



Fact Sheet for Tobacco Retail Licensees – December 2025 Updates

City Council adopted Ordinance 2025-1566 on November 10, 2025, and modifications to the San Marcos Municipal Code (“SMMC”) Chapter 5 become effective December 10, 2025. This courtesy information sheet provides a summary of the modifications applicable to Tobacco Retail License (TRL) holders.

Chapter 5 Updates:

- **Increased Fees.** Each violation of a TRL related municipal code section is now \$1000. Each violation is cited and fined separately which may result in higher total fined amounts in the event of multiple citations, even when arising from the same inspection.
- **Window Advertisements.** Window signs of any kind must not exceed 1/3 of the frontage window area. A transparent glass door is considered window area.

Other important reminders:

- **Annual Fee.** Per Resolution 2016-8235, the City adjusts the TRL fee annually. The current fee is **\$307.17**. This is a fixed amount, and previously available discounts are no longer applicable.
- **Non-nicotine vapes.** All flavored vapes/e-cigarettes, including those with non-nicotine fluid, are prohibited by the San Marcos Municipal Code (“SMMC”).
- **Unflavored Tobacco List.** The California Attorney General will publish a list of unflavored tobacco products by December 31, 2025. Once published, any product not appearing on the list will be prohibited. Looseleaf tobacco, premium cigars, and shisha tobacco products¹ are not subject to the Unflavored Tobacco List (“UTL”) and may be sold. More information regarding the UTL may be found here: [Flavor Ban | State of California - Department of Justice - Office of the Attorney General](#).

San Marcos continues to enforce the provisions of Chapter 5 of the SMMC and state and federal law, including prohibited tobacco products. These updated regulations do not require a change to the regular business practices of tobacco retailers who are following local, state, and federal tobacco retail laws.

If you have any questions about the updates, please reach out to HANSLicensing@san-marcos.net or 760-744-1050 ext. 3280

¹ “Looseleaf tobacco” consists of cut or shredded pipe tobacco, usually sold in pouches, excluding any tobacco product which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes, including roll-your-own cigarettes.

“Premium cigar” means any cigar that is handmade, is not mass produced by use of mechanization, has a wrapper that is made entirely from whole tobacco leaf, and has a wholesale price of no less than twelve dollars (\$12). A premium cigar does not have a filter, tip, or nontobacco mouthpiece and is capped by hand.

“Shisha tobacco product” means a tobacco product smoked or intended to be smoked in a hookah. “Shisha tobacco product” includes, and may be referred to as, hookah tobacco, waterpipe tobacco, maassel, narghile, and argileh. “Shisha tobacco product” does not include any electronic devices, such as an electronic hookah, electronic cigarette, or electronic tobacco product.