



## Compliance Agreement for First Time Violators of the San Francisco Health Code: Article 19; Section 19H.14 and Section 19H.14-1

Business Name: \_\_\_\_\_ Business Address: \_\_\_\_\_  
Tobacco Permit Owner: \_\_\_\_\_ Mailing Address: \_\_\_\_\_  
Tobacco Permit #: T- \_\_\_\_\_ SFTTX BAN: \_\_\_\_\_ EHD ID#: \_\_\_\_\_

Your business establishment has violated Article 19H of the San Francisco Health Code (SFHC) as described in the attached Notice of Violation. The Director of the San Francisco Department of Public Health (SFDPH) is authorized to suspend your Permit to Operate a Tobacco Sales Establishment for up to 90 days for first time violators (SFHC Section 19H.19 (a)). You have the ability to reduce your suspension period by implementing certain mitigation strategies to prevent future violations and improve the health of your community. Based on the SFHC 19H Rules and Regulations, you can choose to **permanently** implement one or more of these described actions below to reduce the duration of the suspension period.

Mitigation Strategy			Suspension Reduction Period
<b>1. Training</b>			
<input type="checkbox"/>	1a.	The Permittee trains all employees regarding state and local tobacco laws and provides SFDPH proof of training through a sign-in sheet.	-5 days
<input type="checkbox"/>	1b.	The Permittee or employee who sold to a minor completes the Superior Court of California Community Justice Center, City and County of San Francisco - Online Under Aged Sales Prevention Training by California Alcoholic Beverage Control and provides the certificate of completion to the Department.	-5 days
<b>2. Equipment and Display(s)</b>			
<input type="checkbox"/>	2a.	Install a scanner or other <b>age verification device</b> (only applicable for an Establishment without an age verification device when violation occurred).	-5 days
<input type="checkbox"/>	2b.	Remove all Displayed <b>Tobacco Product advertisements</b> for as long as the Permittee owns the Establishment (only applicable for an Establishment that currently has Tobacco Product Advertisements in the public view prior to when violation occurred).	-10 days
<input type="checkbox"/>	2c.	Cover all Tobacco Products with <b>Permanently Installed Opaque Covering</b> which means a built-in cabinet, shelf, or storage container which cannot be removed easily and does not display tobacco to the public when a tobacco sale is not in progress (only applicable for an Establishment that currently has Tobacco Products in the public view prior to when violation occurred).	-10 days
<input type="checkbox"/>	Voluntarily cancel the DPH tobacco sales permit with the understanding that the business location will be subject to the permit density requirements and may not qualify for a retail tobacco sales permit in the future.		

Once SFDPH staff has verified that all conditions of this agreement have been met, SFDPH will reduce your suspension period from \_\_\_\_\_ days to \_\_\_\_\_ days. If you fail to meet all conditions of this agreement, the opportunity for a reduced suspension period will be null and void and you will serve the baseline suspension period as described in SFHC 19H Rules and Regulations and on the back of this agreement. You may be billed for the verification inspection at the hourly rate. By signing below you agree to complete these mitigation strategies **within 30 days of the Agreement Date**.

DPH Representative: \_\_\_\_\_ Signature: \_\_\_\_\_ Agreement Date: \_\_\_\_\_

Permit Holder or  
Representative: \_\_\_\_\_ Signature: \_\_\_\_\_ Agreement Date: \_\_\_\_\_

Date of Follow-up Inspection: \_\_\_\_\_ Inspection Conducted by: \_\_\_\_\_

☐ All agreed upon conditions are met

☐ All agreed upon conditions are not met

Notes/Observations: \_\_\_\_\_



**Tobacco Sales Permit Suspension Periods  
for sales of Tobacco Products to persons under the age of 21**

Number of Times the Violation Occurred	Permit Suspension Period
1 <sup>st</sup> violation	20 days
2 <sup>nd</sup> violation within 1 year of 1 <sup>st</sup> violation	60 days
3 <sup>rd</sup> violation within 1 year of 2 <sup>nd</sup> violation	180 days
4 <sup>th</sup> violation that occurs within 1 year of 3 <sup>rd</sup> violation	180 days
2 <sup>nd</sup> violation that occurs more than 1 year after the 1 <sup>st</sup> violation	40 days
3 <sup>rd</sup> violation that occurs more than 1 year after the 2 <sup>nd</sup> violation	60 days
4 <sup>th</sup> violation that occurs more than 1 year after the 3 <sup>rd</sup> violation	90 days

**Examples:**

**Example 1:** If a business is a first time offender and chooses to install an age verification scanner that identifies and displays age from an approved picture ID, then the permit suspension period would be reduced from 20 days to 15 days. If the business chooses to also remove all visible tobacco and electronic cigarette device advertisements for as long as the Tobacco Permit holder owns the establishment, the suspension period would be reduced further to 5 days.

**Example 2:** If a second violation occurs more than 1 year after the 1<sup>st</sup> violation, the business can choose to install a permanent opaque covering over their tobacco products such as a cabinet with doors. This would reduce the permit suspension period from 40 days to 30 days.

**"Tobacco Products"** 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, or sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, dipping tobacco, pipe tobacco, bidis or snuff; (2) any device or component, part, or accessory that delivers nicotine alone or combined with other substances to the person using the device including but not limited to electronic cigarettes, cigars, or pipes, whether or not the device or component is sold separately. Tobacco Product does not include any product that has been approved by the United States Food and Drug Administration for use as a tobacco cessation product where such product is marketed and sold solely for such an approved purpose.

**"Electronic Cigarette" or "E-cigarette"** means any device with a heating element, a battery, or an electronic circuit that provides nicotine or other vaporized liquids to the user in a manner that simulates smoking tobacco.