

## IMPLEMENTATION OF CALIFORNIA'S FLAVORED TOBACCO SALES RESTRICTION: STAKEHOLDER PERSPECTIVES AND PRODUCT AVAILABILITY IN KINGS COUNTY, CA

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### BACKGROUND:

**Tobacco use remains the leading preventable cause of cancer-related deaths globally.**

Flavored tobacco products pose a particular risk due to their appeal to youth and perceptions of reduced harm.<sup>1-3</sup>

**Flavored tobacco sales restrictions (FTSRs) show promise as a policy tool to curb product availability and use.**<sup>4-8</sup>

In 2020, California adopted Senate Bill (SB) 793 (effective December 2022) to restrict the sale of most flavored tobacco products, with exemptions for hookah and shisha, loose-leaf tobacco, and premium cigars. Additional state legislation was enacted in 2023-2024, including Assembly Bill (AB) 935, SB 1230, and AB 3218. These laws aim to strengthen enforcement capacity, target multiple supply chain entities, increase retailer penalties, ban online sales/deliveries, and mandate the creation of an unflavored tobacco product list by 12/31/2025.

UC Irvine and UC Merced researchers collaborated to examine implementation and enforcement of SB 793 in the San Joaquin Valley. This research brief provides key findings on stakeholder perspectives, including barriers and facilitators, and product availability after implementation of SB 793. We include policy and programmatic recommendations to strengthen tobacco control efforts and advance equitable implementation and enforcement.

### APPROACH:

From 11/2024-05/2025, we collected multiple sources of data including:



**29** surveys with tobacco retail employees in Kings County, CA



**88** tobacco retailer observational assessments\* in Kings County, CA



**19** interviews with FTSR implementation and/or enforcement personnel in CA

\* Adapted from Counter Tobacco's Standardized Tobacco Assessment for Retail Settings (STARS) surveillance tool, designed for practitioners to inform state and local tobacco control policies for the point of sale.

### KINGS COUNTY (size: 154,913 residents)

Located in the San Joaquin Valley in Central California and known for its agricultural economy and rural landscape, Kings County faces unique public health challenges shaped by geographic, socioeconomic, and policy factors.

**8.2% of adults use tobacco<sup>9</sup>**

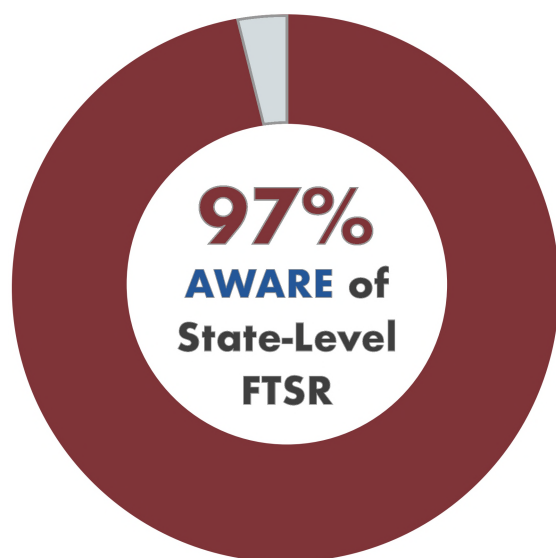
**4.9% of adults have a cancer diagnosis<sup>9</sup>**

At the time of data collection, Kings County did not have a local FTSR therefore the statewide law (SB 793) was in effect.

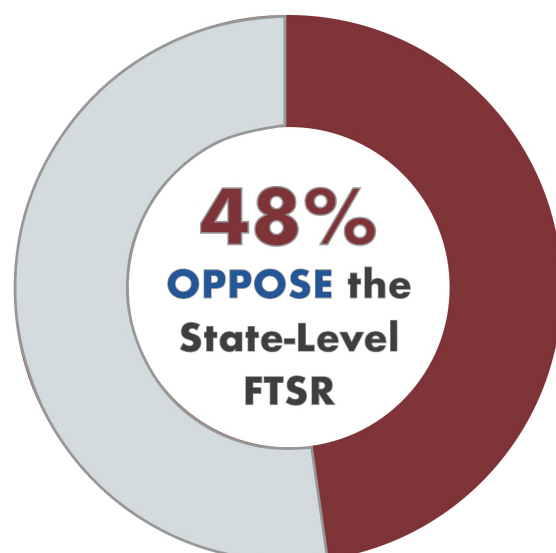
#### KEY FINDINGS:

