



## Matrix of Local Sampling Ordinances

June 2013

A long used tactic of the tobacco industry is to distribute free and low cost tobacco products, called sampling or nonsale distribution, to retain and build customer support and loyalty. While California state law prohibits the sampling of cigarettes and smokeless tobacco on public grounds or on private grounds that are open to the public, there are exceptions and tobacco companies take full advantage of these loopholes.

Many cities and counties, after seeing the impact of sampling on their youth and young adults, want to go beyond the provisions in state and federal law as well as the Master Settlement Agreement (MSA) provisions, to completely prohibit tobacco sampling in their community. There are four areas where loopholes exist that can be closed by local government policies. The four areas where loopholes exist are the location of sampling, the type of product sampled, the person or entity that provides the sample, and enforcement of sampling laws.

- 1. Local cities and counties can limit the remaining locations where sampling is permitted. This can be done by passing local policies prohibiting sampling at any public place.** Current law allows for sampling in Qualified Adult Only Facilities (QAF's), or temporary and enclosed structures, where people cannot see in, away from areas frequented by children, with law enforcement checking photo identification to enter, no sale or serving of alcohol, and no exterior advertising other than brand names in both public and private areas.
- 2. Cities and counties can include other products, such as cigars, snus, dissolvables and other types of tobacco products in their prohibition of sampling.** Current law permits the sampling of all products except cigarettes and smokeless tobacco.
- 3. Local governments can limit who is allowed to provide samples. Some examples would be limiting the ability of tobacco retailers or those who sell alcohol to consume on premises to distribute samples.** Current law permits any manufacturer, distributor or retailer to distribute samples in Qualified Adult Only Facilities.
- 4. Local governments can make the federal, state and MSA regulations enforceable at the local level, by ensuring that a violation of those laws is also a violation of their local ordinance. This will help to ensure that these laws will be enforced.** Current sampling laws are enforced by the Attorney General for State and MSA sampling provisions, and by the Department of Health and Human Services with help from other statewide agencies for the Federal sampling law.

### Sampling Matrix

The matrix below lists 44 municipalities in California that have adopted an ordinance to restrict the sampling of tobacco products. The cities and counties are listed in reverse chronological order from the most recently passed. To be included on this matrix, the ordinance must go beyond the California state law. The strength of each of these 44 ordinances varies and the policy details that are included in this matrix help to highlight these differences.

### Policy Provisions

The matrix contains information about five policy provisions relevant to restrictions on the sampling of tobacco products. The last column highlights that while some of the 44 policies were enacted through local tobacco retailer licensing measures, many communities have passed stand-alone sampling measures. Also of note is that although most of the policies prohibit the sampling of traditional tobacco products, the cities of Huntington Park, Eastvale, Richmond and the County of Contra Costa have also prohibited the sampling of e-cigarettes.

