

# Responsibilities of a Tobacco Retail License Holder

For Neighborhood Corner Stores and Small Markets



San Francisco Department of Public Health

1390 Market Street, Suite 210

(415) 252-3800

[www.sfdph.org/dph/EH/Tobacco](http://www.sfdph.org/dph/EH/Tobacco)

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## What is this Guide for?

Stores and retail businesses, like yours, are essential to San Francisco. Your business contributes to the local economy; it is a place where people feel socially connected and can easily buy food and other products.

The San Francisco Department of Public Health wants to support your store by giving you the tools and information you and your employees may need to follow laws related to selling tobacco products. We want to help you prevent your staff and store from facing fines or penalties. We recognize that there are a lot of laws to remember and follow so we hope this guide makes things easy for you.

# What is a Tobacco Product?

Tobacco Products include, but are not limited to, the following: cigarettes, cigars, electronic cigarettes, vaporizers and individual components, smokeless tobacco, snuff, chew, bidi cigarettes, products made or produced from tobacco or tobacco leaf, nicotine-containing products in any form, other devices that simulate smoking, such as rolling paper.



Cigarettes



Cigars



Cigarillos/Little Cigars



Blunt Wraps



Smokeless Tobacco



Electronic Cigarettes



Vape Pens & Mods



E-Liquids



Hookah

# What are the Requirements to Sell Tobacco Products in San Francisco & California?

**Retailers need one (1) permit and two (2) licenses to sell tobacco in San Francisco:**

1. San Francisco Tobacco Retail Permit & Licenses
2. California Board of Equalization (BOE) Tobacco Retail License

	CITY	STATE
	<b>San Francisco Tobacco Retail Permit &amp; License</b>	<b>California Tobacco Retail License</b>
<b>Apply with</b>	<b>San Francisco Department of Public Health- Environmental Health</b>  <a href="http://www.sfdph.org/dph/files/EH_Sdocs/ehsForms/TobaccoPermits/tobacco_appl.pdf">www.sfdph.org/dph/files/EH_Sdocs/ehsForms/TobaccoPermits/tobacco_appl.pdf</a>	<b>California Board of Equalization (BOE)</b>  <a href="http://www.boe.ca.gov/sptaxprog/spctretailers.htm">http://www.boe.ca.gov/sptaxprog/spctretailers.htm</a>
<b>Annual Fee</b>	<b>Application Fee: \$78*</b>  <b>Annual License Fee: \$296*</b>  <b>Board of Appeals surcharge: \$52*</b> (*SF fees subject to change based on Consumer Price Index)	<b>License Fee: \$265 as of June 9, 2016</b>  <b>Annual Renewal Fee: \$265</b>  (Vape shops, including stores that only sell electronic cigarette devices required to pay annual fee as of Jan 1, 2017)
<b>Pay to</b>	San Francisco Department of Public Health (DPH)+ Tax Collector's Office (TTX)	California Board Of Equalization (BOE)

# San Francisco & California Permits & License

## SF Tobacco Retail License & Business Registration Certificate Renew Every Year (TTX)

City and County of San Francisco Office of the Treasurer & Tax Collector		License Certificate		1 Dr. Carlton B. Goodlett Place City Hall, Room 140 San Francisco, CA 94102	
Business Account Number 0123456	Period Covered 04/01/2015- 03/31/2016	Fee Paid \$285.00			
Class Account H31-123456	Description TOBACCO SALES				
Business Name TOBACCOLANDIA	Business Location 123 NICOTINE DR	Permit Number 012345			

TOBACCOLANDIA, INC.  
123 NICOTINE DR  
SAN FRANCISCO CA 94110

David Augustine  
Tax Collector

Jose Cisneros  
Treasurer

See reverse side for additional information  
Please post conspicuously at the business location

