Matrix of Local Ordinances Restricting the Sale of Menthol Tobacco Products

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Menthol tobacco is disproportionately used by youth and by new smokers. In fact, over half of smokers age 12-17 use menthol cigarettes, compared to less than one-third of older smokers. Because menthol flavoring masks the harshness of tobacco, some new smokers find that these products are easier to use than non-flavored products. Menthol users also show greater signs of nicotine dependence and have a more difficult time quitting.

Additionally, menthol tobacco poses a particularly significant health risk to communities of color and LGBT communities. In California, 70% of Black smokers and almost 50% of LGBT smokers use menthol products (compared with only 18% of White smokers and 28% of non-LGBT smokers, respectively). The tobacco industry has a long history of aggressively targeting people of color and low-income, urban areas with menthol-based promotions and marketing.

Federal regulation of flavored tobacco
Although the FDA banned the sale of flavored cigarettes in 2009, menthol cigarettes were specifically excluded from the ban. Additionally, the FDA regulation does not extend to cigars, little cigars, other non-cigarette tobacco products, or electronic cigarettes.

Local regulation of flavored tobacco
Several cities outside of California have passed ordinances banning flavored tobacco that go beyond federal regulation either by including non-cigarette products or by including menthol cigarettes in certain circumstances.

In each of these cases, federal courts have ruled that local communities are not preempted by federal regulation and that they may pursue regulations on flavored tobacco that go beyond those enacted at the federal level.

Researchers have predicted that, if menthol cigarettes were banned, about 45% of Black smokers and over 60% of young adult smokers would prefer to quit smoking rather than switch to a different tobacco product.

Local regulation of flavored tobacco in CA
Californian communities are leading the fight against menthol tobacco by becoming some of the first in the nation to ban sales of menthol cigarettes at all retailers. Eleven communities in California have passed ordinances restricting the sale of flavored tobacco products, and eight of those communities included prohibitions on menthol.

The following table provides details on each ordinance restricting the sale of menthol tobacco products. Information is provided on the types of products included, any exemptions written into the ordinance, and the timeline for when the ordinance goes into effect.

Resources
The Center has additional resources on restricting flavored tobacco products and tobacco retailer licensing ordinances available at http://center4tobaccopolicy.org.
## Local Ordinances Restricting Menthol Tobacco Products

<table>
<thead>
<tr>
<th>City/County</th>
<th>Date Passed</th>
<th>E-cigarettes included in menthol restrictions?</th>
<th>Other tobacco products (e.g., cigars, chew, snus) included in menthol restrictions?</th>
<th>Exemptions?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contra Costa County</td>
<td>July 2017 (effective August 2017)</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes - Only applies to retailers within 1000 feet of schools, playgrounds, parks, and libraries.</td>
</tr>
<tr>
<td>San Francisco*</td>
<td>June 2017 (effective April 2018)</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes - Stores that primarily sell tobacco, generate 60% of gross revenues from tobacco, are adult-only, and do not sell food or alcohol for on-site consumption are exempt.</td>
</tr>
<tr>
<td>Los Gatos</td>
<td>May 2017 (effective January 2018)</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes - Stores that primarily sell tobacco, generate 60% of gross revenues from tobacco, are adult-only, and do not sell food or alcohol for on-site consumption are exempt.</td>
</tr>
<tr>
<td>Santa Clara County</td>
<td>October 2016 (effective July 2017)</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes - Stores that primarily sell tobacco, generate 60% of gross revenues from tobacco, are adult-only, and do not sell food or alcohol for on-site consumption are exempt.</td>
</tr>
<tr>
<td>Yolo County</td>
<td>October 2016 (effective May 2017)</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>El Cerrito</td>
<td>October 2015 (effective January 2016 for new retailers, January 2018 for existing retailers)</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes - Menthol cigarettes are not included in restrictions.</td>
</tr>
<tr>
<td>Berkeley</td>
<td>September 2015 (effective January 2017)</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes - Only applies to retailers within 600 feet of schools.</td>
</tr>
<tr>
<td>Hayward</td>
<td>July 2014 (effective August 2014)</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes - Menthol cigarettes are not included in restrictions. Restrictions only apply to retailers within 500 feet of schools and do not apply to existing retailers.</td>
</tr>
</tbody>
</table>

* Policy is suspended pending June 2018 referendum vote brought about by opposition

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