



TOBACCO PRODUCTS SALES LAWS (STARTED SEPTEMBER 6, 2020)



ALAMEDA COUNTY
Community Development Agency

These laws affect tobacco retailers located in Unincorporated Areas of Alameda County

RETAILERS MUST OBTAIN A COUNTY TOBACCO RETAILER LICENSE IN ORDER TO SELL TOBACCO

No sale of flavored tobacco products

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



Menthol, Mint, or
Wintergreen Flavored
Cigarettes



Flavored Chewing
Tobacco and Snus



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



Flavored E-cigarettes,
E-hookahs, Vape Pens,
JUUL, and E-Liquids

No sale of electronic smoking devices

This includes any component, part, or accessory intended or reasonably expected to be used with an electronic smoking device, whether or not sold separately.



Vape pen



Vape Mods



Pod Mods



E-hookah pen



E-pipe



E-cigars



ESD cartridges



E-liquids



ESD batteries

NOTE: According to state law, cannabis retailers cannot sell tobacco products. This also means that cannabis products, including electronic smoking devices containing cannabis and THC, cannot be sold by tobacco retailers. State law does, however, allow County-permitted cannabis retailers to sell cannabis products and accessories.

No redemption of tobacco product discounts and coupons

Retailers may not sell any tobacco products for less than their full retail price.



- ⊘ Examples: Swisher Sweets \$1.00 coupon, and 15% discount code on e-liquid.
- ⊘ Explanation: Retailers may not sell any tobacco products for less than the full retail price.

- ⊘ Example: Camel discount of "\$0.75 cents off a pack."
- ⊘ Explanation: Retailers may not sell any tobacco products for less than the full retail price.

No sale of a package of cigarettes for less than \$8.00

Retailers must price cigarettes at least \$8.00 per pack, including all applicable taxes & fees



- ⊘ Examples: Marlboro Special Blend \$6.28 tax included, Marlboro 72's \$6.18 tax included, Marlboro Bold Flavor \$6.18 tax included, and Pall Mall \$5.72, tax included.
- ⊘ Explanation: Retailers may not sell cigarette packs for less than \$8.00, including applicable taxes and fees.

No sale of little cigars in packages of less than 20

Retailers may not sell little cigars (weighing less than 3lbs per thousand) in pack sizes less than 20; Single cigars (weighing more than 3lbs per thousand) are allowed if sold for a minimum of \$8.00 each.



- ⊘ Example: Djarum Bali Hai 12-pack clove little cigars
- ⊘ Explanation: Retailers may not sell little cigars in pack sizes less than 20. Also, retailers may not sell flavored tobacco products; this tobacco product is clove flavored.

No sale of single cigars or packs of little cigars for less than \$8.00 dollars

Retailers may not sell single cigars (weighing more than 3lbs per thousand) or packs of little cigars (weighing less than 3lbs per thousand) priced under \$8.00, including all applicable taxes and fees.



- ∅ Example: M.J. Frias Churchill Natural single large cigars for \$3.00 each.
- ∅ Explanation: Retailers may not sell single cigars for less than \$8.00 each, including applicable taxes & fees.



- ∅ Examples: Djarum Black 12-pack clove little cigars for \$4.99.
- ∅ Explanation: Retailers may not sell packs of little cigars for less than \$8.00 each, including applicable taxes & fees. Also, retailers may not sell flavored tobacco products; this tobacco product is clove flavored.

No sale of tobacco products in pharmacies

Pharmacies are prohibited from selling any tobacco products.



- ∅ Examples: Cigarettes sold in a Walgreens Pharmacy.
- ∅ Explanation: Pharmacies in Unincorporated areas of Alameda County may not sell any tobacco products.

Display the price of tobacco products

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



- ∅ Examples: Cigarettes sold with no prices displayed.
- ∅ Explanation: Retailers must clearly and conspicuously display the price of each tobacco product offered for sale.

NOTICE!

CLARIFICATIONS TO TOBACCO PRODUCT SALES LAW THAT STARTED 9/6/20 AFFECTING ALL TOBACCO RETAILERS IN UNINCORPORATED ALAMEDA COUNTY

THE LAW PROHIBITS THE SALE OF ALL FLAVORED TOBACCO PRODUCTS

"Flavored tobacco product" means any tobacco product that imparts a characterizing flavor (a taste or aroma other than the taste or aroma of tobacco). This includes tobacco products described as "sweet" or "spicy."

The following products are among those considered flavored tobacco products.
They **are not allowed** to be sold in Unincorporated Alameda County.



Flavor: Sweet



Flavor: Sweet



Flavor: Sweet



Flavor: Sweet



Flavor: Sweet



Flavor: Menthol



Flavor: Clove

These are examples only, NOT an exhaustive list of flavored tobacco products.

THE LAW REQUIRES THAT PACKS OF CIGARETTES, LITTLE CIGARS (IN PACKS OF 20 OR MORE) AND SINGLE CIGARS BE PRICED AT A MINIMUM OF \$8.00.

The following products are considered Cigars because each Cigar weighs more than three (3) pounds per thousand. Cigars **can be sold in packs less than 20**, but they **must be sold for at least \$8.00 per Cigar**, including taxes & fees.



Example: A 5-pack of Black & Mild Cigars
Minimum Price: 5 cigars x \$8.00 per cigar = \$40.00



Example: A single Phillies Titan Cigar
Minimum Price: 1 cigar x \$8.00 per cigar = \$8.00

Please make sure that Little Cigar and Cigar products are packaged, priced and displayed appropriately:

Little Cigars:

- Must be priced at least \$8.00 per package of 20 or more
- Must be displayed in appropriate packaging and package sizes prior to sale

Cigars:

- Must be priced at least \$8.00 per Cigar

For more information, please contact:
Alameda County's Community Development Agency at (510) 670-6556.