## SF Tobacco Sales Permit One time Permit (DPH)

PERMIT TO OPERATE AND CERTIFICATE OF SANITARY INSPECTION		T 87168	
Issued according to provisions of the San Francisco Health Code			
AUTHORIZING conduct of the following class of			
TOBACCO PRODUCT SALES ESTABLISHMENT		ISSUED: 05/19/2016	
Type of Operation: Tobacco Only Shop		Tax Code: H31 DPH Code:	
Name and Address Below:		CERT No.: 1023456	
Owner: Tobaccolandia, Inc.			
DBA: Tobaccolandia			
Street Address: 123 Nicotine Dr San Francisco, CA 94123			
DEPARTMENT OF PUBLIC HEALTH Bureau of Environmental Health City and County of San Francisco			
Valid only when accompanied by a receipt from the Tax Collector showing payment of current license fee. THIS PERMIT TO OPERATE MAY BE REVOKED OR SUSPENDED FOR CAUSE AND IS NOT TRANSFERABLE. CHANGE OF OWNERSHIP must be reported immediately.			
Inspector		Director of Environmental Health	
Principal Inspector		Director of Public Health	

Display this Permit prominently. This margin may be trimmed for standard 6 x 8 frame.

## California BOE Cigarette & Tobacco License Renew Every Year

MUST BE DISPLAYED CONSPICUOUSLY AT LOCATION ADDRESS FOR WHICH ISSUED

CALIFORNIA STATE BOARD OF EQUALIZATION  
CIGARETTE AND TOBACCO PRODUCTS LICENSING ACT OF 2003  
RETAILER'S LICENSE

LICENSE NUMBER  
LR Q STF 91-123456

BUSINESS MAILING ADDRESS  
TOBACCOLANDIA  
TOBACCOLANDIA, INC.  
123 NICOTINE DR  
SAN FRANCISCO, CA 94123-1234

EFFECTIVE DATE:  
07/08/2015 - 07/07/2016

LOCATION ADDRESS:  
123 NICOTINE DR  
SAN FRANCISCO, CA 94123-1234

THIS LICENSE HAS BEEN ISSUED TO YOU UNDER DIVISION 86 (COMMENCING WITH SECTION 22970) OF THE CALIFORNIA BUSINESS AND PROFESSIONS CODE.

NOT VALID AT ANY OTHER LOCATION ADDRESS.

IS HEREBY AUTHORIZED TO ENGAGE IN THE SALE OF CIGARETTES AND TOBACCO PRODUCTS.

THIS LICENSE IS VALID FOR THE EFFECTIVE DATE OR UNTIL SUSPENDED, REVOKED, OR CANCELED, AND IS NOT TRANSFERABLE.

FOR GENERAL TAX QUESTIONS PLEASE TELEPHONE OUR TAXPAYER INFORMATION SECTION AT 800-400-7115 (TTY:711).

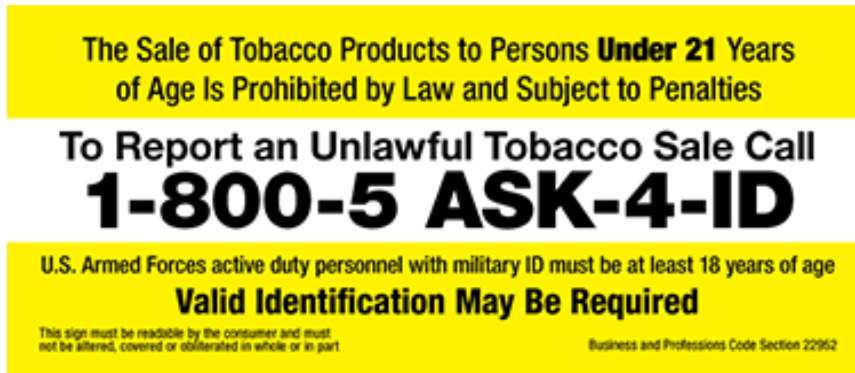
FOR INFORMATION ON YOUR RIGHTS, CONTACT THE TAXPAYERS' RIGHTS ADVOCATE OFFICE AT 888-324-2798 OR 916-324-2798.

BOE-443-LR REV.3 (3-11)

All city and state licenses and permits must be up to date and displayed in your store!