City/County Date Passed	Where is Sampling Prohibited?	Types of Tobacco Prohibited	Who/what are Prohibited From Providing Samples?	Enforcement	Part of a Tobacco Retailer Licensing Ordinance
<b>City of Fremont</b> <b>December 2012</b>	QAF's on public property	Other tobacco products are prohibited.  Coupons are prohibited.	Any person	Enforced by the city manager, and/or any other persons designated by the city manager.	No
<b>City of Lynwood</b> <b>October 2012</b>	QAF's on public property	Any substance containing tobacco leaf, including cigars, pipe tobacco, hookah tobacco, snuff, snus and bidis, is prohibited.  Coupons and nominal cost tobacco items are prohibited except those printed in publications.	Tobacco retailer or any agent or employee of a tobacco retailer.	Enforced by the city prosecutor or city attorney as infractions or misdemeanors.	Yes
<b>City of Duarte</b> <b>December 2011</b>	Everywhere	Tobacco samples and promotional items are prohibited.	Any person	Violations shall be punishable in accordance with the city code.	No
<b>City of Huntington Park</b> <b>December 2011</b>	QAF's on public property  Non tobacco retailers at QAF's anywhere.	Any substance containing tobacco leaf, including, but not limited to, cigars, pipe tobacco, hookah tobacco, snuff, snus, bidis, is prohibited.  Coupons for tobacco products are prohibited, except those printed in publications.	Tobacco retailer or any agent or employee of a tobacco retailer.  Tobacco retailer, motivated by an economic or business purpose.	Declares other violations of the ordinance to be an infraction or a misdemeanor at the discretion of the City Attorney or City Prosecutor.  Allows the city or county to file a civil action for any violation (can be up to \$1000).  Violations of this chapter are hereby declared to be public nuisances.  Violations may be remedied by any enforcement procedure authorized by the city code.	Yes
<b>City of Oakland</b> <b>April 2011</b>	Everywhere	Any substance containing tobacco leaf, including but not limited to cigars, is prohibited.  Coupons and nominal cost tobacco items are prohibited.  Tobacco accessories, including cigarette papers, pipes and roll machines, are prohibited.	Any person	Enforced by the city manager.  Allows the city or county to file a civil action for any violation (can be up to \$1,000).	No
<b>City of Avalon</b> <b>January 2011</b>	Everywhere	Any substances containing tobacco leaf, is prohibited.  Any product or paraphernalia that has a logo or something similar to a logo of a tobacco product is prohibited.	Any person	A private citizen or a city officer or employee may submit a written complaint to the City Manager.  The City Manager may serve written notice requiring correction of violations.	No

City/County Date Passed	Where is Sampling Prohibited?	Types of Tobacco Prohibited	Who/what are Prohibited From Providing Samples?	Enforcement	Part of a Tobacco Retailer Licensing Ordinance
<b>City of Union City February 2010</b>	Prohibited in QAF's on public property	Any product that contains any tobacco leaf, including, but not limited to cigars, cigarillos, roll-your-own cigarettes, is prohibited.  Coupons and nominal cost tobacco items are prohibited.	Tobacco retailer or any agent or employee of a tobacco retailer.  Persons motivated by an economic/business purpose.	Declares other violations of the ordinance to be an infraction or a misdemeanor at the discretion of the City Prosecutor.  Allows the district attorney or city council to file a civil action for any violation (can be up to \$1000).	Yes
<b>City of Eastvale January 2011</b>	QAF's on private property opened to the public	Any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco; and e-cigarettes, is prohibited.  Tobacco paraphernalia is prohibited.  Coupons and nominal cost tobacco items are prohibited.	Any person, agent, tobacco retailer, or employee of a person in the business of selling or distributing tobacco products.	Violators who operate without the necessary tobacco retailer's permit shall be subject to closure of the tobacco retail facility.  Allows the district attorney or city council to file a civil action for any violation (can be up to \$1000 for first violation).  Declares other violations of the ordinance to be an infraction or a misdemeanor at the discretion of the district attorney or city council.  Violations are declared to be public nuisances.	Yes
<b>City of Concord November 2011</b>	QAF's on public property	Any substance containing tobacco leaf, including but not limited to cigars, pipe tobacco, hookah tobacco, snuff, bidis, and e-cigarettes, is prohibited.  Coupons are prohibited.	Any person in the business or otherwise distributing cigarettes or other tobacco products.	Enforced by the city manager or any other person designated by the city manager.	No
<b>City of Orinda May 2010</b>	Everywhere	Coupons and nominal cost tobacco items are prohibited, except in connection with the sale of another item.	An agent or employee in the business of selling or distributing tobacco products.	A private citizen or a city officer or employee may submit a written complaint to the City Manager.  The City Manager may impose an administrative fine.	No
<b>City of Sebastopol August 2010</b>	Everywhere	Any tobacco product, including cigar, pipe tobacco, and snuff, is prohibited.  Any tobacco accessory, including wrappers, pipes, holders of smoking materials of all types, is prohibited.  Coupons and nominal cost tobacco products are prohibited.	Any person	Enforced by the Chief of Police and/or any other person designated by the Chief of Police.	No
<b>City of Jurupa Valley January 2010</b>	QAF's on private property opened to the public	Any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco; and e-cigarettes, is prohibited.  Tobacco paraphernalia is prohibited.  Coupons and nominal cost tobacco items are prohibited.	Any person, agent, tobacco retailer, or employee in the business of selling or distributing tobacco products.	Violators who operate without the necessary tobacco retailer's permit shall be subject to closure of the tobacco retail facility.  Allows the city or county to file a civil action for any violation (can be up to \$1000 for first violation).  Violations of the ordinance may be declared an infraction or a misdemeanor at the discretion of the District Attorney or County Counsel.  Violations of this chapter are hereby declared to be public nuisances.	Yes

