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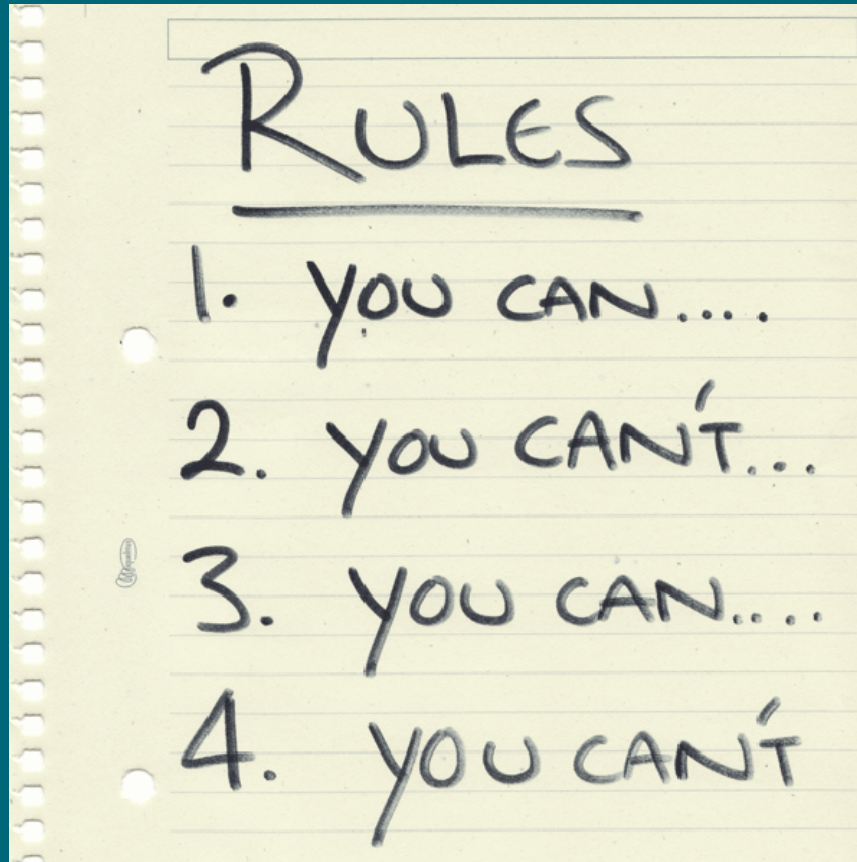
for Tobacco Policy
& Organizing

† AMERICAN LUNG ASSOCIATION.
IN CALIFORNIA

Q&A

TRL Plug-Ins: Requirements and Prohibitions

- WHAT other conditions must be met



Violating state laws prohibiting sales of drug paraphernalia



Prohibit sale of single cigars



Illegal

Legal



Prohibit sale of single cigars



Prohibit sale of single cigars



Prohibit sale of single cigars



Illegal

Legal



Violating storefront sign laws



Violating nontobacco age-of-purchase laws is license violation



The red strip
tells you when
they will be **21**

The blue strip
tells you when
they will be **18**

Prohibit sale of tobacco look-alike products



Licensing Ordinance Checklist

Your community has a range of policy choices to consider when designing a local tobacco retailer licensing ordinance. The options below are included in TALC's *Model California Ordinance Requiring a Tobacco Retailer License* and accompanying "plug-ins," all of which are available at www.phlpnet.org/tobacco-control. The provisions that TALC and The Center consider essential already include a check mark. Contact TALC for help drafting an ordinance based on your community's choices.

POLICY OPTIONS IN MODEL ORDINANCE

WHO MUST OBTAIN LICENSE

- All tobacco product retailers must obtain a nontransferable license
- Define "tobacco product" to include all nicotine and nontraditional tobacco products (e.g., nicotine gel, snus)
- Retailers of "tobacco paraphernalia" (e.g., rolling papers, pipes) must also obtain license
- No license may be issued to mobile vendors

ENFORCEMENT OF LICENSE REQUIREMENTS

REQUIREMENTS AND PROHIBITIONS FOR LICENSES

- Pay an annual licensing fee that fully covers all program costs, including administration and enforcement
- Violating any tobacco law is also a violation of the license
- Require license be displayed in a prominent location
- Require clerks to check ID if purchaser appears under age 27
- Prohibit all self-service displays (e.g., bar vending machines)
- Clerks selling tobacco must be old enough to purchase tobacco under state law (e.g., 18 years old)

"PLUG-IN" POLICY PROVISIONS

LIMITATIONS ON LICENSE ISSUANCE

- No license for a new significant tobacco retailer (e.g., a "mostly tobacco" store)
- No license for a restaurant or a bar
- Only businesses that sell alcohol for off-site consumption may obtain license
- No license for a business that allows smoking anywhere on the premises (e.g., no hookah bars)
- No license for addresses zoned residential
- No licenses near schools and youth-populated areas
- Available licenses limited by population and density

ENFORCEMENT

- Allow the retailer to pay a fine in lieu of license revocation
- Allow private citizens to get an injunction in addition to enforcement by the city or county
- Allow private citizens and local governments to sue a retailer in small claims court and win a modest fine (e.g., \$500)

ADDITIONAL RETAILER REQUIREMENTS AND PROHIBITIONS

- Violating storefront sign laws is a license violation
- Violating nontobacco age-of-purchase laws is a license violation (e.g., selling alcohol to a minor)
- Violating state laws prohibiting sales of drug paraphernalia is a license violation
- Tobacco look-alike products may not be sold by any person
- Retailers may not distribute free tobacco products ("sampling")



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Model California Ordinance Requiring a Tobacco Retailer License

Plug-in:

Penalties for Violation of State Drug Paraphernalia Laws

June 2008

This supplemental policy provision is intended to be incorporated into TALC's *Model California Ordinance Requiring a Tobacco Retailer License*. It cannot be adopted independently.

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www.phlpnet.org • talc@phlpnet.org • (510) 302-3380