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| <div>California Department of Justice<br/>DIVISION OF LAW ENFORCEMENT<br/>Stephen Woolery, Chief</div>  |                            | <b>INFORMATION<br/>BULLETIN</b>                                                                                                                |  |
| <i>Subject:</i><br><br><b>Enforcement of Flavored Tobacco Products –<br/>Unflavored Tobacco List Next Steps</b>                                                                          | <i>No.</i><br>2025-DLE-17  | <i>Contact for information:</i><br><br>Division of Public Rights<br>Tobacco Unit<br><a href="mailto:tobacco@doj.ca.gov">tobacco@doj.ca.gov</a> |  |
|                                                                                                                                                                                          | <i>Date:</i><br>11/10/2025 |                                                                                                                                                |  |

## TO: AGENCIES WITH AUTHORITY TO ENFORCE TOBACCO LAWS

California Health and Safety Code section 104559.5 prohibits the retail sale of most flavored tobacco products and tobacco product flavor enhancers. Assembly Bill 3218 requires the Attorney General to create and publish on its website the Unflavored Tobacco List (UTL) by December 31, 2025. See Health & Safety Code, §104559.1. The UTL will identify tobacco products that lack a characterizing flavor (*i.e.*, are “unflavored”) and therefore are permissible to sell in California. State and local law enforcement agencies are authorized to enforce the state’s restrictions on flavored tobacco products and tobacco product flavor enhancers. The UTL aims to assist in providing a resource for these agencies in their enforcement operations. The Attorney General previously issued several bulletins with updates on the state’s flavored tobacco restrictions and has previously issued determinations on individual products, available at <https://oag.ca.gov/tobacco/flavorban>.

## Next Steps for Implementing the Unflavored Tobacco List

Upon publication of the UTL by December 31, 2025, the California Department of Justice (DOJ)’s enforcement priority will continue to be focused on “obviously flavored” tobacco products and tobacco product flavor enhancers. For purposes of this bulletin, “obviously flavored” includes products containing non-tobacco flavors (*e.g.*, menthol or fruit) in their trade name and products previously identified in early Attorney General guidance as being “flavored” under California Health and Safety Code section 104559.5. (<https://oag.ca.gov/tobacco/flavorban>).

For tobacco products that are not included in the initial publication of the UTL and are not obviously flavored (including hand-rolled leaf cigars), DOJ intends to initially focus on providing manufacturers with education on the statutory requirements and registration process, rather than taking immediate enforcement action. Registration of unflavored tobacco products is conducted on a rolling basis and may be completed at any time at <https://utl.doj.ca.gov/>.

Manufacturers and retailers are warned that, absent registration and inclusion on the UTL, such products are and will remain subject to seizure and penalties by enforcement agencies. See, *e.g.*, Bus. & Prof. Code, §§ 22974.2, 22978.3. This Information Bulletin does not alter or amend applicable law, nor does it contravene manufacturer and retailer responsibility to comply with current laws, rules, and regulations.

Additional guidance regarding UTL submissions of mixed multi-packed tobacco products (mixing flavored and unflavored tobacco products or covered and exempt tobacco products in a bundle) will be incorporated into

subsequent UTL regulations that are anticipated to be published on or before August 2026.

Wholesaler operations that continue to illegally sell obviously flavored tobacco products and tobacco product flavor enhancers are subject to state and local enforcement actions.

In addition, enforcement will focus on unlicensed and online sellers, as well as distributors that sell flavored tobacco products to unlicensed retailers and wholesalers (including unlicensed tribal entities).