



R.J. Reynolds v. Bonta (S.D. Cal.)

Topics Covered: Tobacco and Electronic Nicotine Delivery Systems

Outcome: Neutral

Issue

The issue in this case was whether a California statute that bans the sale of flavored tobacco products is lawful.

AMA Interest

The AMA supports state and local legislation to prohibit the sale or distribution of flavored tobacco products.

Case Summary

On August 28, 2020, California passed the strongest anti-tobacco law in the country, prohibiting the sale of all flavored tobacco products. On October 9, 2020, the plaintiff tobacco companies sued to challenge the law, claiming that it is preempted by the federal Family Smoking Prevention and Tobacco Control Act and it violates the Commerce Clause. Simultaneously with the filing of their complaint, the plaintiffs moved for preliminary injunction.

Subsequent to the filing of the suit, however, a referendum petition was deemed eligible to be submitted to California's voters at the November 8, 2022 general election. The referendum, if accepted by California's voters, will supersede the California statute. The court dismissed the lawsuit, finding that it lacked jurisdiction in light of the referendum.

Litigation Center Involvement

The Litigation Center, along with the California Medical and numerous other medical and public health organizations, filed an *amicus* brief to support the California law. The brief highlighted the harmful impact of flavored tobacco products, especially on young people.

United States District Court for the Southern District of California Brief