



FLAVORED TOBACCO RUBRIC

November 2021

Rubric language that is crossed out (e.g. Q13a) indicates that PETS analysis is temporarily not being done on these questions and thus data is not yet available for these fields. PETS will resume analysis and data collection on these questions at a future date.

Fields	Category	Max Points	ANRF Suggested Weighting (Points)
County Name	Core Variable		
County FIPS Code	Core Variable		
City Name <i>or</i> Unincorporated (<i>for County</i>)	Core Variable		
City FIPS Code	Core Variable		
Policy Type	Core Variable		
Most Recent Date Enacted	Core Variable		
Most Recent Effective Date	Core Variable		
Final Enforcement Date	Core Variable		
Model Policy Date	Core Variable		
Filename	Core Variable		
1. Does policy end the sale of <u>all</u> flavors of <u>all</u> products in <u>all</u> locations? If yes, skip to question #9.	Restrictiveness	80	Yes=80; Partial/No=0
2. Does policy end the sale of <u>all</u> flavors of <u>all</u> products in <u>all</u> locations except in adult-only/ specialty retailers?	Tracking	0	Yes; No
3. If there is any type of adult-only/specialty retailer exemption in the policy, are they required to have a certain percentage of revenue from regulated product sales, in order to qualify for the exemption?	Tracking	0	Yes; No; Not Applicable

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3a. If Yes, specify percentage.	Tracking	0	Text field
4. If #1 is “Partial” or “No”: Does the policy end the sale of ALL menthol-flavored tobacco leaf products (including but not limited to cigarettes, all cigar forms, snuff, chew, snus, heated products, shisha/hookah) in ALL venues/locations, with no exemptions? If there are exemptions, address all sub-questions below.	Restrictiveness	20	<p>Yes, without exemptions=20;</p> <p>Menthol exemption(s) for certain locations (e.g. adult-only/specialty tobacco retailers/tobacco bars)=12;</p> <p>Menthol exemption(s) for retailers outside buffer zone=5;</p> <p>Any type of menthol flavored tobacco leaf product exempt (e.g. cigarettes, cigarillos, shisha/hookah, etc.)=0;</p> <p>Other/No/Not Applicable=0</p> <p>(If more than one of these exemptions applies, choose the exemption that awards the fewest points.)</p>
4a. Does the policy end the sale of menthol cigarettes?	Tracking	0	Yes; Partial; No
4a1. If Partial, are adult-only/specialty tobacco retailers required to end the sale of menthol cigarettes?	Tracking	0	Yes; No; Not Specified
4a2. If Partial, are tobacco bars/lounges required to end the sale of menthol cigarettes?	Tracking	0	Yes; No; Not Specified
4a3. Does the policy omit a buffer zone provision for menthol cigarettes?	Tracking	0	Yes (no buffer zone); No

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4a3a. If there is a buffer zone, specify parameters.	Tracking	0	Text field
4a4. If Other Partial, specify.	Tracking	0	Text field
4b. Does the policy end the sale of menthol-flavored noncombustible Tobacco Leaf Products?	Tracking	0	Yes; Partial; No
4b1. If Partial, are adult-only/specialty tobacco retailers required to end the sale of menthol-flavored noncombustible tobacco leaf products?	Tracking	0	Yes; No; Not Specified
4b2. If Partial, are tobacco bars/lounges) required to end the sale of menthol-flavored noncombustible tobacco leaf products?	Tracking	0	Yes; No; Not Specified
4b3. Does the policy omit a buffer zone provision for menthol-flavored noncombustible tobacco leaf products?	Tracking	0	Yes (no buffer zone); No
4b3a. If there is a buffer zone, specify parameters.	Tracking	0	Text field
4b4. If Other Partial, specify.	Tracking	0	Text field
4c. Does the policy end the sale of menthol-flavored Premium Tobacco Leaf Products?	Tracking	0	Yes; Partial; No
4c1. If Partial, are adult-only/specialty tobacco retailers required to end the sale of menthol-flavored premium tobacco leaf products?	Tracking	0	Yes; No; Not Specified
4c2. If Partial, are tobacco bars / lounges) required to end the sale of menthol-flavored premium tobacco leaf products?	Tracking	0	Yes; No; Not Specified
4c3. Does the policy omit a buffer zone provision for menthol-flavored premium tobacco leaf products?	Tracking	0	Yes (no buffer zone); No
4c3a. If there is a buffer zone, specify parameters.	Tracking	0	Text field
4c4. If Other Partial, specify.	Tracking	0	Text field
4d. Does the policy end the sale of menthol-flavored cigarillos/small cigars?	Tracking	0	Yes; Partial; No
4d1. If Partial, are adult-only/specialty tobacco retailers required to end the sale of menthol-flavored cigarillos/small cigars?	Tracking	0	Yes; No; Not Specified
4d2. If Partial, are tobacco bars / lounges) required to end the sale of menthol-flavored cigarillos/small cigars?	Tracking	0	Yes; No; Not Specified
4d3. Does the policy omit a buffer zone provision for menthol-flavored cigarillos/small cigars?	Tracking	0	Yes (no buffer zone); No
4d3a. If there is a buffer zone, specify parameters.	Tracking	0	Text field
4d4. If Other Partial, specify.	Tracking	0	Text field

