



City and County of San Francisco
DEPARTMENT OF PUBLIC HEALTH
ENVIRONMENTAL HEALTH

London N. Breed, Mayor
Grant Colfax, MD, Director of Health
Stephanie K. J. Cushing, MSPH, CHMM, REHS
Director of Environmental Health

Date: June 27, 2019

Re: Review Draft of the Revised Rules and Regulation for the Retail Tobacco Permit Program: Article 19H and 19Q of the San Francisco Health Code

Summary

The San Francisco Department of Public Health (SFDPH) is announcing an opportunity for public comment on revised Rules and Regulations governing our program for issuing permits for retail tobacco sales in San Francisco.

Dates

Submit either electronic or written comments on these draft rules and regulations by July 29, 2019.

Addresses

Submit electronic comments by email to: Jennifer.callewaert@sfdph.org

Submit written comments to: **Jen Callewaert, Tobacco & Smoking Program, San Francisco Department of Public Health, 1390 Market St, Ste 210, San Francisco CA 94102.**

Permits for the Sale of Tobacco Ordinance

In 2004, the San Francisco Board of Supervisors adopted San Francisco Health Code Article 19H establishing the Tobacco Program. The Tobacco Program includes a permitting process and operational requirements for any Establishment in San Francisco that retails Tobacco Products. On December 19, 2014, the San Francisco Board of Supervisors amended Article 19H of the San Francisco Health Code to cap the number of tobacco sales permits to 45 per supervisorial district effective as of January 18, 2015. In July 2018, the San Francisco voters upheld the prohibition on flavored tobacco sales in San Francisco. Rules and Regulations for Article 19H were most recently revised in August 2015. Information on the Article 19H permitting program, including Rules and Regulations currently in effect, may be found at <https://www.sfdph.org/dph/EH/Tobacco/default.asp>.

Supplementary Information

SFDPH invites comments on these Draft Rules and Regulations, including but not limited to these topics:

- (1) Whether the Rules and Regulations adequately and accurately describe the conditions under which permits for retail sales of tobacco products will be granted, denied, overseen and/or withdrawn and the enforcement process as required by the law; and
- (2) ways to enhance the clarity of the information contained in these rules and regulations.



San Francisco Department of Public Health Director's Rules and Regulations for Retail Tobacco Sales

June 27, 2019

Chapter 1. Authority

The San Francisco Health Code (SFHC) sets forth laws regulating the sale and use of tobacco and tobacco products. Sections 19H.26 and 19Q.5 authorize the Director of the San Francisco Department of Public Health (SFDPH) to adopt rules and regulations to implement Article 19H (permits for the sale of tobacco) and Article 19Q (prohibiting the sale of flavored tobacco products).

These Rules and Regulations for Retail Tobacco Sales (Rules) shall apply to all Establishments that sell Tobacco Products in the City and shall supersede any existing rules and regulations relating to Articles 19H and 19Q. The Director may amend these Rules from time to time.

Chapter 2. General Permitting

SEC 1. Definitions

As used in these Rules, the following words or phrases shall have the meanings set forth below.

"Applicant" means a Business Owner applying for a SFDPH Tobacco Sales Permit to operate in the City and County of San Francisco.

"Bar" means an area, whether a separate, stand-alone business or part of a larger business which is devoted to the serving of alcoholic beverages for consumption by patrons on the premises and in which the serving of food is incidental to the consumption of such beverages.

"Change of Ownership" means a change of 50 percent or more of the ownership of the business within a 12-month period; provided, however, that if the Permittee is a corporation, transfer of 25 percent of the stock ownership of the permittee shall be deemed to be a Change of Ownership.

"Characterizing Flavor" means a distinguishable taste or aroma or both, other than the taste or aroma of tobacco, imparted by a Tobacco Product or any byproduct produced by the Tobacco Product. Characterizing Flavors include, but are not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb, or spice. A Tobacco Product shall not be determined to have a Characterizing Flavor solely because of the use of additives or flavorings or the provision of ingredient information. Rather, it is the presence of a distinguishable taste or aroma or both, as described in the first sentence of this definition that constitutes a Characterizing Flavor.

