

# Tobacco Retailer Laws: Saratoga

## 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 smoking devices that can be used to deliver nicotine or other substances in aerosolized or vaporized forms, such as e-cigarettes, vape pens, tanks, mods, and any (flavored or unflavored) nicotine liquids or other liquids or substances that can be used in any electronic smoking product devices.
- Sell the following flavored products: cigarettes including menthol, cigars, little cigars or cigarillos, smokeless tobacco products, hookah/shisha, blunt wraps, loose-leaf roll-your-own tobacco, tobacco rolling papers, or tobacco product flavor enhancers<sup>1</sup>. Examples of flavors include but are not limited to fruit, mint, menthol, candy, alcohol, and spice.
- Sell single cigarettes.
- Sell tobacco products through a self-service display (an open display of tobacco products that is accessible to the public without clerk assistance).
- Sell tobacco products through a vending machine.
- Allow clerks under 21 years of age to sell tobacco products.
- Give away free or low-cost cigarettes or smokeless tobacco products, or coupons for such products.

## Advertising

- Block the view inside the store with storefront advertising. For retailers who also sell alcohol, it is illegal to cover more than 33% of windows and clear doors with advertising signs of any sort, including tobacco.

## 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 Saratoga

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 500 feet of other tobacco retailers; within 1,000 feet of a school; or within 1,000 feet of a City park. 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 who appears to be under the age of 30.
- 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.*

# 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:

<b>1st Violation within 24 Months</b>	<b>2nd or Subsequent Violation within 24 Months</b>
No new license issued for 60 days and any suspension of any existing license for 60 days.	No new license issued and revocation of any existing license.

# Additional Resources

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

# References

Saratoga Municipal Code, Article 4.90, Article 7.35, section 15-80.130; California Business & Professions Code Divisions 8.5 and 8.6, section 25612.5 and 104559.5; California Health & Safety Code section 118950; California Penal Code sections 308, 308.2, 308.3; Code of Federal Regulations, Title 21, Part 1140; 85 Federal Register 23973

<sup>1</sup> 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.

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

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