

TOBACCO RETAILER LICENSE

Model Policy Checklist

This document summarizes the core provisions of an optimal Tobacco Retailer License Ordinance, based on the model policy developed by the Law and Policy Partnership to End the Commercial Tobacco Epidemic (the Partnership).^{*} For help tailoring an ordinance to local needs and preferences, please contact us at publichealthlawcenter.org/caltobacco. For further details, see our expanded model policy.

Core Provisions

Tobacco Retail License Requirements

- License required for all tobacco retailing
- Nontransferable
- Fees fully cover costs of administration/enforcement
- Applicable to one fixed location only
- Age verification required for all transactions
- No pharmacy licensees

Density Limitations

- Population density: allowable licenses limited by population
- Proximity to other retailers: minimum distance from another tobacco or cannabis retail licensee
- Proximity to youth: minimum distance from any youth-friendly facility or location (e.g., school, park, community center)

continued

^{*} Public Health Law Center, *California Comprehensive Tobacco Retailer License Ordinance* (2020), Law and Policy Partnership to End the Commercial Tobacco Epidemic.



Core Provisions *continued*

Prohibitions

- Smoking — including e-cigarette use — is prohibited inside and within 25 feet of a licensed retailer
- All flavored tobacco products, including menthol, prohibited for sale
- On-site sales with the final customer only/no delivery sales
- Self-service displays prohibited

Packaging and Labeling

- Retailers may only sell products that 1) are in the manufacturer's original packaging, 2) conform to all federal labeling requirements, and 3) conform to all child-resistant packaging requirements
- Prices clearly marked
- Minimum quantity for cigarettes and little cigars of 20
- Minimum quantity for non-single-purchase cigars of 6

Pricing

- No tobacco product should be sold below an established minimum price
- No coupons/discounts honored
- No free samples or promotions

Penalties

- Selling tobacco products without a license shall result in tiered penalties, including fines and license suspensions
- Violations are a public nuisance
- Options for civil or criminal legal action against retailers

Definitions

- Comprehensive definition of tobacco products including electronic smoking devices, nicotine products, heated products, other plant products, natural and synthetic products, and components or accessories

License Revocation

- License revoked after a minimum number of violations in a defined period
- Enforcement only against employers/licensees

Compliance

- Enforcement conducted by a civil local government agency (e.g., code enforcement department)
- Multiple inspections annually
- Underage decoy operations annually

Miscellaneous

- Include detailed findings and purpose section
- No purchase, use, possession (PUP) penalties

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