"Displayed" means in public view.

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"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.

"Employee" means any person who performs work for a Permittee at an Establishment.

"Establishment" means any store, stand, booth, concession or any other enterprise that engages in the retail sale of Tobacco Products, including stores engaging in the retail sale of food items.

"Labeling" means written, printed, pictorial, or graphic matter upon any Tobacco Product or any of its Packaging.

"Packaging" means a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane) in which a Tobacco Product is sold or offered for sale to a consumer.

"Permittee" means a person or business entity who holds a Tobacco Sales Permit from the Department for a specific location.

"School" means a public or private preschool, kindergarten, elementary school, middle school, junior high school, high school, or a school combining some or all of the above school grades.

"Self-service Merchandising" means the open display of Tobacco Products to which the public has access without the intervention of the vendor or a store employee.

"Tavern" means cigar or smoking bar.

"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.

"Tobacco Sales Permit" means a SFDPH permit issued by the Director under Article 19H.

"Transferable" means conveyable from one person or entity to another person or entity.

SEC. 2. Permit Application

An Applicant may request a consultation meeting with the Department before submitting an application to review requirements set forth in these Rules. The Department's consultation fee is based on the inspector's hourly rate, which can be found at: https://www.sfdph.org/dph/files/EHSdocs/ehsFees/SF_EHB_Fees.pdf.

A complete Permit Application includes all of the following:

- (a) A Tobacco Sales Permit Pre-Application, Affidavit, and Planning Referral;

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- (b) An Application for the Sale of Tobacco Products and/or E-Cigarettes;
- (c) A Copy of the Business Registration Certificate from the San Francisco Office of the Treasurer & Tax Collector;
- (d) A Copy of the California Department of Tax and Fee Administration Retail Tobacco Products License (with a License Number);
- (e) Names of all Owner(s), Principal Officer(s), trust beneficiaries, and Ownership Percentage(s) for each Person identified on the Application;
- (f) Legal documentation listing all the owners of the Establishment;
- (g) Disclosure of any date(s) that the Department suspended or revoked a SFDPH Permit to Operate a Retail Tobacco Establishment issued to any owner or officer disclosed on the application;
- (h) Non-refundable Application Fee;
- (i) When applicable, non-refundable Planning Department Zoning Referral Fee;
- (j) A signed copy of the Health and Safety Working Conditions document provided by the Department; and
- (k) When applying for an Exception under Article 19H.6, documentation of Direct Negotiations as set forth in Chapter 3, Section 2 of these Rules.

An application will be deemed abandoned if the Applicant fails to submit all required items within 30 days from the date the application form is first submitted to the Department. After 30 days, the Applicant will be required to submit a new application and non-refundable application fee.

SEC. 3 Change of Ownership

A Tobacco Sales Permit may not be transferred or assigned.

- (1) Upon the sale of an Establishment holding a Tobacco Sales Permit, the Tobacco Sales Permit shall be forfeited and considered null and void.
- (2) Any Change of Ownership shall be reported to the Department and shall require the new Establishment owner to apply for a Tobacco Sales Permit with the Department within 30 days.
- (3) A completed Tobacco Sales Permit Application must be received by the Department within 30 days of a Change of Ownership.

SEC. 4. Grounds for Permit Denial

- (1) The Department will deny an application for a Tobacco Sales Permit for any of the following reasons:
 - (a) The Establishment is located in a Supervisorial District that has 45 or more Establishments with Tobacco Sales Permits;
 - (b) The Establishment is within 500 feet of a School;

