

# County of San Diego Tobacco Retail Licensing Program Fact Sheet



## About the Tobacco Retail Licensing Program

On December 8, 2020, the County of San Diego (County) Board of Supervisors approved the Tobacco Retail Licensing Ordinance ([Ordinance No. 10699](#)), which established a Tobacco Retail Licensing Program for the unincorporated area of San Diego County. Program requirements can be found in the Overview of Tobacco Retail Licensing section of this document.

## Eligibility Requirements

- Tobacco retailers must be licensed by California’s Department of Tax and Fee Administration (<https://www.cdtfa.ca.gov/>).
- Facilities with onsite pharmacies are not eligible for a County Tobacco Retail License (TRL).
- Persons under 21 years of age are not eligible to receive a County TRL.
- County 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.

## Licensing Requirements for Retailers in the Unincorporated Area

July 1, 2021	July 1, 2022
<ul style="list-style-type: none"><li>• Tobacco retailers will be required to obtain a TRL to continue selling tobacco products.</li><li>• Retailers can submit TRL applications early beginning <b>June 1, 2021</b>.</li><li>• Retailers applying for a new TRL will <u>not</u> be required to submit a TRL application fee.</li></ul>	<ul style="list-style-type: none"><li>• A TRL application fee will be required.</li><li>• By July 1, 2022, all existing TRLs <u>must</u> be renewed and application fees paid, regardless of when they were issued.</li><li>• Retailers applying for a new TRL <u>must</u> submit a TRL application fee.</li></ul>

## Application Process

To apply for a TRL in the unincorporated area, retailers must submit an application and attach:

- A copy of the driver license(s) or governmental ID(s) for all business owners; and
- 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.

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.

## Compliance Monitoring and Penalties

The County will conduct compliance monitoring that will consist of unannounced site inspections of and decoy operations at all retailers at least one time a year. Inspections will include a visit to the retailer from the County’s Tobacco Control Resource Program staff. Decoy operations will include youth under 21 years of age attempting to buy tobacco products. Both activities are intended to increase compliance of local, state, and federal tobacco laws. Violations may result in suspension or revocation of the TRL as follows:

- At the first violation within any 5-year period, the TRL will be suspended for 30 days.
- At the second violation within any 5-year period, the TRL will be suspended for 60 days.
- At the third violation within any 5-year period, the TRL will be suspended for 90 days.
- At the fourth violation within any 5-year period, the license will be revoked.

Any retailer found in violation of the TRL has the right to appeal County findings.

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### Additional Resources and Contact Information

Additional information and resources to help retailers comply with the Ordinance, including a Frequently Asked Questions document and the County TRL application, can be obtained by:

- Visiting the County’s Tobacco Control Resource Program webpages at: [www.sandiegocounty.gov/hhsa/tobacco](http://www.sandiegocounty.gov/hhsa/tobacco).
- Contacting the Compliance Officer in the County’s Tobacco Retail Licensing Program with questions via e-mail at [tobacco@sdcounty.ca.gov](mailto:tobacco@sdcounty.ca.gov) or phone at (691) 542-4178.

### Overview of Tobacco Retail Licensing

General Operating Requirements	<ul style="list-style-type: none"> <li>• Licensed tobacco retailers should:                         <ul style="list-style-type: none"> <li>○ Follow all federal, state, and local tobacco laws.</li> <li>○ Clearly display their TRL in the retail establishment.</li> <li>○ Verify the age of any person attempting to purchase tobacco products. Tobacco shops or private smoker’s lounges must verify the age of any person wishing to enter.</li> <li>○ Sell tobacco products only in-person and at the licensed location.</li> </ul> </li> <li>• Licensed tobacco retailers should not:                         <ul style="list-style-type: none"> <li>○ Sell or gift a tobacco product to someone under the age of 21.</li> <li>○ Sell tobacco products in a self-service display, including vending machines.</li> <li>○ Sell tobacco products online or deliver tobacco products.</li> <li>○ 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.</li> <li>○ Honor or offer to honor coupons.</li> <li>○ Sell any product through multiple-package discounts.</li> <li>○ Provide any free or discounted item to a customer in consideration for the purchase of any tobacco product.</li> <li>○ Distribute promotional items or coupons for tobacco products.</li> <li>○ Sell or offer for sale flavored tobacco products or tobacco product flavor enhancers.                                 <ul style="list-style-type: none"> <li>▪ Loose leaf tobacco, premium cigars, or shisha tobacco products for use in a hookah are exempt from this requirement.</li> </ul> </li> </ul> </li> </ul>
Tobacco Product Requirements	<ul style="list-style-type: none"> <li>• Tobacco products for sale should:                         <ul style="list-style-type: none"> <li>○ Be in the original packaging and conform to all applicable federal labeling and child-resistant packaging requirements.</li> <li>○ Have the price clearly displayed.</li> <li>○ Comply with the minimum package size requirements:                                 <ul style="list-style-type: none"> <li>▪ Cigars that individually cost less than \$10.00 per cigar: 6 cigars</li> <li>▪ Little cigars: 20 little cigars</li> </ul> </li> <li>○ Comply with the minimum price requirements (prices below include taxes and fees):                                 <ul style="list-style-type: none"> <li>▪ Cigarettes: \$10.00 per package of 20 cigarettes</li> <li>▪ Cigars: Package must be at least \$5.00 per cigar (<i>Example: A package of 6 cigars must cost at least \$30.00</i>)</li> <li>▪ Little cigars: \$10.00 per package of 20 little cigars</li> <li>▪ Electronic smoking device (ESD): \$20.00 per device</li> <li>▪ Materials consumed during the use of an ESD, e.g., E-liquids: \$10.00 per unit (<i>Example: A package of 2 liquid-containing cartridges must sell for at least \$20.00.</i>)</li> <li>▪ ESD starter kits (a package of an ESD and materials consumed during the use of the device): \$30.00 per kit</li> </ul> </li> </ul> </li> </ul>