



# Tobacco Retailer Permitting Program

## FREQUENTLY ASKED QUESTIONS

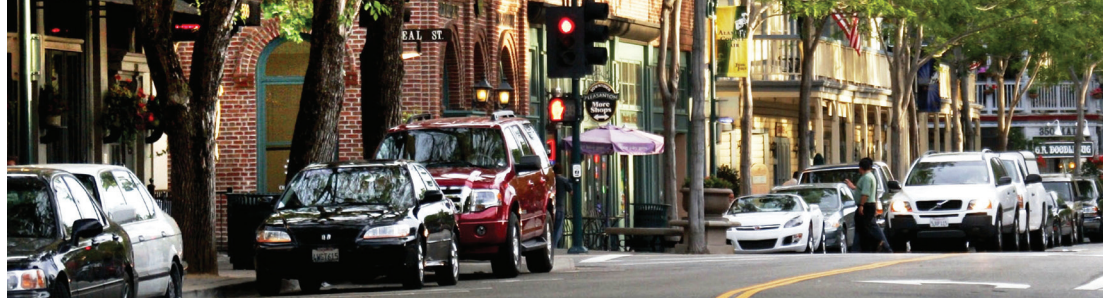
### 1. Why was the Tobacco Retailer Permitting Ordinance passed in Pleasanton?

The [Tobacco Retailer Permit Ordinance](#) was passed:

1) to ensure that retailers comply with city, state and federal tobacco control laws to protect the health, safety, and welfare of the Pleasanton community; and 2) to limit youth access to tobacco and nicotine products. Elected and appointed officials are concerned that flavored tobacco and nicotine products, as well as electronic smoking devices, are being used by a high percentage of underage youth. Reducing youth exposure to these products will counteract marketing targeting underage youth, as well as decrease potential addiction and health consequences.

### 2. What are the new restrictions associated with this new ordinance?

- **Any retailer who sells tobacco or nicotine products needs to acquire an annual Tobacco Retailer Permit from the City of Pleasanton.**
- **The sale of flavored tobacco products, including menthol cigarettes, is prohibited.** Flavored tobacco products can include, but are not limited to, flavored: cigarettes, cigars, cigarillos, little cigars, Swishers, chewing tobacco, pipe tobacco, snuff, hookah, e-cigarette cartridges, e-juice, JUUL pods, and other flavored components for vaporizers. NOTE: There are no exceptions to the prohibition on flavored tobacco products. The exemptions provided in SB 793 are not recognized in Pleasanton.
- **The sale of electronic smoking devices, and related paraphernalia, is prohibited.** Electronic smoking devices can include, but are not limited to, flavored: e-cigarettes, e-cigars, e-pipes, and e-hookah. Related paraphernalia can include, but it not limited to, e-cigarette cartridges, e-juice, pods, tanks, atomizers and other components.
- **Retailers cannot keep at their stores, whether in the front retail area or back warehouse / stockroom, four or more flavored tobacco products or electronic smoking devices and related paraphernalia.** There is a presumption that a tobacco retailer or tobacco store with four or more such products has an intent to sell (which is prohibited).
- **Retailers must sell cigarettes, cigarillos, small cigars and little cigars in packs of twenty (20) priced at not less than eight dollars (\$8).** Retailers may not sell cigarettes, cigarillos, small cigars or little cigars in a pack with less than twenty (20). Retailers may not sell cigarettes, cigarillos, small cigars or little cigars packs for less than 8 dollars (\$8), plus sales tax.
- **The sale of single cigars for less than seven dollars (\$7) is prohibited.** Retailers may not sell single cigars for less than 7 dollars (\$7), plus sales tax.
- **Retailers must sell packages of cigars in minimum packs of five (5) priced at not less than eight dollars (\$8).** Retailers may not sell cigars in a pack with less than five (5) cigars. Retailers may not sell cigar packs for less than eight dollars (\$8) per pack, plus sales tax.
- **Coupons or discounts are prohibited.** Retailers may not redeem coupons or offer multi-package discounts if it results in a purchase price for less than the minimums described above.



### **3. What is a flavored tobacco product?**

A flavored tobacco product is any tobacco product which contains an ingredient that imparts a characterizing flavor.

A characterizing flavor is a taste or aroma other than the taste or aroma of tobacco. Examples of characterizing flavor include:

- Menthol, mint, and wintergreen
- Fruit flavors such as grape, cherry, mango, and watermelon
- Chocolate, vanilla, honey, candy and dessert
- Alcohol flavors such as wine, apple martini, piña colada, rum, and cognac
- Herb or spice flavors such as clove and cinnamon

### **4. What is an electronic smoking device and related paraphernalia?**

An electronic smoking device is an electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, e-cigar, e-pipe or e-hookah. Related paraphernalia includes e-juice, pods, tanks, atomizers, tips, and chargers.