#### Policy awareness is HIGH but policy confusion and opposition may undermine impact

97% of tobacco retail employees in Kings County were familiar with SB 793, likely due to outreach efforts by the California Department of Public Health to distribute policy materials (online, by mail) to licensed retailers. Despite high levels of reported familiarity and dissemination, confusion persists around specific details:



- 48% of retail employees correctly identified hookah as exempt for SB 793
- 48% were unaware of increased state FTSR penalties (effective: 1/1/2024)
- 72% incorrectly believed online flavored tobacco sales were permitted



- Nearly half of employees (48%) expressed opposition to the policy
- 62% acknowledged flavored products appeal to youth, yet most did not believe the policy would reduce youth tobacco use
- Alternative flavored tobacco access points are online sales and peer/social networks

## Flavored Tobacco Product Availability in Kings County, CA

PRODUCT	KINGS County N = 88, n (%)
Explicitly labeled “non-menthol” cigarettes	60 (68%)
Concept flavored products	49 (56%)
Flavored cigarillos/little cigars	12 (14%)
Flavored loose-leaf tobacco	5 (6%)
Flavored e-cigarettes	5 (6%)
Flavored hookah	0 (0%)
Explicitly labeled “Menthol” cigarettes	0 (0%)

Observational assessments reveal low to no availability of most flavored products banned by SB 793, which is promising. However, “non-menthol” labeled and concept flavors were available for sale in tobacco retailers to potentially circumvent state policy.

- **68% of Kings County tobacco retailers carried “non-menthol” cigarettes**
- **56% sold concept-flavored products that often rely on ambiguous descriptors like “blue” or “tropic” (instead of explicit flavor names)**

## Barriers and Facilitators to Implementation and Enforcement

**Economic concerns and exempt areas.** Tobacco retail employees in Kings County reported several challenges affecting FTSR compliance including losing sales and distributors not accepting returns of banned products. Some felt the policy was ‘unfair’ because tribal lands and military bases were exempt.

“The distributors are telling [retailers] this is okay. So, do [they] listen to the distributors, or do [they] listen to [us]? But [retailers] already purchased the product. So, what guidance do [they] have?” – Implementation Agent

High quality educational materials such as retailer guidance documents, visual aids, and multilingual resources can serve as facilitators to support retailer compliance and policy understanding.

**Lack of inspections and enforcement activity.** Only half of retailers surveyed in Kings County (52%) reported having an inspection. Interview respondents said the sale of flavored products continues across the state due to limited enforcement activities. Enforcement gaps were attributed to **constrained resources, competing priorities, and ongoing policy confusion.**

Additional challenges include limited inter-agency coordination, logistical and environmental concerns around proper storage and disposal of seized products, and inconsistent flavor product determinations. Concerns about uneven enforcement and its potential to worsen tobacco-related disparities, particularly in communities historically targeted by the tobacco industry, highlight the complexity of determining *who* conducts inspections and *how* they engage with retailers and the broader community.

Respondents said the upcoming Unflavored Tobacco List is expected to assist with flavor determinations, reduce confusion, and promote standardization for enforcement. Other key facilitators to support equitable enforcement were: enforcement capacity, the ability to manage unsafe situations, legal authority, and strong community trust.

## POLICY AND PROGRAMMATIC RECOMMENDATIONS:

1. Equip retailers and frontline teams with lay policy resources and training - (Unflavored Tobacco List, client-facing materials) to improve policy awareness. Offer them in multiple formats (i.e., print materials, emails, newsletters) and multiple languages.
2. Strengthen cross-agency collaboration through shared protocols, joint training, coordinated actions, and compliance data sharing to reduce confusion and duplication.
3. Increase transparency of retailer compliance protocols by clarifying how retailers are selected for inspections, how they work, and who conducts them to promote trust and consistency.
4. Integrate flavor product inspections into existing tobacco control infrastructure (e.g., Tobacco Retailer License with fees dedicated to enforcement) and routine activities (e.g., license verification, youth sales monitoring) to streamline enforcement and reduce redundancy.

## CONCLUSION:

Findings reveal that while retailer awareness of California's flavored tobacco sales restriction is high, *policy confusion, economic concerns, and lack of inspections and enforcement activity* may undermine compliance and public health goals. Concept flavors and "non-menthol" labeled products were found to be widely available in tobacco retailers in Kings County, CA, which may further limit policy impact. Recommendations include providing clearer product definitions, stronger enforcement infrastructure, and coordinated agency support.

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