City/County Date Passed	Where is Sampling Prohibited?	Types of Tobacco Prohibited	Who/what are Prohibited From Providing Samples?	Enforcement	Part of a Tobacco Retailer Licensing Ordinance
<b>County of Riverside January 2010</b>	QAF's on private property opened to the public	Any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco; and e-cigarettes, is prohibited.  Tobacco paraphernalia is prohibited. Coupons and nominal cost tobacco items are prohibited.	Any person, agent, tobacco retailer, or employee in the business of selling or distributing tobacco products.	Violators who operate without the necessary tobacco retailer's permit shall be subject to closure of the tobacco retail facility.  Allows the city or county to file a civil action for any violation (can be up to \$1000 for first violation).  Violations of the ordinance may be declared an infraction or a misdemeanor at the discretion of the District Attorney or County Counsel.  Violations of this chapter are hereby declared to be public nuisances.	Yes
<b>City of Richmond June 2009</b>	Everywhere	Any substance containing tobacco leaf, including but not limited to cigars, pipe tobacco, hookah tobacco, snuff, bidis, and snus and e-cigarettes, is prohibited.  Coupons and nominal cost tobacco items are prohibited, except those printed in publications.	Tobacco retailer/any agent or employee of a tobacco retailer.  Persons motivated by profit or a business purpose.	Declares other violations of the ordinance to be an infraction or a misdemeanor at the discretion of the City Attorney.  Allows the city or county to file a civil action for any violation (can be up to \$1000).  Allows private citizens to get an injunction in addition to enforcement by the city or county.	No
<b>City of Hayward May 2008</b>	QAF's on public property	Any substance containing tobacco leaf, including but not limited to cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco, is prohibited.  Coupons are prohibited.	Any person	Violations are subject to civil and administrative enforcement, punishable by a civil fine established by the Hayward City Council.	No
<b>City of Chico January 2008</b>	Everywhere	Coupons and nominal cost tobacco items are prohibited, except in connection with the sale of another item.	Any person, agent, or employee of a person in the business of selling or distributing smokeless tobacco or cigarettes.	Allows the city or county to file a civil action for any violation (can be up to \$1000).	No
<b>City of Calimesa June 2007</b>	QAF's on private property opened to the public	Any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco; and e-cigarettes, is prohibited.  Tobacco paraphernalia is prohibited.  Coupons and nominal cost tobacco items are prohibited.	Any person, agent, tobacco retailer, or employee in the business of selling or distributing tobacco products.	Violators who operate without the necessary tobacco retailer's permit shall be subject to closure of the tobacco retail facility.  Allows the city or county to file a civil action for any violation (can be up to \$1000 for first violation).  Violations of the ordinance may be declared an infraction or a misdemeanor at the discretion of the District Attorney or County Counsel.  Violations of this chapter are hereby declared to be public nuisances.	Yes
<b>County of Contra Costa October 2006</b>	Everywhere	Any substance containing tobacco leaf, including but not limited to cigars, pipe tobacco, hookah tobacco, snuff, bidis, and e-cigarettes, is prohibited.  Coupons are prohibited.	Any person, agent, or employee of a person in the business of selling or distributing tobacco or smoking products.	Enforced by any person by notifying the director of health services or his or her designee of any violation.	No

