

Article 2: Health Regulated Businesses and Activities

Division 16: Flavored Tobacco

(“*Flavored Tobacco*” added 6-14-2022 by O-21456 N.S.; effective 1-1-2023.)

§42.1601 Purpose and Intent

Tobacco use is one of the leading causes of preventable death in the United States. *Electronic cigarettes* use flavored nicotine that is sold and consumed in thousands of flavors that appeal to youth, such as bubblegum and cotton candy. These flavors hide the harshness of nicotine, making initiation of nicotine use more appealing to youth. It is the purpose and intent of this Division to provide for the public health, safety, and welfare of the community, particularly youth, by prohibiting the sale or distribution of *flavored tobacco products*.

(“*Purpose and Intent*” added 6-14-2022 by O-21456 N.S.; effective 1-1-2023.)

§42.1602 Definitions

For purposes of this Division, defined terms appear in italics. The following definitions apply in this Division.

Electronic cigarette has the same meaning as in San Diego Municipal Code section 43.1001.

Electronic cigarette retailer has the same meaning as in San Diego Municipal Code section 33.4502.

Flavored tobacco products means a *tobacco product* that emits a taste or smell, other than the taste or smell of tobacco, including but not limited to, any taste or smell relating to fruit, mint, menthol, wintergreen, chocolate, cocoa, vanilla, honey, candy, dessert, alcoholic beverage, herb, or spice. *Flavored tobacco products* do not include products approved by the Food and Drug Administration for sale as a tobacco cessation product or other therapeutic purposes, where the product is marketed and sold solely for such an approved purpose.

Premium cigars means any cigar that is handmade, has a wrapper that is made entirely from whole tobacco leaf, and has a wholesale price of no less than twelve dollars. A *premium cigar* does not have filter, tip, or nontobacco mouthpiece.

Sisha means a tobacco product that is mixed with molasses, honey, fruit, or dried fruits and is sold for use in a hookah.

Tobacco product has the same meaning as in San Diego Municipal Code section 33.4502.

Tobacco retailer has the same meaning as in San Diego Municipal Code section 33.4502.

(“Definitions” added 6-14-2022 by O-21456 N.S.; effective 1-1-2023.)

§42.1603 Sale or Distribution of Flavored Tobacco Products; Exemptions

- (a) It is unlawful for any *person*, business, *tobacco retailer*, or *electronic cigarette retailer* to sell or distribute *flavored tobacco products*.
- (b) This section does not apply to the sale of *sissha*, *premium cigars*, or loose-leaf tobacco.

(“Sale or Distribution of Flavored Tobacco Products; Exemptions” added 6-14-2022 by O-21456 N.S.; effective 1-1-2023.)