



CITY OF SANTA MARIA



Tobacco Retailer License- Frequently Asked Questions (FAQ)

On December 3, 2019, the City adopted new regulations requiring tobacco retailers to obtain a Tobacco Retailer license from the City and prohibiting the sale of flavored tobacco products. Below are answers to some frequently asked questions:

1. Who needs a City Tobacco Retailer license?

A City Tobacco Retailer license is required for any establishment that sells tobacco products.

2. Is there a fee for the City Tobacco Retailer license?

Yes, there is an annual fee for the Tobacco Retailer license. This fee is applied to the cost of administering the program. The City Council adopted the fee prior to the issuance of the Tobacco Retailer license. The fees are \$600 for a New Application and \$480 for a Renewal.

3. How will the new laws effect a business that on the date the new regulations were adopted (December 3, 2019) held a State license to sell tobacco products and was operating lawfully?

A business that was operating lawfully and held a State license to sell tobacco products on December 3, 2019, will be eligible for a City Tobacco Retailer license even if under the new regulations the location of the business would otherwise be ineligible for a Tobacco Retailer license. There is an exception for businesses that also operate a pharmacy. No Tobacco Retailer licenses will be issued to businesses that also operate a pharmacy at the same location.

4. How will the new laws effect a business that did not have a State license to sell tobacco or was not operating lawfully on the date the new regulations were adopted (December 3, 2019) that is looking to acquire a City Tobacco Retailer license?

If a business did not have a State license to sell tobacco or was not operating lawfully on the date the new regulations were adopted (December 3, 2019), a City Tobacco Retailer license will not be issued authorizing the retail sale of tobacco to a business that (1) also operates a pharmacy at the same location; (2) is located within 300 feet of a "Youth Populated Area;" or (3) is located within 500 feet of another Tobacco Retailer location that already holds a City Tobacco Retailer license.

5. What is the City's definition of a "Youth Populated Area?"

A Youth Populated Area is a location in the City that is occupied by a private or public kindergarten, elementary, middle or high school.

6. Where is it always illegal to sell tobacco products regardless of whether a business had a State license to sell tobacco products on the date the new regulations were adopted or not?

It is illegal to sell tobacco products and a business will not be eligible for a City Tobacco Retailer license if: (1) the business doesn't have a fixed location, such as a business selling tobacco products using persons on foot or from vehicles; (2) the business also sells drug paraphernalia; or (3) the business also operates a pharmacy from the same location.

7. Where do I apply for a Tobacco Retailer license?

The online application is found at:

<https://www.cityofsantamaria.org/city-government/departments/police-services/programs-services/tobacco-retailer-application-form>

8. If I have more than one store does each store need its own license?

Yes, each store will need its own City Tobacco Retailer license.

9. What is the deadline to obtain a City Tobacco Retailer license?

The City began enforcement of the new rules on July 1, 2020.

10. Is there a limit on the number of City Tobacco Retailer licenses that will be issued?

Yes. City Tobacco Retailer licenses are limited to one license for every 1,500 inhabitants in the City, as determined by the most recent U.S. Census.

11. Where do I display my Tobacco Retailer license?

The license should be prominently displayed at every location where tobacco retailing occurs.

12. What are the penalties for not having a City Tobacco Retailer license?

If a tobacco retailer fails to obtain a City Tobacco Retailer license, that unlicensed retailer will be prohibited from obtaining a City Tobacco Retailer license for 30 days upon the first offense, 90 days upon the second offense, and one year upon the third offense. In addition, the City may enforce its standard penalties for violations of the City code and may treat violations of the regulations as a misdemeanor or public nuisance, which the City may abate.

13. Who can I contact with questions about the application process?

Questions should be directed to the Police Department at (805) 928-3781 ext. 1343 or jvalle@cityofsantamaria.org.