



## UPDATING DEFINITIONS FOR TOBACCO PRODUCT & SMOKING

### 1. Why did the State of California update the definitions for “tobacco product” and “smoking”?

The state updated these definitions to include electronic smoking devices, their parts, accessories, and future products that may not contain tobacco leaf. Updated definitions went into effect June 2016.

### 2. Is cannabis included in the new definition of “smoking”?

Yes, “smoking” includes a reference to “plant products.”

It is legal to include cannabis in the definitions for “smoking” but it is recommended that local cities include a severability clause in the municipal code stating that the ordinance does not directly regulate the use of cannabis.

### 3. What is the impact of Proposition 64 on tobacco control ordinances?

Proposition 64 legalized the recreational use of cannabis. Under Proposition 64, cannabis smoking is prohibited wherever tobacco smoking is prohibited, and in “any public place.” See Cal. Health & Safety Code § 11362.3(a).

### 4. What are the benefits of updating the definitions of “tobacco product” and “smoking” in the municipal code?

Updating definitions in the municipal code to align with the state law standard will provide clarity and consistency statewide.

The new comprehensive definitions will also make local policies easier to enforce and safeguard from loopholes created by new and emerging tobacco products.

### 5. What resources are available to assist my city in updating definitions in the municipal code?

The Fresno County Department of Public Health has policy definition examples definitions and can assist cities with the development of the update.

The Department is available to provide educational presentations to elected officials, community members, and city staff.

### 6. Which cities in Fresno County that have updated their tobacco-related definitions?

The Cities of Clovis, Kingsburg, Reedley, and Kerman have updated their definitions.

