

OFFICE OF THE CHIEF OF POLICE

NOTICE

14.5

April 10, 2025

TO: All Department Personnel

FROM: Chief of Police

SUBJECT: REGULATIONS AFFECTING THE SALE AND POSSESSION OF TOBACCO AND TOBACCO PRODUCTS – PENAL CODE 308 – REVISED;
SENATE BILL – 1230 – STRENGTHEN TOBACCO OVERSIGHT PROGRAMS (STOP) AND SEIZE ILLEGAL TOBACCO PRODUCTS ACT

The purpose of this Notice is to revise the Office of the Chief of Police Notice *Regulations Affecting the Sale and Possession of Tobacco and Tobacco Products – Penal Code 308*, dated July 5, 2016, to reflect changes resulting from the repeal of the United States Armed Forces Active – Duty personnel exemption under Senate Bill (SB) 1230. It also serves as a reminder of the Department's role in enforcing tobacco regulations.

California Senate Bill 1230 – Strengthen Tobacco Oversight Programs (STOP) and the Seize Illegal Tobacco Products Act, was signed into law by Governor Gavin Newsom on September 22, 2024. The Bill amended Section 22958(a) of the Business and Professions Code by removing the exemption for Active-Duty personnel in the U.S. Armed Forces under **21** and increasing civil penalties for those who sell or provide tobacco products to individuals under **21**. To align with federal regulations, this amendment applies to Penal Code Section 308. **Active – Duty personnel in the U.S. Armed Forces under 21 are no longer exempt from purchasing tobacco and tobacco related products with a valid identification.**

Penal Code Section 308(a) still prohibits the sale or furnishing of tobacco or tobacco products, including e-cigarettes, to persons under the age of **21**.

The removal of prohibited **possession** of tobacco products by those under 18 from Penal Code Section 308(b) still applies. **Persons under the age of 21 may possess tobacco products without facing criminal or civil penalty. However, it is a violation to purchase tobacco or tobacco related products if under the age of 21.**

Note: Officers shall not cite or arrest anyone for violation of Penal Code Section 308(b).

Should you have questions regarding this matter, please contact the Commercial Crimes Division Illicit Pharmaceutical and Counterfeit Unit at (213) 486-0939.



JIM McDONNELL
Chief of Police

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