Responsibilities of a Tobacco Retail License Holder (2019)
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

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 and staff.
WARNING
San Francisco Department of Public Health may suspend a tobacco permit for up to 365 days, depending on the number of repeat violations, for selling tobacco products to anyone under the age of 21 and for chronic repeat violations of health code requirements.

Table of Contents

What is a Tobacco Product? ........................................... Pg 4
What are the Requirements to Sell Tobacco Products in San Francisco & California? ........................................ Pg 5
What are the Requirements to Maintain a San Francisco Tobacco Permit? ........................................ Pg 9
San Francisco Laws that Impact Tobacco Retailers .......... Pg 10
Flavored Tobacco Prohibition Ordinance......................... Pg 13
Minimum Age to Purchase Tobacco is Now 21.............. Pg 15
State Laws that Impact Tobacco Retailers ..................... Pg 17
Federal Laws that Impact Tobacco Retailers ................. Pg 18
How to Train Employees Annually to Comply with Laws Pg 19
How to Check if Customers are 21 Years or Older ........ Pg 20
• How to Refuse Sale to a Customer............................. Pg 21
  • Common Mistakes ................................................. Pg 22
Become a Healthy Retailer!........................................ Pg 23
Employee Training Verification Form ............................. Pg 24

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 penalties and/or permit suspension. We recognize that there are a lot of laws to remember and follow so we hope this guide makes things easier 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.

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<td>Electronic Cigarettes</td>
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<td>Vape Pens &amp; Mods</td>
<td>E-Liquids</td>
<td>Hookah</td>
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Trainer/Owner Signature
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.

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*All fees are subject to change. Please check agency websites.*
San Francisco & California Permits & License

**SF Tobacco Sales Permit**
Permit Issued Once (DPH)
Valid as long as Annual License is renewed and paid each year.

Permits do not transfer.
For all changes of ownership, including, adding/deleting partners, percent changes in stock ownership, or converting from sole proprietor to a corporation, you must apply for a new tobacco permit or amend your existing permit.

**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 improving 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 [www.healthyretailsf.org](http://www.healthyretailsf.org) -or- Call 415-254-5094

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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_
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](image1)

![Work ID](image2)

SF Tobacco Retail License & Business Registration Certificate
Renew Every Year (TTX)
Annual Renewal fee must be paid every year to maintain a valid Tobacco Sales Permit.

California Department of Tax and Fee Administration (CDTFA) Cigarette & Tobacco License
Renew Every Year
Annual Renewal Fee must be paid each year to maintain a valid CDTFA license.

All city and state licenses and permits must be up to date and displayed in your store!
Preventing Sales to Minors
Post Both State and San Francisco Tobacco 21 Stickers in a Visible Place for Cashiers, Clerks and Patrons

California Sale of Tobacco Products Sticker

The Sale of Tobacco Products to Persons Under 21 Years of Age Is Prohibited by Law and Subject to Penalties

To Report an Unlawful Tobacco Sale Call 1-800-5 ASK-4-ID

U.S. Armed Forces active duty personnel with military ID must be at least 18 years of age
Valid Identification May Be Required

San Francisco Tobacco 21 Sticker

City and County of San Francisco - Department of Public Health
San Francisco Health Code Article 19P
Prohibits the Sale of Tobacco Products including smokeless tobacco and electronic cigarettes to Persons 18, 19 or 20 Years of Age

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

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

How to Refuse Sale to Customer Under Age 21

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?”
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
- Photos that do not match the person
- Altered look
- 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.

Requirements to Maintain a San Francisco Tobacco Permit

1. Pay annual fees for both San Francisco and California licenses.
2. Post all valid permits and licenses from San Francisco Department of Public Health, San Francisco Tax Collector, and California Department of Tax and Fee Administration and make visible to employees, cashiers, and customers.
3. Post YELLOW State of California required sticker (page 8) visible to employees, cashiers, and patrons.
4. Post BLUE San Francisco required Tobacco 21 sticker visible to employees, cashier, and patrons (page 8).
5. Post “No Smoking” signs on the entrance of your building. Get them here for free: www.sftobacoffee.org/no-smoking-signs
6. Post one general “No Smoking” sign inside business establishment.
7. Comply with local, state and federal laws related to tobacco (pages 10-18), including NEVER selling single cigarettes.
8. Train employees annually on laws and requirements to sell tobacco products. See page 19 for training overview.
9. Check the photo identification of anyone who looks under 27 years old. See pages 20-22 for how to check for valid photo ID and refuse a sale.
San Francisco Laws that Impact Tobacco Retailers

1. **No Sale of Flavored Tobacco Products**
   Stores are prohibited from selling any nicotine or tobacco product, including but not limited to smokeless/chew, cigarettes, cigars, cigarillos, vape liquid and hookah tobacco, that is manufactured to have an aroma and/or flavor, such as fruit, sweet, candy, alcohol, mint, spice or menthol. See pages 13-14.
   - Optional: Post the Flavored Tobacco flyer visible to customers to inform them of the new law.

