



# R.J. Reynolds v. Los Angeles (9th Cir.)

Topics Covered: Tobacco and Electronic Nicotine Delivery Systems

## Issue

The issue in this case is whether a county ordinance in Los Angeles, California that bans the sale of flavored tobacco products, including menthol, is preempted by the federal Family Smoking Prevention and Tobacco Control Act (“Tobacco Control Act”).

## AMA Interest

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

## Case Summary

On September 24, 2019, Los Angeles County passed an ordinance prohibiting the sale of all flavored tobacco products. The plaintiffs sued in the Central District of California and sought a preliminary injunction. Plaintiffs claimed that the ordinance is preempted by the Tobacco Control Act.

On July 13, 2020, the district court denied the plaintiffs’ motion for preliminary injunction, concluding that they were unlikely to succeed on the merits of their claims and that the balance of harm favored the defendants. On August 7, 2020, the district court granted the defendants’ motion to dismiss, finding that the Los Angeles ordinance was not preempted by the Tobacco Control Act. The court held that the Tobacco Control Act permits states and localities to prohibit the sale of tobacco products even if the local rules are more restrictive than federal law.

The plaintiffs are appealing to the Ninth Circuit Court of Appeals.

## Litigation Center Involvement

The Litigation Center, along with the California Medical Association and numerous other medical and public health organizations, filed an *amicus* brief to support the Los Angeles ordinance.

Ninth Circuit Court of Appeals Brief