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4e. Does the policy end the sale of menthol-flavored shisha/hookah tobacco?	Tracking	0	Yes; Partial; No
4e1. If Partial, are adult-only/specialty tobacco retailers required to end the sale of menthol-flavored shisha/hookah tobacco?	Tracking	0	Yes; No; Not Specified
4e2. If Partial, are tobacco bars (e.g. hookah and/or cigar lounges) required to end the sale of menthol-flavored shisha/hookah tobacco?	Tracking	0	Yes; No; Not Specified
4e3. Does the policy omit a buffer zone provision for menthol-flavored shisha/hookah tobacco?	Tracking	0	Yes (no buffer zone); No
4e3a. If there is a buffer zone, specify parameters.	Tracking	0	Text field
4e4. If Other Partial, specify.	Tracking	0	Text field
5. If #1 is "Partial" or "No": Does policy end sale of ALL flavors of vaped products (including but not limited to electronic smoking devices, hookah pens, e-liquids, etc.) in ALL venues/locations , with no exemptions? If there are exemptions, address all sub-questions below.	Restrictiveness	20	Yes, without exemptions=20; Certain locations exempt (e.g. adult-only/specialty retailers/vape lounges)=12; Sales permitted outside buffer zone=5; Certain flavors exempt (e.g. mint and/or menthol)=0; Other/No/Not Applicable=0 (If more than one of these exemptions applies, choose the exemption that awards the fewest points.)
5a. Are mint/menthol vaped products treated the same as all other flavors?	Tracking	0	Yes; No
5b. If Partial, does the policy end the sale of all flavors of vaping products in all adult-only/specialty retailers?	Tracking	0	Yes; Partial; No
5b1. If Partial, specify parameters (e.g. menthol sales OK in RTS).	Tracking	0	Text field
5c. If Partial, does the policy end the sale of all flavors of vaping products in all smoking/vaping bars/lounges?	Tracking	0	Yes; No; Not Specified
5d. If Partial, does the policy omit a buffer zone provision for flavored vaping products?	Tracking	0	Yes (no buffer zone); No; Not Specified
5d1. If there is a buffer zone, specify parameters.	Tracking	0	Text field

