Do you sell tobacco products?  It’s Illegal to Sell Tobacco Products to Persons Under the Age of 21.*

Selling tobacco products to persons under the age of 21* is a misdemeanor and may result in criminal charges and penalties.¹

Follow the law. Keep persons under the age of 21 safe.

441,000 kids now under 18 and alive in California who will ultimately die prematurely from smoking.²

64% of California’s adult smokers started by age 18.³

14% of California’s high school students currently use tobacco products.⁴

In 2017, 12% of tobacco only retailers in California sold tobacco to people under age 18.⁴

Tobacco products include⁵, (but are not limited to):

- Electronic cigarettes
- Vape pens
- E-liquids
- Hookah
- Vape Tanks/Mods
- Pods
- Vape Atomizer
- Vaporizers
- E-hookah
- Cigarettes
- Cigars
- Little cigars/Cigarillos
- Smokeless tobacco

Follow the law¹:

+ Post your state and local (if applicable) tobacco retailer license in view of customers
+ Only sell tobacco products to persons age 21 and older, or age 18 with a valid military ID
+ Train employees to check the photo ID of every person who appears to be under age 27
+ Post the required Stop Tobacco Access to Kids Enforcement (STAKE) Act age-of-sale warning signs at cash registers
+ Keep all tobacco products behind the counter or in a locked display, not in a self-service display**

It is illegal to:

- Sell unpackaged single cigarettes
- Sell flavored cigarettes other than menthol
- Place advertisements for blunt wraps within two feet of candy, snacks, or nonalcoholic beverages or lower than four feet above the floor
- Sell tobacco products in vending machines**
- Give away free samples of tobacco products***

* Unless the person is active duty military personnel at least 18 years of age with a valid United States military ID.
** Unless it is an establishment where only individuals over age 21 may enter.
***As an exception, one 15 gram package of smokeless tobacco, per adult customer in a qualified adult only facility, is permitted provided all other legal requirements are complied with.
California Tobacco Retailer License Requirements

Retailers must apply for a license issued by the California Department of Taxes and Fees Administration to sell tobacco products and pay an annual fee of $265. Local governments may require additional licensing fees, so check with the local health department: http://tobaccofreeca.com/contact/, to find out what fees apply to your store. If you sell tobacco products without a license, you may be penalized $5,000 for each offense and sentenced to up to one year in jail (Business and Professions Code sections 22980.1 (h) and 22981). If you do not display your license in view of the public, you may be penalized $500 for each offense and ultimately have your license suspended or revoked (Business and Professions Code section 22974.5). If you sell tobacco products without a license, you may be penalized $5,000 for each offense and sentenced to up to one year in jail (Business and Professions Code sections 22980.1 (h) and 22981). If you do not display your license in view of the public, you may be penalized $500 for each offense and ultimately have your license suspended or revoked (Business and Professions Code section 22974.5).

E-Liquid Manufacturers

Do you mix e-liquids, construct electronic smoking devices, or re-package or re-label these products? If so, you are a manufacturer under Federal law and must meet additional requirements. To learn more about the rules as they apply to you, visit the United States Food and Drug Administration’s (FDA), Center for Tobacco Products website: www.fda.gov/TobaccoProducts/default.htm.

Penalties for Store Owners under the Stop Access to Kids Enforcement (STAKE) Act

1st Offense: $400-$600
2nd Offense: $900-$1000 (within a five year period)
Fines may increase with subsequent violations up to $6,000 and additional penalties and/or injunction under the Unfair Competition Law.

More Information

For more information on California's tobacco controls laws, visit the California Department of Public Health, Tobacco Control Program website: https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/Pages/Tobacco21.aspx.

Citations