## Post Both State and San Francisco Tobacco 21 Stickers in a Visible Place for Cashiers, Clerks and Patrons

### California Sale of Tobacco Products Sticker



### San Francisco Tobacco 21 Sticker



**San Francisco does not exempt military personnel under 21 years of age**

## Requirements to Maintain a San Francisco Tobacco Permit

1. Pay annual fees for both San Francisco and California permits and licenses.
2. Post all valid permits and licenses from San Francisco Department of Public Health, San Francisco Tax Collector, and California Board of Equalization and make visible to employees, cashiers, and customers
3. Post **YELLOW** State of California required Sticker ([page 7](#)) visible to employees, cashiers, and patrons
4. Post **BLUE** San Francisco required Tobacco 21 signage visible to employees, cashier, and patrons ([page 7](#))
5. Post “**No Smoking**” signs on the entrance of your building.  
**Get them here for free:**  
[sftobaccofree.org/no-smoking-signs/](http://sftobaccofree.org/no-smoking-signs/)
6. Post one general “**No Smoking**” sign inside business establishment
7. Comply with federal, state and local laws related to tobacco, see pages [9-13](#)
8. Train employees annually on laws and requirements to sell tobacco products, see [page 16](#) for training overview
9. Check the photo identification of anyone who looks under 27 years old, see page [17-19](#) for how to check for valid photo ID and refuse a sale.



# San Francisco Laws that Impact Tobacco Retailers

## 1. Smoke Free Environments

- No smoking or vaping in the store.
- Ask customers to smoke or vape at the curb or at least 15 feet from exits, entrances, windows and vents.



Smoking/Vaping only  
1) at the curb, or  
2) if no curb,  
at least 15 ft. from  
exits, entrances,  
operable windows, and vents

SF Health Code Article 19F/19N.

## 2. Abatement Fee

Stores must collect a \$0.60 abatement fee per pack of cigarettes as of January 1, 2017. Abatement fee is paid to the San Francisco Treasurer's office in quarterly installments.

### More information at the Treasurer's Office:

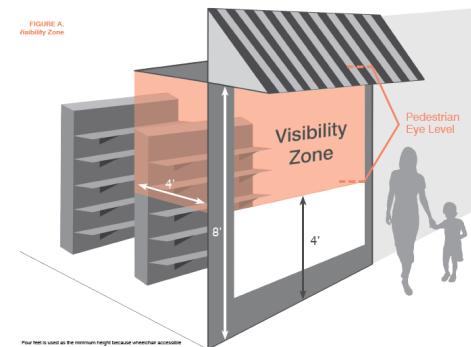
<http://sftreasurer.org/cigarette-litter-abatement-fee>

(SF Administrative Code 105: Cigarette Litter Abatement Fee)

# San Francisco Laws that Impact Tobacco Retailers

## 3. Storefront Transparency Law

Storefronts must be transparent at eye level from 4 ft to 8 ft in height. They must also be 75% visible when looking 4 ft into the store from the window. This keeps you and your customers safe.



### More information at SF Planning Department:

Watch this Video: <http://sf-planning.org/sf-planning-videos>

### Read the Guidelines:

[http://default.sfpplanning.org/publications\\_reports/Guidelines\\_Storefront\\_Transparency-112513.pdf](http://default.sfpplanning.org/publications_reports/Guidelines_Storefront_Transparency-112513.pdf)

## 4. Tobacco Permit Density Cap

Each San Francisco supervisory district may only have up to 45 tobacco-selling stores, this is called a density cap. One cannot open a store and sell tobacco unless the supervisory district is under the cap and location meets other conditions.

### More information at SF Dept of Public Health:

[www.sfdph.org/dph/EH/tobacco](http://www.sfdph.org/dph/EH/tobacco)

[www.sftobaccofree.org/density](http://www.sftobaccofree.org/density)

# State Laws that Impact Tobacco Retailers

## California State law

1. Minimum age to purchase tobacco, including hookah and electronic cigarettes, is 21 years old or older, effective June 9, 2016 .
2. Make sure tax stamps are the new, technology– based stamp that can be read by a scanner.



## More Information at the CA Board Of Equalization

[https://www.boe.ca.gov/info/fact\\_sheets/cig\\_tax\\_stamp.htm](https://www.boe.ca.gov/info/fact_sheets/cig_tax_stamp.htm)

3. **Tobacco Tax:** Effective April, 1 2017, a tax increase to \$2.87 per pack of 20 cigarettes will be applied in California. This tax increase is applied to the distributor and not to the retailer.

