

Identifying & Closing Loopholes in California Tobacco Policies

TRDRP-funded research is leading the way in identifying policy loopholes that leave adolescents and communities of color particularly vulnerable to tobacco use, including flavored products and menthol cigarettes.

Key Points:

- As originally written, California’s Flavor Tobacco Sales Ban (Senate Bill 793) defined a tobacco retailer as “a place where tobacco is sold or a vending machine” and did not explicitly mention online sales or e-commerce; this ambiguity was exploited by online retailers.
- A TRDRP-funded project at the the University of California-San Diego (UCSD)’s Tobacco E-Commerce Lab found that Google searches for cigarettes (including menthol) and vape products spiked 194% and 162%, respectively, in the weeks after SB-793 went into effect, with no differences in other states, suggesting people turned online for banned tobacco products.
- Informed in part by this study, the state passed the Strengthen Tobacco Oversight Programs (STOP) and Seize Illegal Tobacco Products Act (SB-1230), which clarified language around flavored tobacco sales and gave the state additional authority to seize and destroy products during inspections and increased fines over violations. The law went into effect January 1, 2025.
- In a second study led by the same team, researchers attempted to buy flavored tobacco products online to be delivered to addresses in the city of San Diego, which explicitly prohibits e-commerce in its flavored tobacco ban, and the county, which falls under the statewide ban.
 - Delivery rates did not differ between the city and county, suggesting that even when a flavor ban explicitly mentions e-commerce, it does not effectively reduce delivery of these products.
 - Of 114 purchase attempts, 71% were successfully processed and 67% of deliveries completed.
 - 81% of them came through USPS, violating the federal Prevent All Cigarette Trafficking (PACT) Act.
 - No buyers had their ID verified upon delivery, which could allow minors to order and receive these products.

READ THE FULL ARTICLE HERE

If you would like to know more about any of these topics or have questions about other commercial tobacco control topics, please contact trdrp@ucop.edu

FOR MORE INFORMATION

University of California-San Diego Tobacco E-Commerce Lab <https://www.tobaccoecommercelab.com/>
Leas EC, Mejorado T, Harati R, et al. *E-commerce licensing loopholes: a case study of online shopping for tobacco products following a statewide sales restriction on flavoured tobacco in California*. *Tob Control*. 2023 Nov 7:tc-2023-058269. doi: 10.1136/tc-2023-058269

Harati RM, Ellis SE, Satybaldiyeva N, et al. *Online retailer nonadherence to age verification, shipping, and flavor restrictions on e-cigarettes*. *JAMA*. 2024 Dec 24; 332(24):2113-2114. doi: 10.1001/jama.2024.21597.

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