

CALIFORNIA DEPARTMENT OF JUSTICE

TITLE 11. LAW

DIVISION 1. ATTORNEY GENERAL

CHAPTER 11. UNFLAVORED TOBACCO LIST

UPDATED INFORMATIVE DIGEST

The following revisions have been made as compared to the proposed regulations noticed on November 7, 2025. A fuller explanation of the revisions and their purpose is included in the Final Statement of Reasons.

§ 942. Definitions

The Department added subdivision (e) to the definitions section. Subdivision (e) defines “Carton or Roll” as “a package that is marketed for retail sale to consumers and contains multiple identical Brand Styles that are individually marketed for retail sale to consumers.”

The Department renumbered the remainder of the definitions section due to the addition of subdivision (e). The Department also updated the capitalization of “Carton or Roll” throughout the regulations to reflect the updated definition.

§ 944. Service Information and Time Limits

The Department added “is” to subdivision (c) as a correction and added “response” to subdivision (c) for grammar.

§ 945. Submission of product form

Subdivision (a) has been reorganized, so that the end of subdivision (a) now reads “A separate product form or variant form is required for each Brand Style with two exceptions:” instead of “A separate product or variant form is required for each Brand Style, except for a carton or roll of the Brand Style if the following conditions have been met.”

The first exception, subdivision (a)(1), now reads “A separate product form or variant form need not be submitted for a Carton or Roll of the Brand Style if that Carton or Roll has been identified on the product form or variant form for the Brand Style and all information on the product form or variant form is completed for the Carton or Roll, including submission of a design file or photographs as described in subdivision (c)(7).” Subdivision (a)(1) now incorporates what was previously outlined in subdivisions (a)(1)-(3).

The second exception, newly added subdivision (a)(2), reads “A separate product or variant form is not required for variations in a Brand Style caused by changes in manufacturing materials or process that are not distinguishable by an ordinary consumer, where a product form or variant form for the Brand Style has already been submitted. Examples of such changes include replacement of a cigarette’s tipping paper with substantially identical tipping paper from a new

source, a minor adjustment in a cigarette's size (e.g., 84 mm to 83.8 mm) that is not marketed differently, and minor changes resulting from a Brand Style being manufactured by hand, such as minor inconsistencies in the dimensions of a hand wrapped cigar.”

A parentheses was added to subdivision (c)(4) as a correction.

The Department made a minor wording change in subdivision (c)(6) to change the term “specified” to “identified” for clarity.

Subdivision (c)(8), which required written description of images depicted in the design file or photos, was removed from the regulations. The remainder of the subdivisions and references to the subdivisions were renumbered throughout the regulations to reflect this deletion.

The new subdivision (c)(8)(B)(i)(VII)(h) was added to include the following additional possible status of a request for Federal Drug Administration (FDA) authorization, approval, or order: “Whether the FDA has issued a rule, guidance, or other formal statement that the Brand Style does not require authorization, approval, or order under 21 U.S.C. sections 387e(j) or 387j. If the applicant responds affirmatively, the applicant must identify and submit a copy of the rule, guidance, or other formal statement by the FDA.”

The phrase “from the accessory, component, or part” was removed for subdivision (d) in reference to accessories, components, or parts containing nicotine of liquid intended to be vaporized or inhaled.

§ 946. Submission of variant form

A sentence was added to subdivision (a) for clarity, specifying that “A UTL submission for a Variant is not complete until the UTL submission for the associated Predicate Brand Style is complete.”

Subdivision (d) was added to read that “A variant form need not be submitted for a Brand Style that qualifies as a Variant, has the same external packaging as the Predicate Brand Style (or another Variant of the same Predicate Brand Style for which a variant form has already been submitted), but contains different internal packaging (for example, different phrases that are revealed once the package is opened), unless statements on the internal packaging implicitly or explicitly convey the presence of a characterizing flavor.”

A phrase was added to subdivision (f) to require “the name of the Multipack” for multipacks. The remainder of the subdivisions and references to the subdivisions were renumbered throughout the regulations to reflect this addition.

In subdivision (g)(10), “for the Predicate Brand Styles was added” to clarify which product form it was referring to.

Subdivision (g)(13), which required written description of images depicted in the design file or photos, was removed from the regulations. The remainder of the subdivisions and references to the subdivisions were renumbered throughout the regulations to reflect this removal.

§ 947. Request for Placement on the Unflavored Tobacco List

A typographical error was corrected in subdivision (b)(5) to add the word “a” when referencing shipment with a packing slip.

§ 948. Impact of FDA Status on Listing and Removal

The wording in subdivision (a) was changed to add the word “was” in two locations, so that instead of “accepted for filing or review,” both locations now read “was accepted for filing or review.”

In subdivision (c), the last phrase was changed from “if the Brand Style is a Variant of a Predicate Brand Style that has been submitted under Section 947” to now read “if the Brand Style is a Variant of a Predicate Brand Style that has been placed on the UTL and a variant form for the Brand Style has been submitted under Section 947.”

§ 951. Renewals

Minor wording changes were made to subdivision (c). A phrase was changed to say that the annual renewal fee “must be paid through the online payment system on the Attorney General’s UTL web portal” instead of “through the online payment system on the Attorney General’s UTL web portal must be paid.”

§ 952. Updates

A minor change was made to subdivision (a) to reflect the addition of subdivision (b)(2) of section 945, which provides an additional exception to the submission of a new product or variant form in case of product updates. Section 952 subdivision (a) now reads “Except as provided in subdivision (b) and Section 945,” instead of “Except as provided in subdivision (b).”

In subdivisions (b)(2), (b)(3), and (b)(4), references to Section 945 were renumbered to reflect the deletion of subdivision (c)(8) of Section 945.

Subdivision (b)(5) was removed from the regulations.

§ 953. Designation of Confidential Information

A minor wording change was made to subdivision (a); instead of stating that information and documentation “shall be considered confidential and proprietary,” the subdivision now states that information and documentation “shall be considered additional information and documentation regarding a Brand Style’s status with the FDA that is confidential and proprietary.”

A minor wording change was made to subdivision (a)(6) as well. The subdivision previously stated that “FDA authorization, approval, or order not sought” is the disclosable status designation for Brand Styles where authorization, approval, or order has not been sought, and now specifies that this status only applies where such authorization approval, or order was not sought “for one of the reasons identified under subdivision (c)(8)(B)(ii) of Section 945.”

Subdivision (a)(8) was added provide another publicly disclosable FDA status designation: “‘FDA issued rule, guidance, or other formal statement that the Brand Style does not require authorization, approval, or order under 21 U.S.C. sections 387e(j) or 387j,’ if under subdivision (c)(8)(B) of Section 945, formal authorization, approval, or order for the Brand Style has been sought under 21 U.S.C. sections 387e(j) or 387j, and, under subdivision (c)(8)(B)(i)(VII)(h) of Section 945, the Applicant indicates that the FDA has issued a rule, guidance, or other formal statement that the Brand Style does not require authorization, approval, or order under 21 U.S.C. sections 387e(j) or 387j.”