



Monterey County Tobacco Retail License Frequently Asked Questions

Who is considered a tobacco retailer?

A tobacco retailer is any person or business that sells, offers for sale or distribution, exchanges, or offers to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia without regard to the quantity sold, distributed, exchanged, or offered for exchange.

What are tobacco products?

A tobacco product containing, made, or derived is from tobacco leaves, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco, including electronic or vaping cigarettes.

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 or used for smoking or ingestion of tobacco products.

What is the state law regarding sales of drug paraphernalia?

Although selling tobacco paraphernalia is legal, California does prohibit the sale of “drug paraphernalia,” defines as items that are “designed for use” or “marketed for use” with drugs (California Health and Safety Code § 11014.5). Also, selling “drug paraphernalia” is illegal under state law if there is reason to know that the item will be used for taking drugs (California Health and Safety Code § 11364.7).

How does a tobacco retailer license work?

Tobacco retailers in the unincorporated areas of the County including Carmel, Monterey, and Salinas, are required to submit an application for a tobacco retail license, pay an annual fee, and meet certain requirements of the ordinance in order to obtain and maintain a tobacco retailer license.

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

The tobacco license issued by the California Department of Tax and Fee Administration (CDTFA) 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. 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 unincorporated areas of the County and within the city limits of Carmel, Monterey, and Salinas, you will need a valid State tobacco license and a County tobacco license.

What does the County’s tobacco license require?

The license requires that tobacco retailers comply with federal, state and local tobacco-related laws, including provisions of the County’s tobacco license. Information about the County’s tobacco license is provided in this FAQ and can also be found in Chapter 7.80 “Tobacco Retailing License” of the Monterey County Code. Educational material regarding state and federal tobacco laws can be obtained by contacting the Monterey County Tobacco Education Program at (831) 755-4382 or estradaal@co.monterey.ca.us.

How much is the license?

For July 1, 2019 to June 30, 2020, the annual license fee cost is \$369.

How long is the license effective?

The term of the license is one (1) year beginning each fiscal year on July 1st and ending on June 30th of the following year. Each license must be renewed annually. You will receive an invoice along with an Annual Renewal Application from the County typically 6 weeks prior to the expiration of the license.

When should I re-apply for a license?

Each tobacco retailer needs to apply for renewal of the tobacco retailing license (TRL) and submit the license fee no later than thirty (30) days before the expiration date of the TRL. A tobacco retailing license may not be transferred from one (1) person to another or from one (1) location to another.

Is my tobacco retailer license transferrable 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 is prohibited. Pushcart vendors, food trucks, foot peddlers, etc., cannot sell tobacco products.

What do I do if I have multiple tobacco retailing locations?

Each location that sells tobacco products and/or tobacco paraphernalia must have its own license. Each location must pay the annual license fee.

Will there be inspections?

Yes. Undercover inspections will be conducted to see if stores are selling to minors. In addition, Environmental Health inspectors will conduct site inspections for compliance with other local, state, and federal tobacco retail laws.

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 is Law Enforcements role?

Law enforcement may be called upon to report any ongoing illegal activity, such as, the underage sale and/or purchase of tobacco and tobacco related paraphernalia.

What if I no longer want to sell tobacco products?

Please notify the Tobacco Control Program by email or letter with the business name and address, stating that you will no longer sell tobacco products. Letters should be mailed to Tobacco Control Program, 1441 Schilling Pl-South 1st Floor, Salinas, CA 93901 or email: estradaal@co.monterey.ca.us.

Who do I contact if I have additional questions?

For questions about the application and permit requirements, please contact Tobacco Control Program at, 1441 Schilling Pl-South 1st Floor, Salinas, CA 93901, (831) 755-4382 or estrada1@co.monterey.ca.us.