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- (c) The Establishment is within 500 feet of another Establishment who holds a valid Tobacco Sales Permit;
 - (d) The Establishment's whose main purpose is offering food or beverage consumption on the premises, including Bars and Restaurants;
 - (e) The Establishment is a Tobacco Shop;
 - (f) The Department never issued a Tobacco Sales Permit at the Establishment's specific location;
 - (g) The Establishment is a Pharmacy;
 - (h) The Applicant has submitted fraudulent or misrepresentative information in their Application;
 - (i) The current Permittee for whom the applicant is purchasing the business from is delinquent in paying their Tobacco Sales Permit H-31 license fee;
 - (j) The owner at the Establishment is in violations of SFHC Article 19, Police Code Section 4600.3 (regulating the self-service merchandising of Tobacco Products), or the California Labor Code;
- (2) Appeal of School and/or Other Tobacco Sales Permit distance determinations
- (a) The Department shall determine the distance between School and Establishment property lines using the San Francisco Planning Department's online GIS mapping system.
 - (b) If the Applicant appeals the denial of a permit application because the applicant disputes SFDPH's determination of the property's distance to a School or permitted Establishment, the Applicant may request a 30-day Tobacco Sales Permit application extension from the date of the application denial. The Applicant shall submit a report including the experience of the mapping company, surveyor, or individual conducting the analysis; method(s) used to verify distance between properties and data used; and its contents are submitted under penalty of perjury to the Director for approval.

SEC. 5. Permit Conditions

All Permittees, Permittee's agents, or employees shall comply with all local, state, and federal laws applicable to Tobacco Products and Tobacco Sales.

(1) Permittee shall pay all Tobacco Sales Permit fees.

- (a) All annual license fees, including the tobacco products license fee issued by the State of California, must be paid in full.
- (b) File and pay to San Francisco Treasurer and Tax Collector's Office on a quarterly basis the Cigarette Litter Abatement Fee as required by Chapter 105 of the San Francisco Administrative Code.

(2) Permittee shall not sell Tobacco Products to persons under 21 years of age.

Prevent the sales of tobacco products to all persons under 21 years of age by:

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- (a) Requesting a current and valid government issued photo identification to comply with state and federal laws. .
- (b) Posting readable San Francisco and California Tobacco 21 signage in a location near the point of sales for Tobacco Products and visible to all customers.
- (3) Permittee shall not sell Tobacco Products with a Characterizing Flavor.**
- (4) Permittee shall properly display packaged Tobacco Products.**
- (a) Keep Tobacco Products out of reach of customers and behind the counter or in locked display cases at all times.
- (b) Permittee may not sell any cigarette except in a sealed manufacturer's package that complies with federal labeling requirements.
- (5) Permittee shall prohibit indoor smoking.**
- No Permittee shall allow indoor smoking of tobacco/nicotine products or any other weed or plant in any enclosed building, including all hookah lounges/bars, restaurants, bars, taverns, and tobacco shops.
- (6) Permittee shall designate an on-site employee for complaints or inspections.**
- An on-site employee shall be designated for each shift as the contact person for any complaints or inspections related to Tobacco Product Sales.
- (7) Allow inspection.**
- Any employee or agent of the Department may enter and inspect the premises of a Permittee during Business hours, without prior notice, if the Department staff has reasonable cause to believe that a public nuisance exists. Upon presentation of proper credentials, the Department staff may enter and inspect at any time during regular business hours any Establishment that is engaging in Tobacco Sales, or is suspected by the Director of engaging in such sales.
- (8) Permittee shall display permits and licenses.**
- A Permittee shall display all permits and licenses in a conspicuous place within their Establishment so that the permits and licenses may be readily seen by individuals entering the Establishment.

SEC. 6. Health Inspection

Health Inspections may be conducted with or without an appointment as determined by Department staff. Department staff may perform activities to ensure compliance with these Rules and any other applicable laws including, but not limited to:

- (1) Review valid permits and licenses;
- (2) Review annual tobacco control training records;
- (3) Conduct a walk-through of the Establishment including behind cashier's counter, kitchen, prep areas, storage rooms, cabinets, restrooms, offices and other rooms associated with the Establishment;
- (4) Take photographs and/or video of tobacco products;

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- (5) In collaboration with the San Francisco Police Department, use decoy operations to verify compliance with age restrictions or type of products sold to customers;
- (6) Use decoy operations to determine if the Establishment is selling Tobacco Products without a Health Permit or selling Flavored Tobacco Products.
- (7) Interview any person related to the Establishment including but not limited to the Permittee, employees, or customers; and
- (8) Issue educational materials, an Inspection Report, Notice of Violation, Notice of Correction, and/or Notice of Initial Determination.

