Mono County, CA

7.92.070 - Sale of flavored tobacco products prohibited.

A.  Except as provided in subsections D and E, it shall be a violation of this chapter for any tobacco retailer or any of the tobacco retailer's agents or employees to sell or offer for sale, or to possess with intent to sell or offer for sale, any flavored tobacco product.

B.  There shall be a rebuttable presumption that a tobacco retailer in possession of flavored tobacco products, including but not limited to individual flavored tobacco products, packages of flavored tobacco products, or any combination thereof, possesses such flavored tobacco products with the intent to sell or offer them for sale.

C.  There shall be a rebuttable presumption that a tobacco product is a flavored tobacco product if a tobacco retailer, manufacturer, or any employee or agent of a tobacco retailer or manufacturer has:

1.  Made a public statement or claim that the tobacco product imparts a characterizing flavor;

2.  Used text and/or images on the tobacco product's labeling or packaging to explicitly or implicitly indicate that the tobacco product imparts a characterizing flavor; or

3.  Taken action directed to consumers that would be reasonably expected to cause consumers to believe the tobacco product imparts a characterizing flavor.

D.  Any Tobacco retailer whose inventory includes flavored tobacco products at the time this chapter becomes effective may continue to sell the flavored tobacco product(s) until the supply is exhausted but shall not thereafter order new supplies.

E.  This section shall not apply to menthol cigarettes; cigars, little cigars or cigarillos with a characterizing flavor (e.g., products of the type sold by swisher sweets, black and mild, backwoods, etc.); or chewing tobacco or snuff with a characterizing flavor (e.g., products of the type sold by copenhagen, skoal, grizzly, etc.). This subsection E shall automatically sunset October 31, 2019.

(Ord. No. 18-03, § 1(Att. A), 4-17-2018; Ord. No. 18-12, § 1(Att. A), 7-17-2018)