



California Smoke and Vape v. Los Angeles County, 2020 WL 4390384 (C.D. Cal.)

Topics Covered: Tobacco and Electronic Nicotine Delivery Systems

Outcome: Favorable

Issue

The issue in this case is whether a Los Angeles County ordinance that bans the sale of flavored tobacco products, including vaping devices and e-cigarettes, is constitutional.

AMA Interest

The AMA: (1) supports state and local legislation to prohibit the sale or distribution of all flavored tobacco products, including menthol, mint and wintergreen flavors; and (2) urges local and state medical societies and federation members to support state and local legislation to prohibit the sale or distribution of all flavored tobacco products.

Case Summary

Los Angeles County passed an ordinance prohibiting the sale of all flavored tobacco products, imposing new tobacco product standards, and requiring tobacco retailers to maintain two new business licenses.

The plaintiffs sued to have the ordinance declared illegal, and they requested a preliminary injunction. Plaintiffs claim that the ordinance is preempted by the federal Family Smoking Prevention and Tobacco Control Act and that it violates their due process rights under the Fourteenth Amendment because it is unconstitutionally vague.

On June 9, 2020, the district court denied the motion for preliminary injunction.

AMA Involvement

Numerous public health organizations, including the AMA and the California Medical Association proffered an *amicus* brief in opposition to the motion for preliminary injunction.

United States District Court for the Central District of California Brief