Fields	Category	Max Points	ANRF Suggested Weighting (Points)
5e. If Other Partial, specify.	Tracking	0	Text field
6. If #1 is "Partial" or "No": Does the policy end sale of all flavors other than mint/menthol of combustible tobacco products (e.g. cigarillos/little cigars, hookah/shisha tobacco, pipe tobacco, etc.) in ALL venues/locations, with no exemptions? If there are exemptions, address all sub-questions below.	Restrictiveness	20	Yes=20; Certain locations exempt (e.g. adult-only/specialty retailers)=12; Sales permitted outside buffer zone=5; Certain products exempt (e.g. hookah/shisha tobacco, cigarillos, etc.)=0; Other/No/Not Applicable=0 (If more than one of these exemptions applies, choose the exemption that awards the fewest points.)
6a. Does the policy end the sale of non-menthol flavored hookah/shisha tobacco?	Tracking	0	Yes; Partial; No
6a1. If Partial, are adult-only/specialty tobacco retailers required to end the sale of non-menthol flavored hookah/shisha products?	Tracking	0	Yes; No; Not Specified
6a2. If Partial, are tobacco bars (e.g. hookah and/or cigar lounges) required to end the sale of non-menthol flavored hookah/shisha products?	Tracking	0	Yes; No; Not Specified
6a3. If Partial, does the policy omit a buffer zone provision for non-menthol flavored hookah/shisha products?	Tracking	0	Yes (no buffer zone); No
6a3a. If there is a buffer zone, specify parameters.	Tracking	0	Text field
6a4. If Other Partial, specify.	Tracking	0	Text field
6b. Does the policy end the sale of non-menthol flavored cigarillos/little cigars?	Tracking	0	Yes; Partial; No
6b1. If Partial, are adult-only/specialty tobacco retailers required to end the sale of non-menthol flavored cigarillos/little cigars?	Tracking	0	Yes; No; Not Specified
6b2. If Partial, are tobacco bars / lounges) required to end the sale of non-menthol flavored cigarillos/little cigars?	Tracking	0	Yes; No; Not Specified
6b3. If Partial, does the policy omit a buffer zone provision for non-menthol flavored cigarillos/little cigars?	Tracking	0	Yes (no buffer zone); No

Fields	Category	Max Points	ANRF Suggested Weighting (Points)
6b3a. If there is a buffer zone, specify parameters.	Tracking	0	Text field
6b4. If Other Partial, specify.	Tracking	0	Text field
6c. Does the policy end the sale of non-menthol flavored premium (i.e. big) cigars?	Tracking	0	Yes; Partial; No
6c1. If Partial, are adult-only/specialty tobacco retailers required to end the sale of non-menthol flavored premium (i.e. big) cigars?	Tracking	0	Yes; No; Not Specified
6c2. If Partial, are tobacco bars / lounges) required to end the sale of non-menthol premium (i.e. big) cigars?	Tracking	0	Yes; No; Not Specified
6c3. If Partial, does the policy omit a buffer zone provision for non-menthol flavored premium (i.e. big) cigars?	Tracking	0	Yes (no buffer zone); No
6c3a. If there is a buffer zone, specify parameters.	Tracking	0	Text field
6c4. If Other Partial, specify.	Tracking	0	Text field
6d. Does the policy end the sale of non-menthol flavored pipe tobacco?	Tracking	0	Yes; Partial; No
6d1. If Partial, are adult-only/specialty tobacco retailers required to end the sale of non-menthol flavored pipe tobacco?	Tracking	0	Yes; No; Not Specified
6d2. If Partial, are tobacco bars / lounges) required to end the sale of non-menthol flavored pipe tobacco?	Tracking	0	Yes; No; Not Specified
6d3. If Partial, does the policy omit a buffer zone provision for non-menthol flavored pipe tobacco?	Tracking	0	Yes (no buffer zone); No
6d3a. If there is a buffer zone, specify parameters.	Tracking	0	Text field
6d4. If Other Partial, specify.	Tracking	0	Text field