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<b>City of Santa Rosa July 2006</b>	QAF's on public property	Any substance containing tobacco leaf, including but not limited to cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, and bidis, is prohibited.	Any person	Enforced by any peace officer as an infraction punishable with a fine of: \$100 for first violation \$250 for second violation \$500 for each additional violation in a year.	No
<b>City of Berkeley June 2006</b>	QAF's on public property	Any substance containing tobacco leaf, including but not limited to cigars and smoking tobacco, is prohibited.  Coupons and nominal cost tobacco items are prohibited.	Any person	Enforced by any citizen who registers a complaint with the Department of Health and Human Services.	No
<b>City of Murrieta May 2006</b>	QAF's on public property	Any substance containing tobacco leaf, including but not limited to cigars, pipe tobacco, hookah tobacco, snuff, bidis, and e-cigarettes, is prohibited.	Any person	Enforced by the City Manager as an infraction punishable with a fine of: \$100 for first violation \$200 for second violation \$500 for each additional violation in a year.  Any citizen may register a complaint with the City Manager.	No
<b>City of Pleasant Hill January 2006</b>	QAF's on public property	Any substance containing tobacco leaf, including but not limited to cigars, pipe tobacco, snuff, chewing tobacco, and dipping tobacco, is prohibited.  Coupons are prohibited.	A person, firm, association or corporation in the business of selling or otherwise distributing cigarettes or other tobacco or smoking products for commercial purposes, or agent or employee thereof.	Enforced by the city through any means authorized in in the city code.	No
<b>City of Long Beach December 2004</b>	QAF's on public property without a permit		Any person	Enforced as an infraction punishable with a fine of: \$100 for first violation \$200 for second violation \$500 for each additional violation in a year.	No
<b>City of Martinez January 2001</b>	QAF's on public property	Any substance containing tobacco leaf, including but not limited to cigars, pipe tobacco, snuff, chewing tobacco, and dipping tobacco, is prohibited.  Coupons are prohibited.	Any person in the business of selling or distributing tobacco products.	A private citizen or a city officer or employee may submit a written complaint to the City Manager.  The City Manager may serve written notice requiring correction of violations.	No
<b>City of Newark July 1999</b>	QAF's on public property	Any substance containing tobacco leaf, including but not limited to cigars and smoking tobacco, is prohibited.  Coupons and nominal cost tobacco products prohibited.	Any person	Enforced by the city manager, and/or any other persons designated by the city manager.	No
<b>City of Walnut Creek March 1999</b>	QAF's on public property	Any tobacco product is prohibited.  Coupons are prohibited.	Any person or agent in the business or otherwise distributing cigarettes or other tobacco products.	Enforced by the city manager.	No

