



# County of San Diego

## TOBACCO RETAIL LICENSE AFFIRMATION OF COMPLIANCE WITH TOBACCO LAWS

The sale of tobacco products in the unincorporated area of San Diego County requires a County-issued Tobacco Retail License.

Tobacco retailers are responsible for reviewing and complying with all laws pertaining to tobacco sales in the unincorporated areas of San Diego County. Applicants for a new Tobacco Retail License must review the following San Diego County Code (SDCC) requirements, initial each section below, and sign the acknowledgement at the end of the document. Please contact the Tobacco Retail Licensing Program at [phs-trlapplications.hhsa@sdcounty.ca.gov](mailto:phs-trlapplications.hhsa@sdcounty.ca.gov) if you have questions.

### LICENSE REQUIREMENTS

<b>California Department of Tax and Fee Administration License.</b> <b>SDCC § 21.2603 (c). LAWFUL BUSINESS OPERATION.</b> In the course of tobacco retailing or in the operation of the business or maintenance of the location for which a license issued, it shall be a violation of this chapter for a licensee, or any of the licensee's agents or employees, to violate any local, State, or federal law applicable to tobacco products, tobacco retailing, or on-premises tobacco use ( <i>i.e., retailer must have a valid state tobacco retail license and post it where consumers can see it.</i> )	<b>Initial 1</b>
<b>County of San Diego Tobacco Retail License.</b> <b>SDCC § 21.2603 (d). DISPLAY OF LICENSE.</b> Each tobacco retailer licensee shall display its license pursuant to section 21.111 of the code at the fixed location for which the license was granted ( <i>i.e., retailer must have a valid County tobacco retail license and post it where consumers can see it.</i> )	<b>Initial 2</b>

### OPERATING REQUIREMENTS

<b>No onsite pharmacy.</b> <b>SDCC § 21.2606 (a). PHARMACIES.</b> No license may be issued to authorize tobacco retailing at a location with an onsite pharmacy.	<b>Initial 3</b>
<b>STAKE Act age-of-sale warning sign displayed at the point of purchase.</b> <b>SDCC § 21.2603 (c). LAWFUL BUSINESS OPERATION.</b> In the course of tobacco retailing or in the operation of the business or maintenance of the location for which a license issued, it shall be a violation of this chapter for a licensee, or any of the licensee's agents or employees, to violate any local, State, or federal law applicable to tobacco products, tobacco retailing, or on-premises tobacco use ( <i>i.e., a STAKE [Stop Tobacco Access to Kids Enforcement] Act sign must be displayed at each cash register. Free signs are available from the Tobacco Control Resource Program.</i> )	<b>Initial 4</b>
<b>Business does not sell or gift a tobacco product to a person younger than age 21, including members of the military.</b> <b>SDCC § 21.2603 (e). MINIMUM LEGAL AGE OF SALE AND GIFT.</b> No tobacco retailer shall sell or gift a tobacco product to a person under the age of legal age of purchase for tobacco products.	<b>Initial 5</b>
<b>Business checks valid ID before selling tobacco products to anyone under the age of 30 years.</b> <b>SDCC § 21.2603 (f). POSITIVE IDENTIFICATION REQUIRED.</b> No person engaged in tobacco retailing shall sell a tobacco product to another person who is under the age of 30 years without first examining the identification of the recipient to confirm that the recipient is at least the minimum age for sale of tobacco products. For a retail or wholesale tobacco shop, or accompanying private smoker's lounge, such age verification shall be required for entry.	<b>Initial 6</b>



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<p><b>No self-service displays.</b>  <b>SDCC § 21.2603 (g). SELF-SERVICE DISPLAYS PROHIBITED.</b> Tobacco retailing by means of a self-service display is prohibited (<i>i.e., all items specifically related to tobacco use, including countertop and walk-in cigar humidors, tobacco rolling papers, and hookah pipes, must be kept in a locked area or behind the counter. This prohibition does not apply to cigarette lighters.</i>)</p>	<b>Initial 7</b>
<p><b>Clerk is at least 18 years of age or, if under 18 years, under the continuous supervision of someone 21 years of age or older.</b>  <b>SDCC § 21.2603 (i). MINIMUM CLERK AGE.</b> No tobacco retailer may 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.</p>	<b>Initial 8</b>