SEC. 7. Violations and Penalties

The Director may revoke or suspend a Tobacco Sales Permit, or impose Administrative Penalties if the Director determines that an Applicant, Permittee, Permittee's agent, or Permittee's employee has engaged in any conduct that violates local, state, or federal law applicable to Tobacco Products and/or Tobacco Sales. SFDPH shall issue a Notice of Violation to the Establishment and follow the Enforcement Procedures as set forth in Appendix A of these Rules.

- (1) Suspension Periods: The Director may suspend the Tobacco Sales Permit set forth in Article 19H section 19H.19:

- (a) Suspension Periods for Sales of Tobacco Products to Persons under the Age of 21 shall result in a suspension of the Tobacco Sales Permit according to Table 1.

Table 1: 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 st violation	20 days
2 nd violation within 12 months of 1 st violation	60 days
3 rd violation within 12 month of the 2 nd violation	180 days
4 th violation that occurs within 1 year of 3 rd violation	180 days
2 nd violation that occurs more than 1 year of the 1 st violation	40
3 rd violation that occurs more than 1 year of the 2 nd violation	60 days
4 th violation that occurs more than 1 year of the 3 rd violation	90 days

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(b) Permit suspension periods shown in Table 1 may be reduced through the mitigation strategies shown in Table 2:

Table 2: Tobacco Sales Permit Suspension Reduction Mitigations¹ for Violation of sales of Tobacco Products to persons under the age of 21

Mitigation Strategy		Suspension Reduction Period
1.	Training	
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
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
2.	Equipment and Display(s)	
2a.	Install a scanner or other age verification device (only applicable for an Establishment without an age verification device when violation occurred).	-5 days
2b.	Remove all Displayed Tobacco Product advertisements for as long as the Permittee owns the Establishment	-10 days
2c.	Cover all Tobacco Products with Permanently Installed Opaque Covering 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.	-15 days

¹ The Permittee shall be offered mitigation strategies to reduce a permit suspension only once per year. Each suspension reduction mitigation strategy is available to Permittees once in the lifetime of their Tobacco Sales Permit.

The Permittee shall pay a reinspection fee based on the inspector's hourly rate as noted in Section 1 of these Rules, above, for all inspections and trainings conducted by the Department resulting from any violations.

SEC. 8. Permit Decisions: Right to Appeal

Decisions regarding a permit denial, suspension, revocation, and penalties are subject to appeal under Section 19H.24.

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Chapter 3. Density Cap Exception

SEC 1. Definitions

For the purposes of the Density Cap Exceptions in Section 19H.6, the following words or phrases shall have the meanings set forth below.

“Density Cap Exception” means the exceptions defined in Article 19 SFHC section 19H.6.

“Direct Negotiations” means an Original Owner is in direct negotiations with a New Buyer aimed at reaching an agreement for the sale of the Original Owner’s Retail Food Store Establishment, Tobacco Shop, Bar, or Tavern to the New Buyer.

“Effective Date” of Section 19H.6 means January 18, 2015.

“Five Years as of the Effective Date” means since January 18, 2010.

“New Buyer” means an individual or entity who is purchasing or acquiring an Establishment from the Original Owner and is applying for a SFDPH Tobacco Sales Permit seeking to continue the sales of tobacco at the Establishment’s specific location.

“Original Owner” means an individual or entity who owned an Establishment and was the holder of the SFDPH Tobacco Sales Permit on January 18, 2015 and was in business at the specific location from January 18, 2010 to January 18, 2015. **“Retail Food Store Establishment”** means an Establishment that sells foods, such as beverages, dairy, dry goods, fresh produce, other perishable items, beer, wine, and/or liquor sales for consumption.

“Subsequent Buyer” means an individual or entity who is purchasing an Establishment from a New Buyer and is applying for a SFDPH Tobacco Sales Permit seeking to continue the sales of tobacco at the Establishment’s specific location.