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<b>County of Alameda 1998</b>	QAF's on public property	Any substance containing tobacco leaf, including but not limited to cigars and smoking tobacco, is prohibited.  Coupons and nominal cost tobacco products prohibited.	Any person	Declares other violations of the ordinance to be an infraction or a misdemeanor at the discretion of the District Attorney.	No
<b>City of Saratoga June 1994</b>	QAF's on public property	Any tobacco product is prohibited.  Coupons are prohibited.	Any person	Enforced by the city manager or any other person designated by the city manager.	No
<b>City of Lemon Grove April 1994</b>	QAF's on public property	Any tobacco product is prohibited.  Coupons are prohibited.	Any person or agent in the business or otherwise distributing cigarettes or other tobacco products.	Enforced by the city manager, and/or any other persons designated by the city manager.	No
<b>City of Ojai February 1994</b>	QAF's on public property	Any tobacco product, including cigar, pipe tobacco, snuff, and other form of tobacco which is ingested, is prohibited.  Coupons are prohibited.	Any person or agent in the business or otherwise distributing cigarettes or other tobacco products.	Enforced by the city manager, and/or any other persons designated by the city manager.	No
<b>City of Dublin January 1994</b>	QAF's on public property	Any substance containing tobacco leaf, including but not limited to cigars, pipe tobacco, hookah tobacco, snuff, dipping tobacco, snus, and bidis, is prohibited.	Any person	Enforced by the city manager.	No
<b>City of Livermore January 1994</b>	QAF's on public property	Coupons are prohibited.	Any person	Enforced by the city manager, and/or any other persons designated by the city manager.	No
<b>San Ramon January 1994</b>	QAF's on public property	Any substance containing tobacco leaf, including but not limited to cigars, pipe tobacco, snuff, and chewing tobacco, is prohibited.  Coupons are prohibited.	Any person	Enforced as an infraction punishable with a fine of: \$100 for first violation \$200 for second violation \$500 for each additional violation in a year.	No
<b>City of Seal Beach October 1993</b>	QAF's on public property	Any tobacco product is prohibited.	Any person	Declares violations of the ordinance to be an infraction.	No
<b>City of Antioch September 1993</b>	QAF's on public property	Coupons are prohibited.	Any person or agent in the business or otherwise distributing cigarettes or other tobacco products.	Enforced by the city manager or any other person designated by the city manager.	No
<b>City of Solana Beach August 1992</b>	QAF's on public property	Any tobacco product is prohibited.  Coupons are prohibited.	Any person or agent in the business or otherwise distributing cigarettes or other tobacco products.	Enforced by the city manager, and/or any other persons designated by the city manager.	No
<b>City of Hercules April 1992</b>	QAF's on public property	Smoking products including cigars and pipes are prohibited.  Coupons are prohibited.	Any person or agent in the business or otherwise distributing cigarettes or other tobacco products	Enforced by the city manager or any other person designated by the city manager.	No
<b>City of Lafayette February 1992</b>	QAF's on public property	Coupons are prohibited.	Any person or agent in the business or otherwise distributing cigarettes or other tobacco products.	A private citizen or a city officer or employee may submit a written complaint to the City Manager.  The City Manager may serve written notice requiring correction of violations.	No

City/County Date Passed	Where is Sampling Prohibited?	Types of Tobacco Prohibited	Who/what are Prohibited From Providing Samples?	Enforcement	Part of a Tobacco Retailer Licensing Ordinance
<b>County of San Mateo January 1992</b>	QAF's on public property	Any substance containing tobacco leaf, including but not limited to cigars, pipe tobacco, snuff, is prohibited.  Coupons are prohibited.	Any person or agent in the business or otherwise distributing cigarettes or other tobacco products	Enforced by the community health director, and/or any other persons designated by the community health director pursuant to current law.	No
<b>City of Seaside 1992</b>	Everywhere	Tobacco products are prohibited.	Any person	Enforced by the city manager or any other person designated by the city manager.	No
<b>County of Solano November 1991</b>	QAF's on public property	Any substance containing tobacco leaf, including cigars, are prohibited.  Any tobacco accessory, including wrappers, pipes, holders of smoking materials of all types, and any item designed to ingest tobacco products, is prohibited.  Coupons and nominal cost tobacco products are prohibited.	Any person in the business or otherwise distributing cigarettes or other tobacco products.	Enforced by the Director of the Department of Environmental Health or any other person designated by the Director.	No
<b>City of West Sacramento October 1991</b>	QAF's on public property	Any tobacco product is prohibited.  Coupons are prohibited.	Any Person	A private citizen or a city officer or employee may submit a written complaint to the Office of Code Enforcement.  Declares violations of the ordinance to be an infraction.	No
<b>City of Pleasanton January 1991</b>	QAF's on public property	Any substance containing tobacco leaf, including but not limited to cigars and smoking tobacco, is prohibited.  Tobacco accessories, including cigarette papers, pipes and roll machines, are prohibited.  Coupons and nominal cost tobacco products are prohibited.	Any person in the business or otherwise distributing cigarettes or other tobacco products.	Allows the city or county to file a civil action for any violation (can be up to \$500).	No
<b>City of Vallejo 1991</b>	QAF's on public property	Any substance containing tobacco leaf, including cigars, are prohibited.  Any tobacco accessory, including wrappers, pipes, holders of smoking materials of all types, and any item designed to ingest tobacco products, is prohibited.  Coupons and nominal cost tobacco products are prohibited.	Any person in the business or otherwise distributing cigarettes or other tobacco products.	Declares violations of the ordinance to be an infraction.	No