### **5. No new tobacco retailers within 1,000 feet of a public school, park or recreation facility.**

No new tobacco retailers can open for business within 1,000 feet of a public school, park or recreation facility. Existing tobacco retailers within such 1,000 foot area may continue to sell tobacco products, but cannot expand their stores, or change locations within that 1,000 foot area.

### **6. When does the ordinance go into effect?**

The ordinance went into effect September 2020. However, Tobacco Retailer Permit applications are due in January 2021 in tandem with a City of Pleasanton Business License. Enforcement regarding compliance of the new regulations (ban on flavored tobacco and nicotine products, ban on electronic smoking devices, and minimum package sizes and prices) will begin on January 1, 2021. The application for a Tobacco Retailer Permit is available for download from the City's Business License Division webpage at <https://www.cityofpleasantonca.gov/business/license.asp>.

### **7. Who is considered a tobacco retailer?**

A tobacco retailer is any person or business that sells, offers for sale or distribution, exchanges, or offers to exchange for any form of consideration for tobacco, tobacco or nicotine products, or related paraphernalia on a retail basis. Tobacco retailers must also possess a California State Cigarette and Tobacco License in order to sell tobacco products in the state. No tobacco sales are permitted from mobile vending.

### **8. What are considered tobacco products?**

A tobacco product includes any product containing, made, or derived from tobacco or nicotine intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff and blunt wraps. It also includes any electronic device that delivers nicotine or other substances to the person inhaling from the device including, but not limited to, an electronic cigarette, e-cigar, e-pipe, or e-hookah. A tobacco product does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.



## 9. What is tobacco paraphernalia?

Tobacco paraphernalia includes, but is not limited to, cigarette papers or wrappers, blunt wraps, pipes, holders of smoking materials of all types, cigarette rolling machines, e-cigarette liquid pods, and any other item designed for the smoking or ingestion of tobacco products.

## 10. How do retailers obtain a Tobacco Retailer Permit?

The information on how to obtain a Permit is available on the Business License Division webpage at <https://www.cityofpleasantonca.gov/business/license.asp>. Retailers must submit their application in tandem with their City of Pleasanton Business License in order to be in compliance.

## 11. Is there a fee to apply for a Tobacco Retailer Permit?

The initial application fee is \$550, and subsequent annual renewals are \$450.

## 12. How does a Tobacco Retailer Permit work?

Tobacco retailers in Pleasanton are required to submit an application for a Tobacco Retailer Permit and meet ordinance requirements to obtain and maintain a Permit.

## 13. What is the difference between the State Permit and this City Permit?

The California Cigarette and Tobacco Products Retailer's License is intended to prevent retailers from avoiding tax and selling unregulated tobacco products. Pleasanton's Tobacco Retailer Permit will not supplant California's required tobacco license. Unlike the State license, a local permit supports local compliance and enforcement checks of youth access laws and local tobacco laws.

## 14. What is the minimum age to purchase tobacco products?

The federal and state legal minimum age for the purchase for tobacco products is 21 with no exemption for military personnel.

## 15. What will happen if a retailer is cited for a permit violation during an inspection?

Violations are subject to permit suspension and/or revocation.

## 16. How long is the Tobacco Retailer Permit effective?

The term of the Permit is one (1) year. Each Permit must be renewed annually by January in tandem with a City of Pleasanton Business License.

## 17. What happens if a retailer wants to sell their business? Is their Tobacco Retailer Permit transferrable to potential new owners?

No. A Tobacco Retailer Permit may not be transferred from one person to another or from one location to another. A new permit is required whenever a tobacco retailing location has a change in proprietor(s).

## 18. What does it mean for a business if they cannot obtain a Tobacco Retailer Permit?

A Tobacco Retailer Permit is not the same as a Business License. Retailers (for example, grocery stores or gas stations) that do not have a Tobacco Retailer Permit may still operate their business, but will not be able to sell tobacco products.

## 19. What should a retailer do if they have multiple tobacco retailing locations?

Each location in Pleasanton that sells tobacco products and/or tobacco paraphernalia must have its own Tobacco Retailer Permit.

## 22. Is there an appeal process?

There is a process in place to appeal a denial, suspension, or revocation of a Tobacco Retailer Permit.

For more information please visit [www.cityofpleasantonca.gov/gov/hottopics/tobacco\\_restrictions/default.asp](https://www.cityofpleasantonca.gov/gov/hottopics/tobacco_restrictions/default.asp) or contact [tobaccoreg@cityofpleasantonca.gov](mailto:tobaccoreg@cityofpleasantonca.gov).