

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.² 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

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