



DEPARTMENT OF ENVIRONMENTAL HEALTH
County of Riverside

INFORMATIONAL BULLETIN NO. 70-11-DES

DISTRICT ENVIRONMENTAL SERVICES DIVISION

RETAIL TOBACCO PERMITTING PROGRAM

IMPORTANT CHANGES TO TOBACCO LAWS:

Starting June 9, 2016:

- California state law prohibits the sale of tobacco products to individuals younger than 21 years of age. [Penal Code Section 308 (a)]
- The minimum legal age of sale for active duty military personnel in the United States (U.S.) Armed Forces is 18 years of age upon presentation of a valid identification (ID) card issued by the U.S. Armed Forces indicating that the individual is in the U.S. Armed Forces. [Penal Code Section 308 (a)]
- NOTE: The minimum age for each employee or clerk selling tobacco remains at 18 years of age.
- California state law defines “tobacco product” as any product containing, made or derived from tobacco or nicotine that is intended for human consumption. Tobacco product is also defined to include an electronic smoking device that delivers nicotine or other vaporized liquids to the person inhaling from the device such as an electronic cigarette, cigar, pipe or hookah. The definition of “tobacco product” now includes the components, parts and accessories of tobacco products, whether or not sold separately. (Business and Professions Code Section 22950.5)

Starting January 1, 2017:

- Any retailer that sells electronic smoking devices must apply to the California Department of Tax and Fee Administration (CDTFA) for a license fee. For questions regarding licensing requirements, please contact CDTFA Customer service at 1-800-400-7115.

Riverside County Ordinance 838.2 requires tobacco retailers to be permitted, inspected, and regulated by the Department of Environmental Health. The ordinance applies to all unincorporated areas as well as most incorporated cities throughout the county.

Retailers must first have a permit from the California Department of Tax and Fee Administration to sell tobacco. A retailer is then eligible for a Retail Tobacco Permit from the Department of Environmental Health. This annual permit is non-transferable, and specific to the location listed on the permit.

The Department of Environmental Health staff will inspect the retail store periodically to promote compliance with state, local and federal laws.

There will also be unannounced decoy operations at each retail site. The purpose of this program is to prevent the selling of tobacco and tobacco paraphernalia to individuals (under the age of 21). The decoys will act as normal customers asking to buy tobacco products. Employees should be trained to verify a valid identification for all tobacco transactions to ensure minors are not sold tobacco or tobacco paraphernalia. By law, the decoys are allowed to lie about their age, but are not allowed to show false identification. The decoy operations may also be conducted in

OFFICES IN: RIVERSIDE, BLYTHE, CORONA, HEMET, INDIO, MURRIETA AND PALM SPRINGS

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Department Web Site – www.rivcoeh.org

conjunction with other regulatory agencies and include additional penalties to those imposed by Environmental Health:

- 1st violation: one (1) day suspension of tobacco and paraphernalia sales and an administrative citation.
- 2nd violation within a sixty-month (60) period: thirty (30) day suspension of tobacco and paraphernalia sales and an administrative citation.
- 3rd violations within a sixty-month (60) period: ninety (90) day suspension of tobacco and paraphernalia sales and an administrative citation.
- 4 or more violations within a sixty-month (60) period: five (5) year suspension of tobacco and paraphernalia sales and an administrative citation.

Along with the above penalties, the operator's Retail Tobacco Permit will be revoked. The operator must apply for a new permit after each revocation and the suspension of sales is complete. The operator may not sell any tobacco or paraphernalia until a new permit is obtained. Additionally, substantial civil penalties may be assessed and inventory impounded as determined by the Department of Environmental Health.

Some important facts to note:

- No self-service of tobacco is allowed under this ordinance. This includes vending machines. All transactions must take place with the assistance of an employee/clerk.
- Mobile sales are not allowed. This includes carts, vehicles, community, or temporary events. All sales must be from a fixed location and that location must be the location listed on the Board of Equalization permit and the Riverside County Department of Environmental Health Retail Tobacco Permit.
- **Each employee or clerk selling tobacco must be at least 18 years of age.**
- There must be a public notification sign posted at each point of purchase. The sign must be square (at least 5.5 inches by 5.5 inches) or rectangular (3.6 inches by 8.5 inches). The sign must contain the following words in bold print of contrasting color:

“The Sale of Tobacco Products to Persons Under 21 Years of Age Is Prohibited by Law and Subject to Penalties. U.S. Armed forces active duty personnel with military ID must be at least 18 years of age. Valid Identification May Be Required. To Report an Unlawful Tobacco Sale Call 1-800-5ASK-4-ID. Business and Professions Code Section 22952.”

- Cigarettes must be sold in packs of at least 20. “Roll your own tobacco” must be sold in quantities of at least 0.60 ounces or more.

For more information on the California Department of Tax and Fee Administration visit: www.cdtfa.ca.gov

For more information regarding Riverside County Department of Environmental Health visit: www.rivcoeh.org

*Document available in an alternate format upon request