

Do you sell tobacco products?

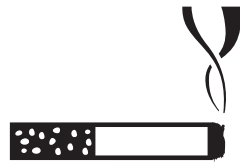
It's Illegal to Sell Tobacco Products to Persons Under the Age of 21.*

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):



Cigarettes
Cigars
Little cigars/Cigarillos
Smokeless tobacco

Electronic cigarettes
Vape pens
E-liquids
Hookah

Vape Tanks/Mods
Pods
Vape Atomizer

Vaporizers
E-hookah

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/): <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).⁶ 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).⁶

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.⁷ 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](http://www.fda.gov/TobaccoProducts/default.htm) 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](https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/Pages/Tobacco21.aspx) website: <https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/Pages/Tobacco21.aspx>.

Citations

1. Stop Tobacco Access to Kids Enforcement (STAKE) Act, California Business and Professions Code § Section 22950-2963 (2016).
2. U.S. Department of Health and Human Services. The Health Consequences of Smoking: 50 Years of Progress: A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health; 2014.
3. Behavioral Risk Factor Surveillance System 2016. Sacramento, CA: California Department of Public Health.
4. California Department of Public Health, California Tobacco Control Program, *California Tobacco Facts and Figures 2017*, Sacramento, CA: California Department of Public Health; 2017
5. California Department of Public Health, California Tobacco Control Program. (2016, June 6). Tobacco Product Tip Sheet. Sacramento, CA: California Department of Public Health; 2016
6. California Cigarette and Tobacco Products Licensing Act of 2003, Business and Professions Code § Sections 22970-22991 (2004).
7. Food and Drug Administration. (2015, May 8). About CTP - Ensuring Compliance with the Tobacco Control Act and Enforcing the Law. Retrieved September 06, 2017, from <https://www.fda.gov/TobaccoProducts/AboutCTP/ucm383159.htm>

