To legally sell tobacco products and tobacco paraphernalia in the unincorporated areas of the County and within the city limits of Carmel, Monterey, Salinas, and Pacific Grove, tobacco retailers need a valid state tobacco license and local tobacco retailer license.

Monterey County Tobacco Retailer License
Frequently Asked Questions

Which jurisdictions in Monterey County currently require a Tobacco Retailer License?
The cities of Monterey, Carmel-By-The-Sea, Salinas, Pacific Grove and the unincorporated areas of Monterey County require that tobacco retailers have a tobacco retailer license.

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

What are tobacco products?
A tobacco product is any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco, and any product or formulation of matter containing biologically active amounts of nicotine that will be introduced into the human body, including vaping products such as e-cigarettes. A tobacco product does not include any product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco product dependence. As jurisdictions define tobacco product differently, you should review the specific definition of tobacco product in your jurisdiction.

What is tobacco paraphernalia?
Tobacco paraphernalia is 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 under state law, California prohibits the sale of “drug paraphernalia” (defined in California Health and Safety Code § 11014.5) unless it is otherwise authorized by law (California Health and Safety Code § 11364.7). For example, a licensed cannabis retailer may sell cannabis accessories, as defined in Health and Safety Code § 11018.2 (Bureau of Cannabis Control Regulations § 5407). Applicants for tobacco retailer licenses in Monterey County, as well as applicants in the cities within the County that require a tobacco retailer license, must sign a statement that they will not sell drug paraphernalia in order to receive a license.

What is a tobacco retailer license?
A tobacco retailer license is a license that grants tobacco retailers permission to sell tobacco products and tobacco paraphernalia. Tobacco retailers are required to submit an application for a tobacco retailer license, pay an annual fee, and meet certain requirements, including compliance with all local, state, and federal tobacco-related laws, in order to obtain and maintain a tobacco retailer license.

If a tobacco retailer already has a state tobacco license issued by the California Department of Tax and Fee Administration, why does the tobacco retailer need a local tobacco retailer license?
The tobacco license issued by the California Department of Tax and Fee Administration is meant to curb tobacco tax fraud and the counterfeiting of tobacco products. That license requirement does not preempt local jurisdictions from adopting local tobacco retailer license requirements. The tobacco retailer license ordinances enacted in the County promote responsible tobacco retailing and
compliance with federal, state, and local tobacco-related laws, including those that prohibit the sale of tobacco products to minors.

Where can someone find additional information regarding tobacco retailer license requirements and tobacco-related state and federal laws generally?
The entire text of Monterey County’s tobacco retailer license ordinance is found in Chapter 7.80 of the Monterey County Code of Ordinances. Educational materials regarding state and federal tobacco laws can be obtained by contacting the Monterey County Tobacco Education Program at (831) 755-4382 or estradaa1@co.monterey.ca.us.

How much does a tobacco retailer license cost?
For July 1, 2020 to June 30, 2021, the annual license fee is $384.

For how long is a tobacco retailer license effective?
The term of a tobacco retailer 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. Tobacco retailers will receive an invoice along with an Annual Renewal Application from the County typically six weeks prior to the expiration of the license.

When should a tobacco retailer re-apply for a license?
Each tobacco retailer needs to apply for renewal of their tobacco retailer license and submit the license fee no later than thirty (30) calendar days before the expiration date of the license.

Is a tobacco retailer license transferrable if a tobacco retailer sells their business or passes 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 a tobacco retailer sell tobacco from a mobile location such as a truck or car?
No, mobile vending is prohibited. Pushcart vendors, food trucks, foot peddlers, and others selling from non-fixed locations cannot legally sell tobacco products because tobacco retailer licenses are only issued to fixed locations.

What are the tobacco retailer license requirements for a tobacco retailer with multiple locations?
Each location that sells tobacco products must apply for its own tobacco retailer license and pay the annual license fee.

Should tobacco retailers expect inspections?
Yes. Undercover and unannounced inspections will be conducted to check that tobacco retailers are not selling tobacco products to minors, as well as to ensure that tobacco retailers are complying with other local, state, and federal tobacco-related laws. Compliance may be monitored by law enforcement or county health department officials.

What will happen if a tobacco retailer is cited for a violation during an inspection?
Violations of local, state, and federal tobacco-related laws, including tobacco retailer license requirements, are subject to monetary fines, suspension and/or revocation of the tobacco retailer license. The minimum duration of suspension of a tobacco retailer license is 60 days. Additionally, violations may be prosecuted as infractions or misdemeanors.

What should a tobacco retailer do if they no longer want to sell tobacco products?
If a tobacco retailer wants to discontinue tobacco retailing, the retailer should notify the Tobacco Control Program by email or mail of their intent and include their business name and address. Mail should be sent to Tobacco Control Program, 1441 Schilling Pl-South 1st Floor, Salinas, CA 93901. Alternatively, an email can be sent to estradaal@co.monterey.ca.us.