



Guidelines to Help Tobacco Retailers Evaluate Inventory for “Banned” Products under City of Pleasanton Tobacco Restrictions Ordinance

(Pleasanton Municipal Code Chap 9.32) – Published October 2020

PROHIBITED OR BANNED PRODUCTS

All flavored tobacco products - No State of California exemptions.¹

Examples of banned products include (but are not limited to):

- Kool menthol cigarettes
- Skoal spearmint smokeless dipping tobacco²
- Captain Black cherry pipe tobacco
- Zyn espressino mini nicotine pouches³
- Good Times fruit punch cigarillos
- Tatiana vanilla cigars
- Juul menthol or fruit pods
- Starbuzz safari melon dew shisha

All electronic smoking devices and related paraphernalia.

Examples of banned products include (but are not limited to):

- E-cigarettes
- Vape and shisha pens
- Tanks for electronic smoking devices
- Chargers for any of the above
- Electronic vape pipes
- Electronic hookah bowl
- Cartridges, reservoirs or pods

Individual or small packages of inexpensive cigarettes, little cigars, cigarillos, and some cigars.

Pleasanton requires the following minimum package sizes and prices:

- Cigarettes, cigarillos and little cigars in minimum packages of 20, minimum price of \$8, plus sales tax
- Cigars in minimum packages of five, minimum price of \$8, plus sales tax; except individual cigar at minimum price of \$7, plus sales tax, is permitted.

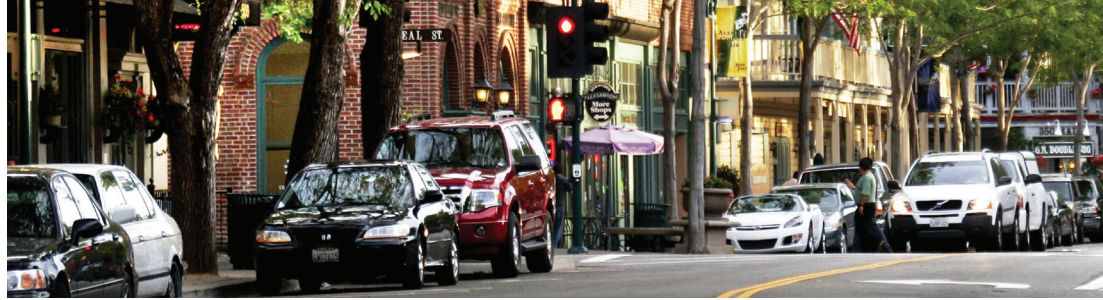
Coupons and discounts to purchase tobacco products at less than full retail price are prohibited.

Prohibited or banned products shall not be sold in Pleasanton effective January 1, 2021. Minimum package sizes and prices are also effective January 1, 2021.

¹Pleasanton's ban on flavored tobacco products is stricter than the State of California's SB 793. SB 793's exemptions for: (a) flavored shisha tobacco; (b) premium cigars sold in tobacco lounges; (c) loose leaf tobacco; and (d) premium cigars at least \$12 wholesale price, do not apply in Pleasanton. Per Cal. Health & Safety Code §104559.5 (g), the stricter Pleasanton rule governs. Therefore, no exemptions for flavored tobacco of any type in Pleasanton.

²Pleasanton's prohibition applies to chewing and dipping tobacco, as Pleasanton's definition includes: "... whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means".

³Pleasanton's prohibition applies to both tobacco and nicotine products. Therefore, a product like Zyn, a nicotine pouch, is a nicotine product subject to Pleasanton's prohibition.



Additional Details

“Flavored tobacco product” means any tobacco product that imparts a characterizing flavor, including menthol cigarettes and flavored non-cigarette tobacco products such as little cigars and cigarillos, smokeless tobacco, and flavored components of e-cigarettes and vaping devices.

“Characterizing flavor” means a taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product or any byproduct produced by the tobacco product, including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen, fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, or spice.

- Tobacco products are “flavored” if the tobacco product contains any public statement or claim that the tobacco product imparts a characterizing flavor; or
- If the tobacco product uses text and/or images on its labeling or packaging indicating that it imparts a characterizing flavor; or
- If there are any other actions directed to consumers that might reasonably cause them to believe it imparts a characterizing flavor.

“Electronic smoking device” means an electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah. (See Cal. Health and Safety Code §104495.⁴)

- “E-cigarette” or “Electronic cigarette” means an activated or functioning device, whether an electronic device as defined by Cal. Health and Safety Code §104495 or a similar device, including, but not limited to, a device intended to emulate smoking, which permits a person to inhale apors, vaporized liquids or mists that may or may not include nicotine.

“Tobacco paraphernalia” means cigarette papers or wrappers, blunt wraps, pipes, holders of smoking materials of all types, cigarette rolling machines, e-cigarette liquid pods and any other item designed primarily for the smoking or ingestion of tobacco products. (See Cal. Business and Professions Code §22962.)

“Tobacco product” means any of the following:

- A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, and blunt wraps.
- An electronic device that delivers nicotine, other substances or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, electronic cigar, electronic pipe, or electronic hookah.
- Any component, part, or accessory of a tobacco product, whether or not sold separately.

Questions may be directed to:

tobaccoreg@cityofpleasantonca.gov

⁴“An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.”