

# INFORMATION FOR TOBACCO RETAILERS: Amendment to Berkeley's Tobacco Retailers License

## Flavored tobacco restrictions, minimum pack size of tobacco and minimum price of tobacco products in Berkeley

**What is the new regulation on flavored tobacco products in Berkeley?** As part of the City of Berkeley's Tobacco Retail Permit 9.80.031, all tobacco retailers are prohibited from selling any flavored tobacco products[1].

**What is a "flavored tobacco product"?** A flavored tobacco product means any tobacco product that imparts a characterizing flavor. A characterizing flavor means a distinguishable taste or aroma, other than the taste or aroma of tobacco, including but not limited to: menthol, mint, wintergreen, chocolate, vanilla, honey, cocoa, any candy, any dessert, any alcoholic beverage, any fruit, any herb, and any spice.

**What is the new regulation on the minimum pack size of tobacco products sold in Berkeley?** All little cigars/cigarillos must be sold in a package of at least 20 (twenty) little cigars/cigarillos and any cigars must be sold in a package of at least 6 (six) cigars.

**What is the new regulation on the minimum price of tobacco products sold in Berkeley?** Cigarettes must be sold no less than \$8 per package of 20 cigarettes, including all applicable taxes and fees; Little cigars/cigarillos must be sold no less than \$8 per package of little cigars, including all applicable taxes and fees; or cigars must be sold at a price that is no less than \$7 per cigar, including all applicable taxes and fees.

**When does the law go into effect?** The law was passed in October 2019 and became effective April 1, 2020.

**What are the penalties if I violate this law?** In addition to any other penalty authorized by law, a tobacco retailer's license may be suspended or revoked if the City of Berkeley finds, after notice to the licensee and opportunity to be heard, that the licensee or their agents or employees has violated the conditions of the license imposed pursuant to Section 9.80.030.

[1] Tobacco product includes any substance containing, made of, or derived from tobacco or nicotine including but not limited to cigarettes, cigars, cigarillos, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, and shisha; any e-liquid; any electronic nicotine delivery system; and any tobacco paraphernalia.(BMC 9.80.020 Definitions)



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# Examples of Restricted Tobacco Products

The following photos provide guidance for compliance with new flavored tobacco, including menthol guidelines. The sale of any flavored tobacco, including menthol products is prohibited.



The following photos provide guidance for compliance with tobacco size  
The sale of little cigars (cigarillos) in pack sizes under twenty (20) and any cigar unless it is sold in a package of at least 6 (six) cigars is prohibited.



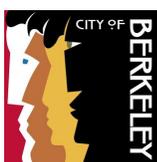
The sale of cigarettes at a price that is less than \$8.00 per package of 20 cigarettes including all applicable taxes and fees is prohibited.



Cigars at a price less than \$7.00 per cigar, including all applicable taxes and fees is prohibited.



NOTE: These are just some examples and do not encompass all the products subject to law.



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