

# City of Scotts Valley Tobacco Retail License (TRL)

## Frequently Asked Questions

### **How does a Tobacco Retailer License (TRL) work?**

Tobacco retailers in the City of Scotts Valley are required to submit an application for a tobacco retail license and meet certain requirements of the ordinance in order to obtain and maintain the license.

### **Am I a tobacco retailer?**

A tobacco retailer means any person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia. "Tobacco retailing" shall mean the doing of any of these things. This definition is without regard to the quantity sold, offered for sale, exchanged, or offered for exchange.

### **What are tobacco products?**

Tobacco product means: 1) any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; and 2) any electronic smoking device that can be used to deliver an inhaled dose of nicotine or other substances, including any component, part or accessory of such a device, whether or not sold separately. "Electronic smoking device" includes any such device, whether manufactured, distributed, marketed or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

### **What is tobacco paraphernalia?**

Tobacco paraphernalia includes cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the consumption, use or preparation of tobacco products.

### **What is a significant tobacco retailer?**

Significant tobacco retailer means any tobacco retailer for which the principal or core business is selling tobacco products, tobacco paraphernalia, or both, as evidenced by the fact that (1) 20% or more of floor or display area is devoted to tobacco products, tobacco paraphernalia, or both; (2) 67% or more of gross sales receipts are derived from tobacco products, tobacco paraphernalia, or both; or (3) 50% or more of completed sales transactions include tobacco products or tobacco paraphernalia.

After the effective date of this ordinance, no license shall be issued to a significant tobacco retailer at any location, measured from the nearest property line, that is within one thousand feet of a school, or 500 feet of a park, or other business or institution whose primary business or purpose is the instruction or education of children or those under the age of 18. Examples of such places include, but are not limited to, tutoring centers, child care centers, recreational facilities and gyms.

### **What is the minimum sale age for tobacco products?**

Retailers can sell tobacco products and paraphernalia only to individuals who are at least 21 years old. There is one exception: the minimum sale age remains 18 for active duty military personnel with an identification card (ID) issued by the United States Armed Forces.

### **I already have a state tobacco license issued by the California State Board of Equalization. Why do I need a tobacco license from the City?**

The tobacco license issued by the California State Board of Equalization is meant to curb tobacco tax fraud and the counterfeiting of tobacco products. That license does not preempt local jurisdiction from

adopting local tobacco licenses. On December 16, 2015 the Scotts Valley City Council adopted an ordinance adding Chapter 5.22 to the City code relating to the licensing of tobacco retailers. The ordinance promotes responsible tobacco retailing and compliance with federal, state and local tobacco-related laws, especially those that prohibit the sale or distribution of tobacco products to minors.

**To legally sell tobacco products in the City of Scotts Valley, you will need a valid state tobacco license and a City tobacco license. This requirement is in effect as of June 15<sup>th</sup>, 2017.**

### **What does the City's tobacco license require?**

The license requires that tobacco retailers comply with federal, state and local tobacco-related laws, including provisions of the City's tobacco license. Information about the City's tobacco license is provided in this FAQ and can also be found in Chapter 5.22 "Tobacco Retailer Licenses" and Chapter 8.25 "Regulation of Tobacco and Electronic Cigarettes Advertising and Sales" of the Scotts Valley City Code Ordinance No. 188. Educational materials regarding state and federal tobacco laws can be obtained by contacting the Scotts Valley Police Department at (831) 440-5670.

### **How much is the license?**

At this time there is no fee.

### **How long is the license effective?**

The term of the license is one (1) year beginning each fiscal year on July 1<sup>st</sup> and ending on June 30<sup>th</sup> of the same fiscal year.

### **When must I re-apply for a license?**

Each tobacco retailer needs to apply for renewal of the tobacco retailing license (TRL) no later than thirty (30) days before the expiration date of the TRL.

### **Is my TRL transferable if I sell my business or pass 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 I sell tobacco from a mobile location such as a truck or car?**

No, mobile vending (by persons on foot or from vehicles) is prohibited. Pushcart vendors, food trucks, foot peddlers, etc. cannot sell tobacco products.

### **Will there be inspections?**

Yes. Compliance checks will be conducted by the Scotts Valley Police Department to see if stores are selling to those under the age of 21.

### **What will happen if I am cited for a license violation during an inspection?**

Violations of the license are subject to monetary fines, suspension and/or revocation of the license.

### **What if I no longer want to sell tobacco products?**

Please notify the Scotts Valley Police Department at 831-440-5670.

**TRL application forms are available through the Scotts Valley Police Department at (831) 440-5670 or**

**<http://www.scottsvalley.org/TobaccoRetailLicense.html>**