2. **Minimum Age to Purchase Tobacco is 21**
   Effective June 9, 2016, the minimum age to purchase tobacco products is 21 years of age. See pages 15-16.
   - 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 old or older before selling.

More information at SF Dept of Public Health:
www.sfdph.org/dph/EH/Tobacco/flavoredtobacco.asp

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 4)
2. Laws that relate to selling tobacco products (pages 10-18)
3. How to make sure the customer buying tobacco products is 21 years or older (page 20)
4. How to refuse selling tobacco products to a customer under age 21 (page 21)
5. Common mistakes people make resulting in selling to an underage customer (page 22)

**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.
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)

FDA’s Small Business Assistance
www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/ucm20082665.htm

Call: 1-877-287-1373
Email: SmallBiz.Tobacco@fda.hhs.gov

San Francisco Laws that Impact Tobacco Retailers

3. Abatement Fee
Stores must collect a $0.85 abatement fee per pack of cigarettes as of January 1, 2019. 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)

4. Smoke Free Environments
- No smoking or vaping in the store.
- Ask customers to smoke or vape at the curb.
- If no curb, smoking is allowed at least 15 feet from exits, entrances, windows, and vents.

Sample Sign:

More information at SF Dept of Public Health:
www.sftobaccofree.org/no-smoking-signs
**San Francisco Laws that Impact Tobacco Retailers**

**5. Tobacco Permit Density Cap**
Each San Francisco Supervisorial District may only have up to 45 stores holding a Tobacco Sales Permit. One cannot open a store or sell tobacco unless the Supervisorial District is under the cap and location meets other conditions.

More information at SF Dept of Public Health:
- www.sfdph.org/dph/EH/tobacco
- www.sftobaccofree.org/density

**6. Storefront Transparency Law**
Storefronts must be transparent at eye level between 4 ft to 8 ft in height and be 75% open to view 4 ft inside the store from the window. This keeps you and your customers safe.

More information at SF Planning Department:
Read the Guidelines:

**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 CDTFA:

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

More information at the CDTFA:
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.

No Sale of Flavored Tobacco Products

San Francisco Health Code 19Q prohibits the sale of all flavored tobacco products.
The voters affirmed the decision to prohibit the sale of all flavored tobacco products in San Francisco in 2018.

What is a flavored tobacco product?
A flavored tobacco product includes menthol cigarettes, flavored e-cigarette liquids, flavored blunt wraps, flavored chewing tobacco, and other flavored tobacco products.

How can retailers comply?
1. No flavored product should be allowed on the shelf for sale.
2. Selling, displaying, or offering flavored tobacco constitutes a license violation and can result in a suspension.
3. Refuse flavored products from distributors and do not allow flavored products on your premises.
4. Inform customers that San Francisco law does not permit the sale of flavored tobacco. Continue to abide by all other laws and responsibilities of retailers.

Health inspections are conducted annually. Remember that the sale of a flavored tobacco product to anyone under the age of 21 would constitute two violations of San Francisco law, and may result in a suspension.

More information at SF Dept of Public Health:
www.sfdph.org/dph/EH/Tobacco/flavoredtobacco.asp
Examples of tobacco products now banned from sale in San Francisco:

"Menthol" has a distinguishable taste and aroma.

"Berry" is a fruit flavor; mint has a distinguishable taste and aroma.

"Cherry," "Nectar," "Melon," "Apple," "Raspberry," "Strawberry," "Berry" and "Fruit Medley" are fruit flavors; "Crème Brulee" and "Vanilla" are candy flavors; "Mint" and "Menthol" have distinguishable tastes and aromas; "Hawaiian Pod" has an image indicating it contains a flavor other than tobacco.

"Strawberry," "White Grape," "Grape," "Peach," and "Blueberry" are fruit flavors.

"Sour Apple" is a fruit flavor; "Mint" has a distinguishable taste and aroma.

"Lemonade" is a fruit flavored beverage; "Raspberry," "Blueberry," "Orange," "Grape," "Cherry" and "Strawberry" are fruit flavors.

Minimum Age to Purchase Tobacco is 21

In 2016, the minimum age to purchase tobacco products increased from 18 to 21 years of age (Health Code 19P) in San Francisco. 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 old 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 of 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 healthier lives that contribute to their family and community.