



CITY OF

NEWPORT BEACH

City Council Staff Report

October 14, 2025
Agenda Item No. 3

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: David Miner, Chief of Police - 949-644-3701, dminer@nbpd.org

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TITLE: Ordinance No. 2025-26: Adding Chapter 6.30 Prohibition of Sale and Distribution of Flavored Tobacco Products

ABSTRACT:

For the City Council's consideration is the second reading and the adoption of Ordinance No. 2025-26, which would add Chapter 6.30 to the Newport Beach Municipal Code, Prohibition of Sale and Distribution of Flavored Tobacco Products in Newport Beach. The ordinance was introduced and considered at the Newport Beach City Council's September 23, 2025 Regular Meeting.

RECOMMENDATIONS:

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Conduct a second reading and adopt Ordinance No. 2025-26, *An Ordinance of the City Council of Newport Beach, California, Amending Chapter 6.25 (Regulation of Smoking in Public Areas) and Adding Chapter 6.30 (Prohibition of Sale and Distribution of Flavored Tobacco Products) to Title 6 (Health and Sanitation) of the Newport Beach Municipal Code, Relating to Smoking and Tobacco Sales.*

DISCUSSION:

At its September 23, 2025 meeting, the Newport Beach City Council introduced and passed to second reading Ordinance No. 2025-26, which would ban the sale and distribution of flavored tobacco products in Newport Beach.

The City of Newport Beach, like many communities across California, is facing growing public health and safety concerns related to the sale and use of flavored tobacco products. Flavored tobacco products, including flavored e-cigarettes, menthol cigarettes, cigarillos, shisha, and smokeless tobacco, are often marketed in ways that increase their appeal to youth. The use of fruit, mint, candy and other characterizing flavors can reduce the perceived harshness of nicotine, which may encourage experimentation and increase the potential for long-term use.

Data from the California Youth Tobacco Survey (2023) indicates that 21.6% of California high school students had used a tobacco product, and 85.6% of those reported using flavored products. Research consistently shows that young smokers are more likely to initiate use with flavored products, and those who do are at significantly higher risk of becoming long-term tobacco users. Nicotine exposure during adolescence can alter brain development, impair learning and memory, and increase susceptibility to future substance abuse.

To help address these concerns, the California legislature enacted Health & Safety Code 104559.5 in 2024, which prohibited the retail sale of most flavored tobacco products. Additionally, the law expressly authorizes local jurisdictions to adopt stricter measures to better restrict access to tobacco products. Without local enforcement authority, flavored tobacco products can remain accessible through retailers who exploit and ignore the law.

By prohibiting the sale and distribution flavored tobacco products, Newport Beach will close gaps in state law, provide clarity for retailers, and give law enforcement the discretion needed to enforce violations effectively. This ordinance aligns with the City's responsibility to protect public health and safety, particularly for youth and vulnerable populations, and reinforces Newport Beach's commitment to maintaining a healthy, family-friendly community.

FISCAL IMPACT:

There is no fiscal impact related to this item. Should the proposed ordinance be adopted by the City Council, the City will serve notice to retailers regarding the prohibition. Any costs associated with the noticing efforts can be absorbed within the current budget.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENT:

Attachment A – Ordinance No. 2025-26