More information at the **California Board of Equalization:**

[http://www.boe.ca.gov/industry/cigarettes\\_tobacco\\_products.html](http://www.boe.ca.gov/industry/cigarettes_tobacco_products.html)

# Federal Laws that Impact Tobacco Retailers

## Under the Federal Drug Administration's Family Smoking Prevention and Tobacco Control Act, Stores are NOT allowed to:

1. Sell single cigarettes;
2. Sell flavored cigarettes;
3. Have self-service displays of tobacco products on counter (including e-cigarettes, e-liquids, and tobacco wrappers);
4. Give out free samples of tobacco products;
5. Have vending machines with tobacco products.



## Stores are required to:

1. Check photo IDs of anyone who looks under 27 years old;
2. Sell only child proof packaged electronic cigarettes and e-liquids (effective October 2016);
3. Sell tobacco products in required packaging.



## FDA's Small Business Assistance

<http://www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/SmallBusiness/default.htm>

**Call:** 1-877-287-1373

**Email:** SmallBiz.Tobacco@fda.hhs.gov

# Minimum Age to Purchase Tobacco is now 21

In San Francisco, the minimum age to purchase tobacco products has increased from 18 to 21 years of age (Health Code 19H). Similarly, California State law (SBX17) also raised the minimum age to purchase tobacco products to 21 years of age, effective June 9, 2016. Anyone attempting to purchase tobacco products must be 21 or older. Anyone selling tobacco products must check a valid ID to ensure a buyer is 21 years or older before selling. **The minimum age to purchase tobacco and alcohol in California is 21 years old.**

**San Francisco does not exempt military personnel under 21 years of age**

Tobacco products are the number one cause of death in the United States and worldwide. Tobacco products can lead to all forms of cancer, heart disease, stroke, and many other diseases. All this could be prevented by not using tobacco products.



Almost all (9 out of 10) adult smokers started smoking by the age 18. Increasing the minimum age to purchase tobacco from 18 to 21 can prevent people from becoming lifelong users of tobacco products. Youth 15-17 years old will have a more difficult time buying tobacco products underage. Raising the minimum age to purchase tobacco protects youth from the harms of tobacco products and ensures that they can have healthy lives that contribute to their family and community.

## How is this Law Enforced?

California and San Francisco enforcement agencies use youth decoys (anyone who is under 21 years old) to check and see if stores are following the law by not selling tobacco to anyone under 21 years old.

## What happens if an employee sells to someone under 21?



### Under California Law:

Employee or person selling tobacco products can be subject to:

- Criminal action or misdemeanor;
- Criminal fine of up to \$6000;
- Suspension or revocation of license.

### Under San Francisco Law

Tobacco permit can be suspended up to:

- 90 days for the first violation;
- 180 days for the second violation;
- 365 days (1 year) for the third violation.



**Employers are responsible for everything that happens at their business. Train your employees to follow the law so that your store does not lose customers or profit.**

# How to Train Employees Annually To Comply with Laws

## WHEN SHOULD I TRAIN MY EMPLOYEES?

**New employees:** Before they start working at your store and selling products

**Existing employees:** Once a year.

Each year in the spring, San Francisco Department of Public Health sends mailings to all tobacco retailers about new and existing laws related to selling tobacco products. We suggest that you train and review with your employees each year after you receive this packet.

**HOW LONG SHOULD THE TRAINING BE?** 30 minutes

## WHAT SHOULD THE TRAINING COVER?

1. What is a tobacco product ([page 3](#))
2. Laws that relate to selling tobacco products ([page 8-13](#))
3. How to make sure the customer buying tobacco products is 21 years or older ([page 17](#))
4. How to refuse selling tobacco products to a customer under age 21 ([page 18](#))

## HOW DO I SHOW THAT MY EMPLOYEES ARE TRAINED?

1. Every year after employees complete the training, ask them to sign and date the training verification form on page 21. Maintain this record in your files for up to 4 years.
2. FDA also recommends that the store owner does their own check to make sure your employees are not selling to minors.

# How to Check if Customers are 21 Years or Older

## CALIFORNIA DRIVER LICENSE OR IDENTIFICATION (ID) CARDS MAKE IT EASY!

Anyone under the age of 21 is issued the **VERTICAL (up and down)** card. If the person has a vertical driver's license or ID, they are **NOT ALLOWED** to purchase tobacco products.

