

Santa Cruz County Tobacco Retail License

Frequently Asked Questions

Am I a tobacco retailer?

A tobacco retailer means any person or business that sells, offers for sale or distribution, exchanges, or offers to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia without regard to the quantity sold, distributed, exchanged, or offered for exchange.

What are tobacco products?

A tobacco product is any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco.

What is tobacco paraphernalia?

Tobacco paraphernalia includes cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed or used for the smoking or ingestion of tobacco products.

What is the state law regarding sales of drug paraphernalia?

Although selling tobacco paraphernalia is legal, California does prohibit the sale of “drug paraphernalia,” defined as items that are “designed for use” or “marketed for use” with drugs (California Health and Safety Code § 11014.5). Also, selling “drug paraphernalia” is illegal under state law if there is reason to know that the item will be used for taking drugs (California Health and Safety Code § 11364.7).

How does a tobacco retailer license work?

Tobacco retailers in the unincorporated areas of the County are required to submit an application for a tobacco retail license, pay an annual fee, and meet certain requirements of the ordinance in order to obtain and maintain a tobacco retailer license.

I already have a state tobacco license issued by the California State Board of Equalization. Why do I need a tobacco license from the County?

The tobacco license issued by the California State Board of Equalization is meant to curb tobacco tax fraud and the counterfeiting of tobacco products. That license does not preempt local jurisdiction from adopting local tobacco licenses. On April 5th, 2011 the Santa Cruz County Board of Supervisors adopted an ordinance adding Chapter 5.60 to the Santa Cruz County Code relating to the licensing of tobacco retailers. The ordinance promotes responsible tobacco retailing and compliance with federal, state and local tobacco-related laws, especially those that *prohibit the sale or distribution of tobacco products to minors*.

To legally sell tobacco products in the unincorporated areas of the County, you will need a valid state tobacco license *and* a County tobacco license. This requirement is in effect as of July 1st, 2011.

What does the County’s tobacco license require?

The license requires that tobacco retailers comply with federal, state and local tobacco-related laws, including provisions of the County’s tobacco license. Information about the County’s tobacco license is provided in this FAQ and can also be found in Chapter 5.60 “Tobacco Retailing License” of the Santa Cruz County Code.

Educational materials regarding state and federal tobacco laws can be obtained by contacting the Santa Cruz County Tobacco Education Program at 454-4141.

How much is the license?

In 2011, the annual license is \$318.

How long is the license effective?

The term of the license is one (1) year beginning each fiscal year on July 1st and ending on June 30th of the following year. Each license must be renewed annually. You will receive an invoice along with an Annual Renewal Application from the County typically 8 weeks prior to the expiration of the license.

When must I re-apply for a license?

Each tobacco retailer needs to apply for renewal of the tobacco retailing license (TRL) and submit the license fee no later than thirty (30) days before the expiration date of the TRL. A tobacco retailing license may not be transferred from one (1) person to another or from one (1) location to another.

Is my tobacco retailer license transferable if I sell my business or pass it down to a family member?

No, tobacco retailers cannot transfer their license from one person to another or from one location to another. Whenever a new person obtains ownership in a business for which a tobacco retailer license has been issued, a new tobacco retailer license is required.

Can I sell tobacco from a mobile location such as a truck or car?

No, mobile vending is prohibited. Pushcart vendors, food trucks, foot peddlers, etc. cannot sell tobacco products.

What do I do if I have multiple tobacco retailing locations?

Each location that sells tobacco products and/or tobacco paraphernalia must have its own license. Each location must pay the annual license fee.

Will there be inspections?

Yes. Undercover inspections will be conducted to see if stores are selling to minors. In addition, Environmental Health inspectors will conduct site inspections for compliance with other local, state, and federal tobacco retail laws.

What will happen if I am cited for a license violation during an inspection?

Violations of the license are subject to monetary fines, suspension and/or revocation of the license.

What if I no longer want to sell tobacco products?

Please notify the Environmental Health Department at 701 Ocean Street, Room 312, Santa Cruz, CA 95060. They will provide you with a "Declaration of Non-Tobacco Retailing" form to complete.

Who do I contact if I have additional questions?

For questions about the application and permit requirements, please contact Environmental Health at (831) 454-2022 or send an email to ENV.HLTH@co.santa-cruz.ca.us

For questions about what are the laws pertaining to tobacco retailing, please contact the Chronic Disease and Injury Prevention Unit at (831) 454-4141.