### TOBACCO PRODUCT REQUIREMENTS

<p><b>No flavored tobacco products or tobacco product flavor enhancers are offered for sale.</b>  <b>SDCC § 21.2604. SALE OF FLAVORED TOBACCO PRODUCTS PROHIBITED.</b> A tobacco retailer, or any of the tobacco retailer’s agents or employees, shall not sell, offer for sale, or possess with the intent to sell or offer for sale, a flavored tobacco product or a tobacco flavor enhancer (<i>i.e., flavored tobacco rolling papers cannot be sold. Flavored “e-liquids” that do not contain tobacco or nicotine are defined as tobacco products and cannot be sold. Flavored “e-liquids” with synthetic/non-tobacco nicotine cannot be sold. Flavored premium cigars that cost at least \$12 before tax, and flavored loose leaf pipe tobacco can be sold by all retailers. However, flavored shisha tobacco can be sold by hookah tobacco retailers that do not permit any person under 21 years of age to be present or enter the premises at any time. Advertisements or signage promoting flavored tobacco products cannot be displayed.</i>)</p>	<b>Initial 9</b>
<p><b>Tobacco products are sold in original manufacturer’s packaging.</b>  <b>SDCC § 21.2605 (a). PACKAGING AND LABELING.</b> No tobacco retailer shall sell any tobacco product to any consumer unless such product:          (1) Is sold in the original manufacturer’s packaging intended for sale to consumers,          (2) Conforms to all applicable federal labeling requirements, and          (3) Conforms to all applicable child-resistant packaging requirements.</p>	<b>Initial 10</b>
<p><b>Coupon and promotional items prohibitions are met.</b>  <b>SDCC § 21.2605 (c.) PROHIBITION OF TOBACCO COUPON REDEMPITON AND DISCOUNTS.</b> No tobacco retailer shall:          (1) Honor or redeem, or offer to honor or redeem, a coupon to allow a consumer to purchase a tobacco product for less than the full retail price (<i>i.e., ads/signage describing discounts or special offers, such as “two for one”, cannot be displayed.</i>)          (2) Sell any tobacco product to a consumer through a multiple-package discount, including cartons, or otherwise provide any such product to a consumer for less than the full retail price in consideration for the purchase of any tobacco product or other item (<i>i.e., includes “two-for-one” and similar promotions. Also means that a carton of cigarettes must sell for 10 times the price of an individual pack of cigarettes.</i>)          (3) Provide any free or discounted item in consideration for the purchase of any tobacco product.</p>	<b>Initial 11</b>



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<p>(4) Distribute promotional items or coupons for tobacco products (<i>i.e., all reward programs involving tobacco products are prohibited.</i>)</p>	
<p><b>Prices of products offered for sale are clearly and conspicuously displayed.</b>  <b>SDCC § 21.2605 (b). DISPLAY OF PRICE.</b> The price of each tobacco product offered for sale shall be clearly and conspicuously displayed to indicate the price of the product. (<i>i.e., the price must be large enough and displayed in such a way that the consumer can read it. This requirement applies to all products devoted to tobacco use, including rolling papers, hookah equipment. It does not apply to lighters, which can be used for many purposes.</i>)</p>	<b>Initial 12</b>
<p><b>Minimum package size requirements are met.</b>  <b>SDCC § 21.2605 (d). MINIMUM PACKAGE SIZE FOR CIGARS AND LITTLE CIGARS.</b> No tobacco retailer shall sell:</p> <p>(1) Any <b>cigar</b> unless it is sold in a package of at least six cigars. This subsection shall not apply to a cigar that has a price of at least \$10.00 per cigar (<i>i.e., cigars can be sold individually as long as they cost \$9.28 before tax</i>), including all applicable taxes and fees.</p> <p>(2) Any <b>little cigar</b> unless it is sold in a package of at least twenty little cigars (<i>i.e., includes Swisher Sweets, Black and Milds, and similar products. Little cigars cannot be bundled together or sold in packaging intended for use by retailers to display the products for sale. Additionally, all cigarettes must be sold in packs of at least twenty cigarettes.</i>)</p>	<b>Initial 13</b>
<p><b>Minimum price requirements are met.</b>  <b>SDCC § 21.2605 (e). MINIMUM PRICES FOR CIGARETTES, CIGARS, LITTLE CIGARS AND ELECTRONIC SMOKING DEVICES.</b> No tobacco retailer shall sell:</p> <p>(1) <b>Cigarettes</b> at a price that is less than \$10.00 (<i>\$9.28 before tax</i>) per package of 20 cigarettes, including taxes and fees.</p> <p>(2) <b>Cigars</b> in a package at a price that is less than \$5.00 (<i>\$4.64 before tax</i>) per cigar, including all applicable taxes and fees (<i>i.e., cigars sold individually or in packages of less than six must cost at least \$9.28 per cigar before tax.</i>)</p> <p>(3) <b>Little cigars</b> at a price that is less than \$10.00 (<i>\$9.28 before tax</i>) per package of 20 little cigars, including applicable taxes and fees (<i>i.e., includes Swisher Sweets, Black and Milds, and similar products.</i>)</p> <p>(4) <b>Electronic smoking devices</b> at a price of less than \$20.00 (<i>\$18.56 before tax. Applies to a device that contains a power source and is sold without e-liquids, but to which e-liquids can be added. Does not apply to USB charging devices sold separately and to which e-liquids cannot be added.</i>)</p> <p>(5) <b>Child-resistant container</b> (<i>i.e., cartridge, pod, bottle</i>) of material to be consumed in the use of an electronic smoking device at a price less than \$10.00 (<i>\$9.28 before tax</i>) per unit, including all applicable taxes and fees (<i>i.e., two units of e-liquids must cost at least \$20 [\$18.56 before tax], three units must cost at least \$30 [\$27.84 before tax], and four units must cost at least \$40 [\$37.12 before tax].</i>)</p> <p>(6) <b>Electronic smoking device starter kits</b> at a price less than \$30.00 (<i>\$27.84 before tax</i>) per kit. (<i>i.e., includes pre-filled disposable devices such as Puff Bars and devices sold with one cartridge or pod. An additional \$10 (\$9.28 before tax) must be charged for each additional unit sold with the device.</i>)</p>	<b>Initial 14</b>