“Tobacco Shop” means any tobacco retailer whose principal business is selling Tobacco Products, tobacco paraphernalia, or both, as evidenced by any of the following: 50% or more of floor area and display area is devoted to the sale or exchange of Tobacco Products, tobacco paraphernalia, or both; 70% or more of gross sales receipts are derived from the sale or exchange of Tobacco Products, tobacco paraphernalia, or both; or 50% or more of completed sales transactions include a Tobacco Product or tobacco paraphernalia.

SEC 2. Exceptions for Certain New Permits

The Department will deny an application for a Tobacco Sales Permit for any of the reasons listed in Sections 19H.4(f) and 19.H5. (See Grounds for Permit Denial in Chapter 2, Section 4 of these Rules.)

Notwithstanding Sections 19H.4(f)(3), (4), (5), and (7) and Section 19H.5, the Director is authorized to issue a Tobacco Sales Permit on a one-time basis in the following limited circumstances under Section 19H.6:

(1) **New Buyer of a Retail Food Store or Tobacco Shop.** A Retail Food Store Establishment

or Tobacco Shop Permittee since January 18, 2010, may submit an affidavit to the Director attesting to: (a) their ownership of the Establishment; (b) under the same Tobacco Sale Permit; (c) for at least five (5) consecutive years immediately before the submission of the affidavit; and (d) Direct Negotiations. Upon submission of the Permittee's affidavit, a New Buyer may apply for a Tobacco Sales Permit for the Permittee's Retail Food Store Establishment or Tobacco Shop.

- (2) **Subsequent Buyer of a Retail Food Store or Tobacco Shop.** A Retail Food Store Establishment or Tobacco Shop New Buyer may submit an affidavit to the Director attesting to: (a) their ownership of the Establishment; (b) under the same Tobacco Sales Permit; and (c) for at least ten (10) years. Upon submission of the New Buyer's affidavit, a Subsequent Buyer may apply for a Tobacco Sales Permit for the New Buyer's Retail Food Store Establishment or Tobacco Shop. A Subsequent Buyer applying for a new Tobacco Sales Permit must acquire a 100% ownership interest in the Establishment.
- (3) **Child of Permittee.** A child of a Retail Food Store Establishment or Tobacco Shop Permittee may apply for a Tobacco Sales Permit for their parent's Establishment if their parent holds a Tobacco Sales Permit as of January 18, 2015. The child applying for a new Tobacco Sales Permit must have a 100% ownership interest in the Establishment.
- (4) **Seismic Retrofitting Relocation.** A Retail Food Store Establishment or Tobacco Shop Permittee as of January 18, 2015, which must relocate from their Establishment due to seismic retrofitting under Chapter 34B of the Building Code may apply for a Tobacco Sales Permit for their Establishment. The Permittee's application is subject to further review including confirmation of seismic retrofitting by the Department of Building Inspection.
- (5) **New Buyer of a Tavern.** A Tavern Permittee since January 18, 2010, that seeks to demonstrate previous compliance with Section 1009.23(d) of Article 19F of SFHC (prohibition against smoking in enclosed areas), shall submit a copy of their previously approved SFDPH application which establishes that an area within the Tavern is a historically compliant semi-enclosed smoking room. Additionally, the Tavern Permittee may submit an affidavit to the Director attesting to: (a) their ownership of the Establishment; (b) under the same Tobacco Sale Permit; (c) for at least five (5) consecutive years immediately before the submission of the affidavit; and (d) Direct Negotiations. Upon submission of the Tavern Permittee's affidavit, a New Buyer may apply for a Tobacco Sales Permit for the Permittee's Tavern.
- (6) **Subsequent Buyer of a Tavern.** A New Buyer of a Tavern may submit an affidavit to the Director attesting to: (a) their continuous ownership of the Establishment; (b) under the same Tobacco Sales Permit; and (c) for at least ten (10) years. Upon submission of a New Buyer's affidavit, a Subsequent Buyer may apply for a Tobacco Sales Permit for the New Buyer's Tavern. A Subsequent Buyer applying for a new Tobacco Sales Permit must acquire 100% ownership of the Establishment.
- (7) **Death or Divorce.** A spouse or domestic partner may acquire the ownership from the Permittee of an Establishment through the death or divorce. The spouse or domestic

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partner applying for a new Tobacco Sales Permit must have a 100% ownership interest in the Establishment.

