



# REQUIREMENTS OF THE TOBACCO RETAIL LICENSING ORDINANCE

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# TOBACCO RETAIL LICENSING ORDINANCE



- On December 8, 2020, the County Board of Supervisors approved the Tobacco Retail Licensing Ordinance for the unincorporated area of San Diego County.
- The Ordinance establishes a County Tobacco Retail Licensing Program to monitor retailer compliance.

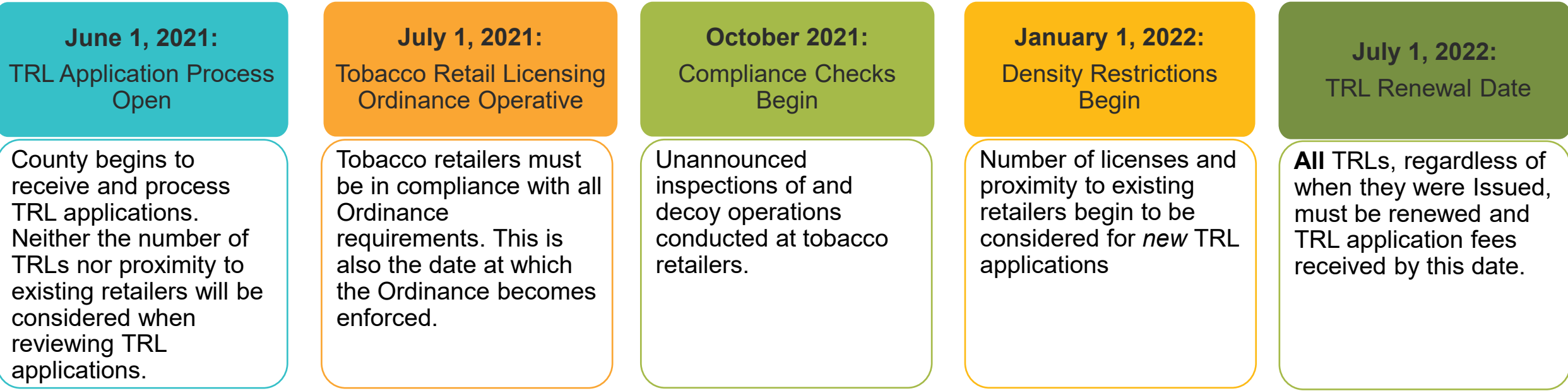


# OVERVIEW OF THE TOBACCO RETAIL LICENSING ORDINANCE



- Tobacco retailers in the unincorporated area will be required to obtain a TRL to sell tobacco products.
- Tobacco retailers must comply with operating and tobacco product requirements.
- Retailers can submit TRL applications for County review beginning **June 1, 2021**.
- The County will conduct unannounced inspections of and decoy operations at tobacco retailers beginning October 2021.
- All retailers will be required to renew their TRL by **July 1, 2022**. At that time, an annual application fee (TBD) will also be required.

# TOBACCO RETAIL LICENSING PROGRAM TIMELINE



# TRL ELIGIBILITY REQUIREMENTS



- Tobacco retailers must be licensed by California's Department of Tax and Fee Administration (<https://www.cdtfa.ca.gov/>).
- Facilities with an onsite pharmacy are *not eligible* for a TRL.
- Persons under 21 years of age are *not eligible* to receive a TRL.
- TRLs can only be transferred to a parent, child, spouse, or domestic partner for tobacco retailing at the same retail location. The transferee must submit a TRL application and meet TRL eligibility requirements.
- After January 1, 2022:
  - No new retailers within 500 feet of an already licensed tobacco retailer will be eligible for a TRL.
  - No new TRL will be issued if the current number of TRLs already issued equals or exceeds 330.

# HOW TO APPLY FOR A TRL



- To apply for a TRL, retailers must submit a TRL application with the required attachments, which include:
  - A copy of the driver license(s) or governmental ID(s) for all business owners.
  - A copy of the State of California Department of Tax and Fee Administration Cigarette and Tobacco Products License for the business location applying for a TRL.
- The TRL application is available on the County's Tobacco Control Resource Program webpages ([www.sandiegocounty.gov/hhsa/tobacco](http://www.sandiegocounty.gov/hhsa/tobacco)).
- Application processing will take approximately four to six weeks. The County will not carry out compliance monitoring activities at a retailer whose application is being processed.
- Beginning in 2022, retailers renewing or applying for a new TRL must also submit a TRL application fee. The County Board of Supervisors is expecting to pass a fee next year.
- All TRLs must be renewed and application fees paid by July 1, 2022.



## Licensed tobacco retailers should:

- Follow all federal, state and local tobacco laws.
- Clearly display the TRL.
- Verify the age of any person attempting to buy tobacco products or attempting to enter a wholesale tobacco shop or private smoker's lounge.
- Sell products only in-person and at the licensed location (no online or delivery sales).

# GENERAL OPERATING REQUIREMENTS



## Licensed tobacco retailers should not:

- Sell or gift a tobacco product to someone under the age of 21.
- Sell tobacco products in a self-service display, including vending machines.
- Permit an employee under 18 years of age to handle or sell tobacco products unless under the continuous supervision of a person 21 years of age or older.
- Offer samples, promotional items, or coupons.
- Accept coupons or discounts.



# REQUIREMENTS FOR TOBACCO PRODUCTS



## Tobacco products for sale should:

**Be in the original packaging**

**Have the price clearly displayed**

**Comply with the minimum package size and minimum price requirements**

**Not be flavored**

Loose leaf tobacco, premium cigars, and shisha for use in a hookah are exempt from this requirement.

# PACKAGE SIZE AND PRICE REQUIREMENTS



## Minimum Package Size Requirements

- **Cigars that individually cost less than \$10.00:** 6 cigars
- **Little cigars:** 20 little cigars

## Minimum Price Requirements (prices include all applicable taxes and fees)

- **Cigarettes:** \$10.00 per pack of 20
- **Cigars:** Package must be at least \$5.00 per cigar (*Example: A package of 6 cigars must cost at least \$30.00*)
- **Little cigars:** \$10:00 per pack of 20
- **Electronic smoking device:** \$20.00 per device
- **Materials to be consumed in the use of an electronic smoking device (ex. e-liquids):** \$10.00 per unit
- **Electronic smoking device starter kit:** \$30.00 per kit