



December 2021

Dear Local Business Owner/Manager:

The San Joaquin County Public Health Services' Smoking & Tobacco Outreach/ Prevention Program (STOPP) provides technical assistance for retailers to better understand and comply with existing tobacco laws and regulations. Funded through California Propositions 99 and 56, STOPP was locally established to serve as a liaison between the public health sector and the community, businesses, and law enforcement to raise awareness about tobacco-related health issues and prevent youth tobacco access and use. We hope to work with you to help address the growing concerns of illegal tobacco sales, especially to underage youth and young adults.

On December 20, 2019, a new federal law went into effect to raise the federal minimum age of sale for tobacco products from 18 to 21 across the country. The new federal minimum age of sale applies to all retail establishments and persons with no exceptions, **including military personnel**. The United States (U.S.) Food and Drug Administration (FDA) has also issued guidance prioritizing enforcement against certain unauthorized flavored electronic smoking devices. The FDA will enforce the prohibition against the sale of flavored cartridge-based electronic cigarettes (e-cigarettes), other than those with only tobacco or menthol flavor. This letter contains information, materials, and online resources to help you learn more about and to comply with the new law.

**U.S. Active-Duty Military personnel are NOT exempt from this new law. The minimum age of sale for tobacco products IS 21 years old.**

#### ENCLOSED MATERIALS TO HELP YOU COMPLY WITH THE LAW

- What is a 'tobacco product' under California law?
- New California Tobacco Laws: Minimum Sale Age (21) and Electronic Smoking Devices: A Summary for Retailers
- One (1) "We check ID" window cling
- ID Verification for Tobacco Sales in California
- San Joaquin Tobacco Retail Profile

#### RESOURCES AVAILABLE FOR DOWNLOAD

The following resources are available for download at: [www.cdph.ca.gov/Tobacco21](http://www.cdph.ca.gov/Tobacco21)

- Frequently Asked Questions (FAQ) for Retailers
- Tips for Retailers: How to Comply with California Law and Avoid Fines & Penalties
- Order Form for age-of-sale warning signs

Tobacco retailers are responsible for knowing and complying with all federal, state, and local laws regarding the sale and distribution of tobacco products. Please refer to the FAQ for Retailers at the link above to find out more about local retail laws. If you should have any questions regarding this matter, please feel free to contact Alicia at STOPP by calling **(209) 468-2415**, or by email to [stopp@sjcphs.org](mailto:stopp@sjcphs.org).

Sincerely,

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# WHAT IS A “TOBACCO PRODUCT” UNDER CALIFORNIA LAW?



## “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, or snuff.



Cigarettes



Cigars & Cigarillos



Chew, ZYN, Snus



Hookah Shisha

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.



JUUL & Other Vapes



Cigalikes



Vaporizers



E-juices

Any component, part, or accessory of a tobacco product, whether or not sold separately.



Papers



Atomizers



Batteries



Chargers

## “Tobacco product” does not include

a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such an approved purpose.



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.

### LICENSING REQUIREMENTS

Any retailer that sells electronic smoking devices in California must apply to the California Department of Tax and Fee Administration (CDTFA) for a license.<sup>2</sup> A license is valid for a 12-month period, is not assignable or transferable, and must be renewed annually for a fee of \$265. Retailers may also be subject to local licensing fees. For questions regarding licensing requirements, please contact CDTFA at 1-800-400-7115.



**CDTFA**  
CALIFORNIA DEPARTMENT OF  
TAX AND FEE ADMINISTRATION

# 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 387f(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](http://www.cdph.ca.gov/Tobacco21)

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

5x5 inch Window Cling



# ID Verification for Tobacco Sales in California

## 21 or Over

## Under 21



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

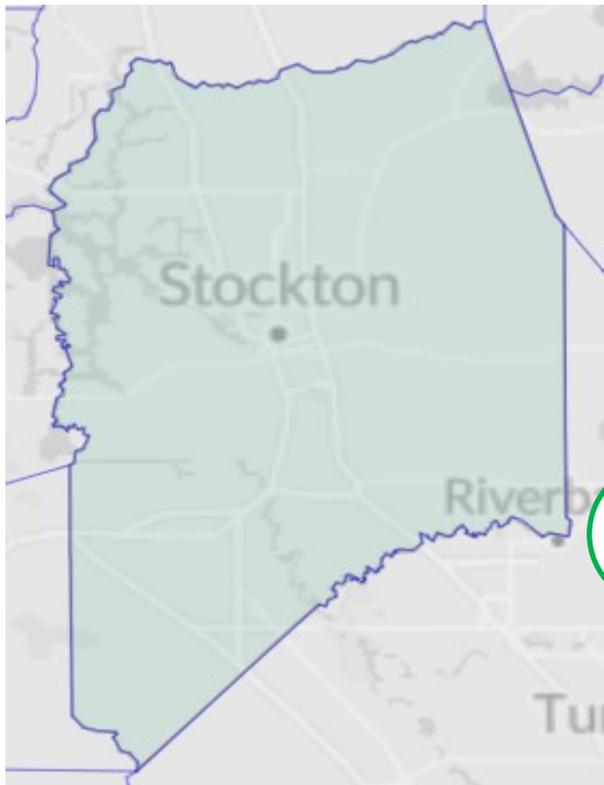
1. Check the **picture** first. See that it matches the person.

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



# San Joaquin County

# Tobacco Retail Profile



Population		762,148					
Race/ Ethnicity	Latino	White	Black	Asian	Islander	Other	
	42%	30%	7%	16%	1%	0%	
Gender	Female	Male					
	50%	50%					
Age	0-17	18-24	25-34	35-44	45-54	55-64	65+
	26%	11%	13%	12%	12%	12%	14%

Median Household Income	Bachelor's Degree or Higher	Persons Below Poverty Line
<b>\$68,997</b>	<b>20%</b>	<b>13.7%</b>

Census Data: ACS 2019

## Among survey respondents (n = 201)

- 74%** Say it's easy to purchase flavored tobacco products
- 74%** Say it's easy to purchase Menthol cigarettes
- 71%** Say it's easy to purchase vaping products
- 90%** Support policy requiring store owners have a Tobacco Retail License
- 91%** Support policy to prevent tobacco stores near schools

## Local action for effective tobacco prevention



STOPP works in partnership with the community to promote a healthy and tobacco-free San Joaquin County

Communities are working to:

- Reduce availability of tobacco products.
- Reduce exposure to secondhand smoke, residue, waste, and other tobacco products.
- Limit tobacco promoting influences.
- Promote tobacco cessation services.

For more information, visit:  
[www.sjcphs.org/healthed/stopp\\_services.aspx](http://www.sjcphs.org/healthed/stopp_services.aspx)  
[www.healthystoreshealthycommunity.com](http://www.healthystoreshealthycommunity.com)