Fields	Category	Max Points	ANRF Suggested Weighting (Points)
<p>7. If #1 is “Partial” or “No”: Does the policy end sales of non-menthol flavored noncombustible tobacco products (snus, snuff, chew, etc.)?</p> <p>If there are exemptions, address all sub-questions below.</p>	Restrictiveness	9	<p>Yes, without exemptions=9;</p> <p>Certain locations exempt (e.g. adult-only/specialty retailers)=6;</p> <p>Sales permitted outside buffer zone=3;</p> <p>Other/No/Not Applicable=0</p> <p>(If more than one of these exemptions applies, choose the exemption that awards the fewest points.)</p>
7a. Are adult-only/specialty retail tobacco stores required to end the sale of flavored noncombustible tobacco products?	Tracking	0	Yes; No; Not Specified
7b. Does the policy omit a buffer zone provision for all flavored noncombustible products?	Tracking	0	Yes (no buffer zone); No
7b1. If there is a buffer zone, specify parameters.	Tracking	0	Text field
<p>8. If #1 is “Partial” or “No”: Does the policy end the sales of all flavors of tobacco-free nicotine products other than vaped products (e.g. lozenges, pouches like Zyn, etc.) in ALL venues/locations, with no exemptions?</p> <p>If there are exemptions, address all sub-questions below.</p>	Restrictiveness	9	<p>Yes, without exemptions=9;</p> <p>Certain locations exempt (e.g. adult-only/specialty retailers)=6;</p> <p>Sales permitted outside buffer zone=3;</p> <p>Other/No/Not Applicable=0</p> <p>(If more than one of these exemptions applies, choose the exemption that awards the fewest points.)</p>
8a. Are mint/menthol tobacco-free nicotine (non-vaped) products treated the same as all other flavors?	Tracking	0	Yes; No
8b. Are adult-only/specialty retailers required to end the sale of flavored tobacco-free (non-vaped) nicotine products?	Tracking	0	Yes; No; Not Specified

Fields	Category	Max Points	ANRF Suggested Weighting (Points)
8c. Does the policy omit a buffer zone provision for all flavored tobacco-free (non-vaped) nicotine products?	Tracking	0	Yes (no buffer zone; No
8c1. If there is a buffer zone, specify parameters.	Tracking	0	Text field
9. Does the policy end the sale of flavored accessories, components, or parts (e.g. rolling papers, blunt wraps, etc.), whether or not sold separately?	Restrictiveness	2	Yes=2; Some=1; Not stated/No=0
9a. If only some, which?	Tracking	0	Text field
10. Does the policy preclude penalizing the purchase, use, or possession of regulated products by <i>any</i> person not engaged in tobacco retailing?	Restrictiveness	2	Yes - Purchase, Use, and/or Possession not penalized, age not specified =2; Yes - Purchase, Use, and/or Possession not penalized, underage only=1; No=0
10a. If underage only, what age specific to tobacco leaf?	Tracking	0	Text field
10b. If underage only, what age specific to ESDs?	Tracking	0	Text field
11. Are the flavored product restrictions regulated via local TRL (tobacco retailer license)?	Restrictiveness	10	Yes=10; No=0
12. Are compliance checks required?	Enforcement	2	Yes, MUST do compliance checks=2; Yes, MAY do compliance checks=1; No compliance checks=0
12a. If Yes, how many?	Tracking	0	Text field
13. Does the policy specify that an enforcement entity that will be responsible for compliance monitoring of the policy?	Enforcement	2	Yes=2; No=0
13a. If Yes, health agency?	Tracking	0	Yes; No
13b. If yes, law enforcement?	Tracking	0	Yes; No
13c. If yes, fire department?	Tracking	0	Yes; No
13d. If yes, code enforcement officer?	Tracking	0	Yes; No
13e. If yes, elected officials?	Tracking	0	Yes; No
13f. If yes, administrator?	Tracking	0	Yes; No
13g. If yes, other	Tracking	0	Text field
14. Does the policy include one or more penalty options? If yes, select all that apply:	Enforcement	2	Yes=2; No=0
14a. If Yes, is there a graduated penalty system?	Tracking	0	Yes; No
14b. If Yes, are fines a possible penalty?	Enforcement	2	Yes=2; No=0
14b1. If Yes, list all fines. (For example: "1st penalty = \$100, 2nd = \$250," or Not Specified, etc.)	Tracking	0	Text field
14c. If Yes, is infraction a possible penalty?	Tracking	0	Yes; No
14d. If Yes, is misdemeanor a possible penalty?	Tracking	0	Yes; No
14e. If Yes, is injunction/ abatement of nuisance a possible penalty?	Tracking	0	Yes; No

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14f. Other specified penalties?	Tracking	0	Text field
	Total:	100	