

Tobacco Retailer Laws: Los Altos

Tobacco Retailers are required to:

Tobacco Retailer Permit

- Get a permit (also known as a license) to sell tobacco products from both:
 1. The California Department of Tax and Fee Administration AND
 2. The City of Los Altos

Two permits are required for each retail location. The permit must be renewed each year and displayed at the store.

Tobacco Permit Eligibility

- Permits cannot be issued to a new tobacco retail outlet within 1,000 feet of a school or within 500 feet of other tobacco retailers. Existing tobacco retailers are allowed to continue operating in these locations unless the retailer doesn't renew the permit on time.
- Permits cannot be issued to a location with a licensed pharmacy.

Tobacco Sales

- Check ID for anyone under age 27.
- Post a sign, at EACH register, saying that it's illegal to sell tobacco products to anyone under age 21. Free STAKE Act signs are available from the California Department of Public Health: <https://bit.ly/3hiL6Sa>

NOTE: The We Card sign provided by the tobacco industry does not meet the state law requirements.

It is illegal to:

- Sell tobacco products to anyone under the age of 21.

"Tobacco product" includes: cigarettes, cigars, little cigars or cigarillos, smokeless tobacco, hookah, electronic smoking devices with or without nicotine, and any products for use with electronic smoking devices (such as e-liquids with or without nicotine).

- Sell electronic cigarette products, such as e-cigarettes, vape pens, tanks, and mods.
- Sell the following flavored tobacco products: e-cigarettes or vapes that deliver nicotine or another vaporized liquid, e-juice, pods, or cartridges, cigarettes including menthol, little cigars or cigarillos, smokeless tobacco products, blunt wraps, loose-leaf roll-your-own tobacco, tobacco rolling papers, or tobacco product flavor enhancers.¹ Examples of flavors include but are not limited to fruit, mint, menthol, candy, alcohol, and spice.
- Licensed adult-only tobacco retailers who meet the requirements outlined in the footnote may continue to sell premium cigars, loose leaf pipe tobacco, and premium cigars.²
- Sell single cigarettes.
- Sell tobacco products through a self-service display (an open display that the public can access without the help of a clerk).
- Sell tobacco products through a vending machine.
- Give away free or low-cost cigarettes or smokeless tobacco products, or coupons for such products.

It is illegal to: (continued)

Advertising

- Cover more than 15% of windows with temporary signs or block the view inside the store with storefront advertising.

Penalties

Retailers who sell tobacco without a permit/license or who violate any local, state, or federal tobacco control laws are subject to the following penalties:

	1st Violation within 5 years	2nd Violation within 5 years	Each Additional Violation within 5 years
Selling Tobacco Products to a Minor or Violating Other Tobacco Laws	Permit suspension for up to 30 days	Permit suspension for 1 year	Permit revocation

Additional Resources

For additional information, please visit www.sccphd.org/tobaccofree or contact the Santa Clara County Tobacco-Free Communities Program at tobaccoprevention@phd.sccgov.org or (408) 885-4456.

References

Los Altos Municipal Code Chapter 4.48, section 14.68.140; California Business & Professions Code Divisions 8.5 and 8.6, section 25612.5; California Health & Safety Code section 118950 and 104559.5; California Penal Code sections 308, 308.2, 308.3; United States Code Title 21, sections 387f, 387g; Code of Federal Regulations, Title 21, Part 1140; 85 Federal Register 23973.

¹ Tobacco product flavor enhancers include any product that adds flavoring to a tobacco product, even if the product does not have tobacco or nicotine in it.

² Premium cigars must be handmade; have a tobacco leaf wrapper; have a wholesale price of no less than \$12; not have a filter, tip, or non-tobacco mouthpiece; and be capped by hand. Tobacco product flavor enhancers include any product that adds flavoring to a tobacco product, even if the product does not have tobacco or nicotine in it. Loose-leaf pipe tobacco does not include any tobacco product sold and/or used for making cigarettes, including roll-your-own cigarettes. These products may only be sold in licensed tobacco retailers who meet the following requirements: 1) Do not allow anyone under the age of 21 to enter and post a sign outside stating no one under 21 allowed inside; 2) Primarily sells tobacco products (more than 60% of gross revenues must come from tobacco product sales); and 3) Does not sell any food or alcohol beverages for consumption at the business.

Fact sheet provided by the Santa Clara County Department of Public Health, Tobacco-Free Communities Program for educational purposes only.

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