If an owner or entity is applying for an Exception set forth in 19H.6, proof of documentation of a Direct Negotiation is required and shall be submitted with the Permit Application, including but not limited to: escrow documents, notarized letter regarding sale of the business with the Permittee and New Buyer or Subsequent Buyer, and/or alcohol license sales contract. Other documentation may be required by the Department in order to confirm any Exceptions For Certain New Permits listed in Chapter 3, Sec 2.

Chapter 4. Favored Tobacco Products (Article 19Q of the SFHC)

SEC 1. Definitions

As used in these Rules, the following words or phrases shall have the meanings set forth below.

“**Marketing**” means the process or technique of promoting, selling, and distributing a product or service.

SEC 2. Penalties for Violation of Article 19Q

(1) Abatement opportunity.

For a first time violation of Article 19Q (Prohibiting the Sale of Flavored Tobacco Products), a Permittee will be afforded the opportunity to remove Tobacco Products with a Characterizing Flavor from their Establishment in lieu of a permit suspension or administrative penalty. Failure to remove such products within 72 hours shall result in the suspension of the Tobacco Sales Permit for 10 days. SFDPH shall issue a Notice of Violation to the Establishment and follow the Enforcement Procedures as set forth in Appendix A of these Rules.

(2) Violations of Article 19Q (Prohibiting the Sale of Flavored Tobacco Products) shall result in a suspension of the Tobacco Sales Permit according to Table 3.

Table 3: Tobacco Sales Permit Suspension Periods for Sales or Distribution of Tobacco Products with a Characterizing Flavor: second or subsequent violations*

Number of Times the Violation Occurred	Permit Suspension Period*
1 st violation	10 days
2 nd violation	20 Days
3 rd violation	40 Days
4 th and each violation afterwards	90 Days

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SEC 3. Flavored Tobacco Products List

(1) SFDPH will develop and maintain a non-exhaustive Flavored Tobacco Products List to facilitate compliance with and enforcement of Article 19Q. The Flavored Tobacco Products List will be maintained on SFDPH's website:

<https://www.sfdph.org/dph/EH/Tobacco/flavoredtobacco.asp>

(2) The Flavored Tobacco Products List will include:

- (a) Tobacco Products that SFDPH has determined to be Flavored Tobacco Products based on their taste or aroma. *
- (b) Tobacco Products SFDPH presumes to be Flavored Tobacco Products based on their Labeling, Packaging, or Marketing. SFDPH will presume that a Tobacco Product is a Flavored Tobacco Product if the Manufacturer or any of the Manufacturer's agents or employees has made a statement or claim directed to consumers or to the public that the Tobacco Product has or produces a Characterizing Flavor, including, but not limited to, text, color, and/or images on the product's Labeling or Packaging that are used to explicitly or implicitly communicate that the Tobacco Product has a Characterizing Flavor. SFDPH will presume that a Tobacco Product is flavored if its Labeling, Packaging, or Marketing include descriptive terms such as "spicy" and "sweet" that imply or evoke Characterizing Flavors. SFDPH will not presume that a Tobacco Product is a Flavored Tobacco Product if the only descriptors that appear on its Labeling, Packaging, or Marketing are "strong," "mild," or "plain," where those descriptors appear to be referring to the taste of tobacco.
- (c) Tobacco Products that have been found by an administrative law judge to be Flavored Tobacco Products, following an administrative hearing. SFDPH will update the Flavored Tobacco Products List to include such products within 14 days of the issuance of an administrative decision.

