

CALIFORNIA DEPARTMENT OF JUSTICE
TITLE 11. LAW
DIVISION 1. ATTORNEY GENERAL
CHAPTER 11. UNFLAVORED TOBACCO LIST
FINAL STATEMENT OF REASONS
Appendix B

GOOD CAUSE STATEMENT

The Department requests that these regulations be made effective upon filing with the Secretary of State. The Legislature authorized the Department to promulgate emergency regulations to implement Assembly Bill 3218. (Health & Saf. Code, § 104559.1, subd. (q).) The Department's emergency regulations will expire on August 26, 2026, if permanent regulations are not adopted. The Department's regulations are necessary to avoid serious harm to the public health, safety, and welfare. Assembly Bill 3218, which went into effect on January 1, 2025, required the Attorney General to establish the Unflavored Tobacco List (UTL) on or before December 31, 2025, and to continue to maintain the UTL thereafter, identifying products that are permissibly unflavored under California's flavored tobacco restrictions.

The Notice of Proposed Rulemaking Action was published on November 7, 2025. After revising the proposed regulations in response to public comments, the package was then noticed for a 15-day public comment period on February 19, 2026. The revisions in the permanent rulemaking are informed by experience with the emergency regulations, as well as response to public comment.

As required by Health and Safety Code, section 104559.1, subdivision (a), the Attorney General continues to maintain the published UTL, and the UTL is now the cornerstone of California's flavored tobacco enforcement. These regulations provide the necessary, ongoing framework for UTL maintenance by detailing the application process for placement on the UTL, the renewal process to remain on the UTL, required product information, and critical response timelines for manufacturers and importers, thereby ensuring the list remains current and accurate.