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#### PRIVATE SMOKERS' LOUNGES AND RETAIL OR WHOLESALE TOBACCO SHOPS

<p><b>Business prohibits smoking when there is food or drink consumption inside.</b>  <b>SDCC § 21.2603 (c). LAWFUL BUSINESS OPERATION.</b> In the course of tobacco retailing or in the operation of the business or maintenance of the location for which a license issued, it shall be a violation of this chapter for a licensee, or any of the licensee's agents or employees, to violate any local, state, or federal law applicable to tobacco products, tobacco retailing, or on-premises tobacco use (<i>i.e., California Labor Code 6404.5, Prohibition of Smoking in Workplace, and SDCC § 32.871, et seq. Smoke-Free Outdoor Dining.</i>)</p>	<b>Initial 15</b>
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<p><b>Business checks valid ID before allowing entrance.</b>  <b>SDCC § 21.2603 (c). LAWFUL BUSINESS OPERATION.</b> In the course of tobacco retailing or in the operation of the business or maintenance of the location for which a license issued, it shall be a violation of this chapter for a licensee, or any of the licensee's agents or employees, to violate any local, State or federal law applicable to tobacco products, tobacco retailing, or on-premises tobacco use (<i>i.e., entrance to an adult-only smoke shop or a private smokers' lounge cannot be granted without verifying age by means of a valid government ID.</i>)</p>	<b>Initial 16</b>
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#### PENALTIES

<p><b>A tobacco retailer's license may be suspended or revoked for violations.</b>  <b>SDCC § 21.2608 (a). LICENSE MAY BE SUSPENDED OR REVOKED.</b> The license may be suspended for 30 days for a first violation, 60 days for a second violation within five years, and 90 days for a third violation within five years. The license may be revoked for a fourth violation within five years. Retailers are prohibited from selling any tobacco products while their license is suspended.</p>	<b>Initial 17</b>
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<p><b>Administrative and civil penalties can be issued for ordinance violations.</b>  <b>SDCC § 21.2608 (b).</b> The Issuing Officer may pursue any additional remedy for violation of this chapter including, but not limited to, administrative civil penalties pursuant to Title 1, Division 8, Chapter 2 of the code (<i>i.e., penalties can be issued for up to \$1,000 per day per violation up to \$50,000 for a single violation in any 12-month period.</i>)</p>	<b>Initial 18</b>
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<p><b>Public nuisance abatement.</b>  <b>SDCC § 21.2608 (c).</b> Any violation of this chapter may also be deemed a public nuisance and may be enforced by any remedy available for abatement of public nuisances.</p>	<b>Initial 19</b>
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#### ACKNOWLEDGEMENT

<b>Store Name (DBA)</b>
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<b>State Tobacco Retail License #</b>
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I have reviewed and agree to comply with the tobacco laws affecting the San Diego County Tobacco Retail License and am in compliance with all of the above requirements.	<b>Initial 20</b>
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.	<b>Initial 21</b>
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<b>First Name</b>	<b>Last Name</b>
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**Role of Authorized Signer with Business:** *(Check one)*

- Individual Owner
- Partner
- Registered Agent for LLC
- Employee/Manager/Corporate Representative
- Legal Agent (e.g., accountant, business agent, attorney)
- Other: \_\_\_\_\_

**Signature** *(Retailers can type in first name and last name to serve as their signature OR print, manually sign, and scan document).*

**Date**

If you have questions or need help, please contact us at [phs-trlapplications.hhsa@sdcounty.ca.gov](mailto:phs-trlapplications.hhsa@sdcounty.ca.gov).

WW: kb (C:\Users\dkelley\OneDrive - County of San Diego\Tobacco Retail Licensing\Application Process FY 24-25\Affirmation Form FY 24-25\TRL Affirmation Form FINAL v3.pdf) 3/22/24