

# Tobacco Retailer Laws: Sunnyvale

## Tobacco Retailers are required to:

### Tobacco Retailer Permit

- Get a license to sell tobacco products from the California Department of Tax and Fee Administration for each retail location. The license must be renewed each year and displayed at the store.

### 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 the following flavored products: e-cigarettes or vapes that deliver nicotine or another vaporized liquid, e-juice, pods, or cartridges, 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 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.

### Advertising

- Cover more than 33% of windows and clear doors with advertising signs of any sort, including tobacco. This law applies to retailers who sell alcohol.

### Smoking

- Smoke or use electronic smoking devices within 25 feet of the retail outlet's doorways, windows, or vents.

## Penalties

Retailers who violate any local, state, or federal tobacco control laws are subject to penalties, such as fines and the suspension of their tobacco retail 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

Sunnyvale Municipal Code Chapter 9.28; 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 321, 387f, 387g; 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.

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