; 2017
5. California Department of Public Health, California Tobacco Control Program. (2016, June 6). Tobacco Product Tip Sheet. Sacramento, CA: California Department of Public Health; 2016
6. California Cigarette and Tobacco Products Licensing Act of 2003, Business and Professions Code § Sections 22970-22991 (2004).
7. Food and Drug Administration. (2015, May 8). About CTP - Ensuring Compliance with the Tobacco Control Act and Enforcing the Law. Retrieved September 06, 2017, from <https://www.fda.gov/TobaccoProducts/AboutCTP/ucm383159.htm>



California Retailers and Tobacco Law Training Quiz

NAME: _____

1. What is the minimum legal sales age for tobacco products in California?
 18 25
 21 27
2. Which of the following does not require the customer to be at least 21 years old?
 Electronic vaping devices Nicotine patches
 Vape atomizers Cigarettes
 E-liquids Smoking / rolling papers
3. What is the minimum legal sales age for a person with a valid active-duty military identification?
 18 25
 21 27
4. Which types of identification (ID) should not be used to confirm a customer's age?
 Unexpired Passport Valid California identification card
 School ID (with birth date / photo) Driver's license from another state or country
 Valid California driver's license Unexpired Military ID (with birth date / photo)
5. If a customer looks like he or she is over 21, but less than 27, should you still check for ID?
 Yes
 No
6. Which of the following could happen if I sell cigarettes or tobacco products / paraphernalia to someone under 21 (check all that apply):
 I could be arrested, issued a citation, or required to appear in criminal court
 My employer could be subject to additional fines or punishment
 My employer could lose the required license needed to sell cigarettes and tobacco products
7. Are you allowed to sell menthol cigarettes, flavored tobacco chew or cigarillos, non-nicotine fluids, or electronic smoking devices to persons over 21 years old in California?
 Yes
 No
8. Which warning sign are you required to post at each cash register where tobacco sales are made?



a)



b)



c)

TOBACCO RETAILER / CLERK TRAINING ATTESTATION

Store Name: _____ Address: _____

- I / We attest to reviewing the "Minimum Age of Sale for Tobacco Products in California: 21" Summary for Retailers training materials.
- I / We understand that California law prohibits the sale of tobacco products to ANYONE under 21 years of age and that doing so could result in criminal, civil, and administrative disciplinary action, including (but not limited to) revocation of permits to sell tobacco in the future.
- I / We will not sell tobacco or nicotine, products that contain tobacco or nicotine, or any electronic, vaping, liquid, or other device, component, part, or accessory containing or used for smoking or ingesting tobacco or nicotine to any person under 21 years of age.
- I / We will not sell any flavored tobacco products to anyone in California, regardless of their age, including (but with only limited exceptions) menthol cigarettes, cigarillos, snus, chew, pouches, hemp wraps, flavored electronic smoking device fluids (including all nicotine and non-nicotine fluids), flavored electronic smoking devices including nicotine and non-nicotine (such as flavored single-use electronic cigarettes, electronic cigars, pipes, hookahs, vapes, and vape pens, etc.).
- If a person appears to be under 27 years old, I / We will ask for identification (ID) showing proof of being at least age 21 and will only accept a valid passport, driver's license, identification card, or active-duty military personnel identification issued by a federal or state government agency containing the person's photograph, name, date of birth, and description that is not expired.

CITED EMPLOYEE:

Date	Printed Name	Initials	E-mail Address
Date of Alleged Violation: _____		Cite / Case #: _____	

STORE EMPLOYEES:

Date	Printed Name	Initials	E-mail Address
Date	Printed Name	Initials	E-mail Address
Date	Printed Name	Initials	E-mail Address

STORE OWNER / MANAGER:

Date	Printed Name	Signature
	Telephone Contact	Tobacco Retailer Permit #