

To legally sell tobacco products and tobacco paraphernalia in the unincorporated areas of the County and within the city limits of Carmel-By-The-Sea, Monterey, Salinas, Gonzales, Seaside, King City, Pacific Grove, and Soledad tobacco retailers need a valid state tobacco license and Monterey County tobacco retailer license.



## **Monterey County Tobacco Retailer License Frequently Asked Questions**

### **What is a Tobacco Retailer License?**

A tobacco retailer license is a license that grants tobacco retailers permission to sell tobacco products and tobacco paraphernalia. The State of California and Monterey County, as well as some cities within Monterey County, require their own separate tobacco retailer licenses to sell tobacco products and tobacco paraphernalia in Monterey County. Tobacco retailers are required to submit an application to both the State for the state-issued Tobacco Retailer License and to Monterey County for the county-issued Tobacco Retailer License. Along with the applications, tobacco retailers must pay an annual fee to both the State and Monterey County, and meet certain requirements including compliance with all local, state, and federal tobacco-related laws in order to obtain and maintain their licenses. Tobacco retailer licenses are privileges.

### **Which jurisdictions in Monterey County currently require a Monterey County Tobacco Retailer License?**

In addition to the unincorporated areas of Monterey County, the County TRL is required for tobacco retailers to sell tobacco products in the cities of Monterey, Carmel-By-The-Sea, Salinas, Gonzales, Seaside, King City, Pacific Grove, Soledad.

### **Who is responsible for enforcing Monterey County's Tobacco Retailer License?**

The Environmental Health Bureau in the Monterey County Health Department is tasked with enforcement for the Tobacco Retailer License.

### **Who is considered a tobacco retailer?**

A tobacco retailer is any person or business that sells, offers for sale, exchanges, or offers to exchange, for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia, without regard to the quantity sold, offered for sale, exchanged, or offered for exchange.

### **What are tobacco products and tobacco paraphernalia?**

In general, tobacco products are any products that contain nicotine made or derived from tobacco, including e-cigarettes. Paraphernalia are any items designed to be used for smoking or consuming tobacco products. For the precise definitions, see Monterey County Code Chapter 7.80.

### **Where can someone find additional information regarding Monterey County tobacco retailer license requirements and tobacco-related state and federal laws generally?**

The Monterey County tobacco retailer license ordinance is found in Chapter 7.80 of the Monterey County Code. State tobacco retailer license information may be found on CDTFA's website. Further educational materials regarding state and federal tobacco laws can be obtained by contacting the Monterey County Tobacco Education Program at [barreramr@co.monterey.ca.us](mailto:barreramr@co.monterey.ca.us).

### **How much does a tobacco retailer license cost?**

For July 1, 2024, to June 30, 2025, the annual license fee is \$407.

Environmental Health sends out invoices in May and the retailer license fee is due by July 1<sup>st</sup>.

**How long is a tobacco retailer license effective?**

The term of a tobacco retailer license is one (1) year, beginning each fiscal year on July 1st and ending on June 30th of the following year. Each license must be renewed annually. Tobacco retailers will receive an invoice along with an Annual Renewal Application from the County typically six weeks prior to the expiration of the license.

**When should a tobacco retailer re-apply for a license?**

Each tobacco retailer needs to apply for renewal of their tobacco retailer license by June 1st and submit the license fee no later than thirty (30) calendar days before the expiration date of the license.

**Is a tobacco retailer license transferrable if a tobacco retailer sells their business or passes it down to a family member?**

No, tobacco retailers cannot transfer their license from one person to another or from one location to another. Whenever a new person obtains ownership in a business for which a tobacco retailer license has been issued, a new tobacco retailer license is required.

**Can a tobacco retailer sell tobacco from a mobile location such as a truck or car?**

No. Tobacco retailer licenses may only be issued to fixed locations. Mobile vending is prohibited.

**What are the tobacco retailer license requirements for a tobacco retailer with multiple locations?**

Each location that sells tobacco products must apply for its own tobacco retailer license and pay its own annual fee.

**Should tobacco retailers expect inspections?**

Yes. Undercover and unannounced inspections will be conducted to check compliance.

**What will happen if a tobacco retailer is cited for a violation during an inspection?**

Violations of local, state, and federal tobacco-related laws are subject to penalties including monetary fines, suspension and/or revocation of the tobacco retailer license.

**Is it illegal to sell most flavored tobacco products in California?**

Yes. The sale of most flavored tobacco products and tobacco product flavor enhancers is prohibited in retail locations in California (Health and Safety Code § 104559.5). "Flavored tobacco product" means any tobacco product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by a consumer either prior to, or during the consumption of, a tobacco product, including but not limited to, any taste or smell relating to fruit, menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey or any candy, dessert, alcoholic beverage, herb or spice. The law also applies to tobacco product flavor enhancers. A tobacco product flavor enhancer is a product designed, manufactured, produced, marketed, or sold to produce a characterizing flavor when added to a tobacco product.

The prohibition on the sale of flavored tobacco products does not apply to the retail sale of flavored loose-leaf pipe tobacco, flavored premium cigars with wholesale price of \$12 or more, or flavored shisha (also known as hookah tobacco), which may only be sold from age-restricted and licensed hookah retailers.

Importantly, the package description alone is not the only way to determine if a product is flavored - the County also uses imagery, marketing, and public statements or claims by the retailer or the manufacturer about the product to determine if a product is presumptively flavored.

**What else should I know about Monterey County's Tobacco Retailer Licenses?**

1. In addition to the application for the Tobacco Retailer License, applicants must submit to the Environmental Health Bureau a completed “Form 411-App for New or Change Permit 02/2020 PH”, if the applicant sells food at the location for which they are seeking a Tobacco Retailer License.
2. In addition to the application for the Tobacco Retailer License, applicants must submit to the Environmental Health Bureau a completed “Workers’ Compensation Compliance Affirmation.”
3. All applicants must sign a statement that they will not sell “drug paraphernalia” to receive a license, as that term is defined in Health and Safety Code § 11014.5.

**Who should I contact if I have yet to receive my County Tobacco Retail License?**

**Salinas:** 1270 Natividad Road, Salinas, CA 93960 \*Office (831)755-4505 \*Fax (831)796-8694

**Monterey:** 1200 Aguajito Rd, #007, Monterey, CA 93940 \*Office (831)647-7654 \*Fax (831)796-8695

**King City:** 200 Broadway, Ste 70, King City, CA 93930 \*Office (831)386-6899 \*Fax (831)796-8697