SEC 4. Permittee Inquiry about Flavored Tobacco Products

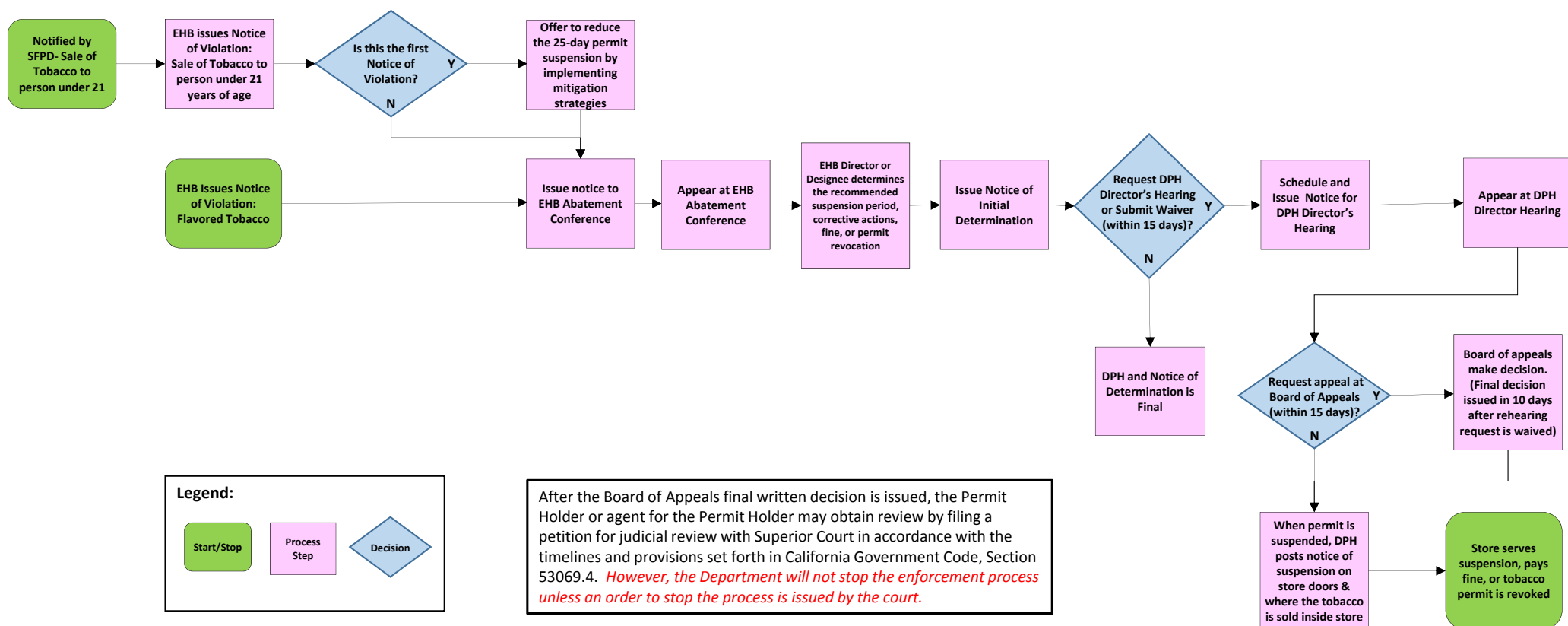
A Permittee may inquire of SFDPH whether a Tobacco Product is a Flavored Tobacco Product for purposes of Article 19Q by sending an inquiry to 1390 Market Street, Suite 210, San Francisco, CA 94102 or SF-FlavoredTobacco@sfdph.org. Such inquiry must include the brand, product name, product type, and either (1) a photocopy, photograph, or digital image of the products packaging and labeling, or (2) a web link to digital images of the product's packing and labeling. If SFDPH determines that the Tobacco Product is Flavored based on its aroma or taste, or that it is presumed to be flavored based on its Packaging, Labeling, or Marketing, SFDPH will update the Flavored Tobacco Products List within 45 days of the receipt of the inquiry, and will advise the Permittee of its conclusions within the same time frame.

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EHB Tobacco Permit Suspension Process: Tobacco Sales to Minors and Flavored Tobacco Sales



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