Anyone over the age of 21 will have a **HORIZONTAL (sideways)** driver's license or ID. They are allowed to purchase tobacco products.



## Invalid or Counterfeit IDs typically have:

- Expired valid dates
- Altered look
- Photos that do not match the person
- Holes, glue or tape

## Don't forget to check birthdates on other forms of ID:

Passports and other State ID cards

**ALWAYS ask for government issued photo ID if someone looks younger than 27 years old.**



# How to Refuse Sale to Customer Under Age 21

**Sales clerk must refuse to sell tobacco product to a person who looks under 27 years old AND does not have an ID OR has an expired ID or counterfeit ID.**



## What to say when refusing a sale:

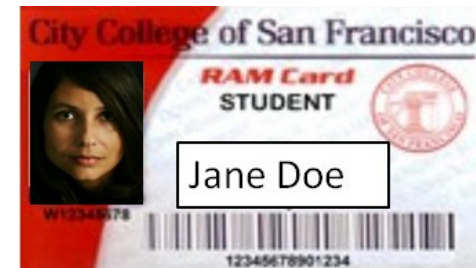
- “I’m sorry. I cannot sell tobacco products without a valid ID.”
- “I’m sorry. It’s a store policy to check IDs.”
- “I’m sorry. I could be fined or lose my job if I sell to you. Is there anything else I can do for you?”

**If the customer insists or becomes angry, contact the manager or store owner for help.**

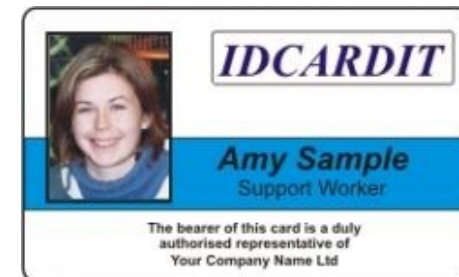
# Common Mistakes that Lead to Selling to an Underage Customer

1. Not asking for ID for someone who looks younger than 27 years old
2. Asking for ID and not checking the age or miscalculating the age
3. Accepting ID that is not government issued photo ID (for example: school or work ID)
4. Overriding the computerized system for someone who looks under 27 years old
5. Allowing the sale of tobacco products by untrained employees or employees who have not received their annual training

**ONLY GOVERNMENT ISSUED IDENTIFICATION ACCEPTED.  
DO NOT ACCEPT THE FOLLOWING:**



**School ID**



**Work ID**

# Become a Healthy Retailer!

San Francisco Department of Public Health believes that small businesses, like yours, are essential to the health of neighborhoods and communities. When you refuse to sell tobacco or alcohol to those under 21 years old you are ensuring the health of your neighbors and customers.



To help support small markets and corner store owners like you, the Health Department and the Office of Economic Workforce Development have partnered to establish the HealthyRetailSF Program. This FREE program provides financial assistance, equipment, and other resources to stores that want to make healthy changes and improvements. Stores that have participated in the HealthyRetailSF Program have increased their profits as well as increased the amount of fresh produce, healthy snacks, and groceries available to their customers and community.

Interested? Go to [healthyretailsf.org](https://healthyretailsf.org) -or-

**Call 415-254-5094**

## Daldas Grocery

in the Tenderloin

*"I'm thrilled to welcome the community today to our remodeled store," said Daldas owner Satwinder Multani "I'm proud of the changes we made, and that we will offer our neighbors the opportunity to enjoy a healthier lifestyle with better food and beverage options"*

**BEFORE**

## AFTER



# Employee Training Verification Form

I certify that my employer provided training on local laws and preventing sales to those under 21 years old. My employer showed me the location of the posted permits and signs, showed me how to check customer's age on a photo ID and how to refuse tobacco sales.

[illegible]

**Complete once a year & retain records up to 4 years**



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*Disclaimer: San Francisco Department of Public Health (SFDPH) cannot guarantee that the use of this booklet and implementing recommended Federal Food and Drug Administration (FDA) strategies will prevent Tobacco Retail License Holders, owners, managers or staff from selling tobacco products to persons under 21 years of age. Preventing illegal sales of tobacco products requires commitment, diligence, and action by Tobacco Retail License Holders, owners, managers or staff.*