

**IRVINE POLICE DEPARTMENT  
TRAINING BULLETIN  
20-01  
FLAVORED TOBACCO ORDINANCE**

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**PURPOSE:**

The purpose of this training bulletin is to acquaint field personnel with the recent adoption of City Council Ordinance 20-01 which establishes regulations that prohibits the use of all flavored tobacco products in the City of Irvine by subjects under the age of 21. This ordinance goes into effect February 27, 2020.

**Definitions:**

**“Electronic smoking device”** means an electronic and/or battery-operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of nicotine or other regulated substances.

**“Flavored tobacco product”** means any tobacco product that contains a constituent that imparts a characterizing flavor including all flavored e-liquids, pods, e-juices, or other flavored products used in electronic nicotine delivery systems.

**“Characterizing flavor”** includes, but is not limited to, tastes and aroma relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb or spice.

**Adoption:**

**IMC 4-10-603- Sale, offer for sale, and use of flavored tobacco products prohibited.**

- A. The use of any flavored tobacco products by persons under 21 is prohibited and no person under 21 shall use or attempt to use any flavored tobacco product.
- B. There shall be a rebuttable presumption that a tobacco product is a flavored tobacco product if a manufacturer has made a statement or claim directed to consumers or to the public that the tobacco product has or produces a characterizing flavor including, but not limited to, text, color, and/or images on the products labeling or packaging that are used to explicitly or implicitly communicate that the tobacco product has a characterizing flavor.
- C. The sale or offer to sale of hookah products and the use of flavored tobacco for hookah uses are not prohibited by this ordinance.

**Enforcement: 4-10-604 IMC**

- A. The provisions may be enforced by the Irvine Police Department, any peace officer or code enforcement officer, or other employees designated by the City Manager.
- B. If any person under 21 is in violation, the Irvine Police Department reserves the right to confiscate any electronic smoking device and/or flavored tobacco products in possession of such person under 21.
- C. Causing, aiding, abetting, or concealing a violation of any provision of this chapter shall also constitute a violation of this chapter.
- D. Any person who is found to violate this section shall be deemed guilty of an infraction and shall be punishable as provided in Title 4, Division 13 of the Code. Persons who have not previously been found or deemed guilty of an infraction as a result of a violation of this chapter and who have not previously participated in an educational diversion program, may elect to participate in a City-approved educational tobacco diversion program. Any action on the infraction shall be dismissed upon completion of the educational tobacco diversion program.

If the officer decides to confiscate the flavored tobacco and/or tobacco products and book them into property, a DR will need to be pulled for booking purposes. In this event, a property form will need to be completed. Adults and juveniles will be cited to Harbor Justice Center, unless the subject is under the age of 18 and has not been through a diversion program. If the individual is under the age of 18 years of age, and if they have not previously been referred to tobacco-related diversion, refer the subject to diversion by completing the Juvenile Diversion Referral Form. Subjects ages 18-20 will be issued a citation for the IMC.

The court copies of the issued citation should be turned into the Watch Commander in-bin (just like other citations) for review prior to them being forwarded to the Records Department. The Records Department will then forward the citation court copies to Harbor Justice Center for filing. Citations for the aforementioned IMC violations will be contested in traffic court.