

SB793 – UPDATES AND FAQs



WHO WE ARE

Law and Policy Partnership to End the Commercial Tobacco Epidemic

The Law and Policy Partnership to End the Commercial Tobacco Epidemic (the Partnership) is a joint initiative of the American Lung Association and the Public Health Law Center to support tobacco control professionals in their work to end the commercial tobacco epidemic in California.

The Partnership provides free technical assistance, research, training, and analysis to help communities pass strong local tobacco ordinances that are both effective and legally sound.

THE PUBLIC HEALTH LAW CENTER









Equality



Equity



LEGAL TECHNICAL ASSISTANCE

-  Legal Research
-  Policy Development, Implementation, Defense
-  Publications
-  Trainings
-  Direct Representation
-  Lobby

AGENDA

1. Introduction
2. Frequently Asked Questions
3. Q & A



FREQUENTLY ASKED QUESTIONS

Is SB793 in effect?

Yes.

SB793 came into force in December, 2022. Flavored tobacco products* may not be sold.

FREQUENTLY ASKED QUESTIONS

Is SB793 in effect?

Flavored shisha/hookah tobacco may be sold in hookah tobacco retail locations;

Flavored premium cigars may be sold and consumed in SB793 came into force in December, 2022. Flavored cigar lounges, tobacco products* may not be sold.

Flavored premium cigars and loose-leaf tobacco may be sold.

FREQUENTLY ASKED QUESTIONS

Is SB793 preemptive?

No.

Local jurisdictions may enact stricter regulations, including closing exemptions.

FREQUENTLY ASKED QUESTIONS

Does SB793 restrict online orders?

No.*

SB793 is specific to California-based retailers.

Direct-to-consumer delivery from an out-of-state retailer
is not covered.

FREQUENTLY ASKED QUESTIONS

*But what about online order +
store pickup?*

...maybe.

The question turns on where the “sale” occurs, and there’s a good argument that a sale is only complete when a purchased product is received. If that occurs at a California location, SB793 might apply.

FREQUENTLY ASKED QUESTIONS

Does SB793 cover additives?

Yes.

SB793 prohibits “tobacco product flavor enhancers”, whether made by the manufacturer or a third-party.

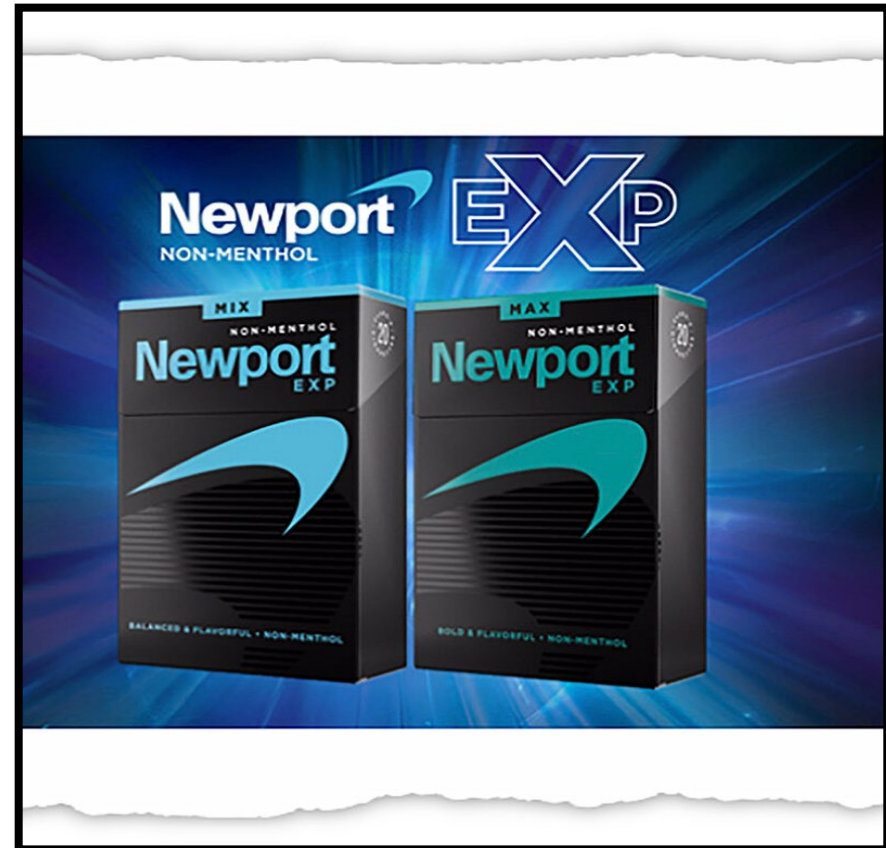


FREQUENTLY ASKED QUESTIONS

Does SB793 cover sensations?

...maybe.

Sensations are not mentioned in the law. But are they distinguishable *like* a taste or aroma?



FREQUENTLY ASKED QUESTIONS

Does SB793 cover cannabis?

...maybe.

But the DCC has a regulation prohibiting flavored inhaled cannabis products.



QUESTIONS



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