



COALITION FOR TOBACCO-FREE
San Joaquin

COMMITTED TO ACHIEVING A SMOKE,
VAPE, AND TOBACCO-FREE COMMUNITY

To our valued local businesses:

The Coalition for Tobacco Free San Joaquin is providing this packet of resources to assist you in complying with local and statewide laws on selling tobacco products, and to support your business in thriving without tobacco sales.

Here's what is included:

- 8 tips to comply with statewide tobacco laws
- A chart on what tobacco products are allowed for sale in each part of San Joaquin County
- Tips for success
- Additional resources

If you would like additional information, please contact us at stopp@sjcphs.org or (209)468-2415.

You can also visit bit.ly/TobaccoRetailers for more resources.

8 Tips to Comply with Statewide Tobacco Laws

1. Do not sell tobacco products to people under age 21

The Stop Tobacco Access to Kids Enforcement (STAKE) Act prohibits the sale and furnishing of tobacco products to persons under the age of 21. Retailers must ID anyone who looks younger than 27 years of age bit.ly/tobaccosaleID

ID Verification for Tobacco Sales in California

21 or Over



1. Check the **picture** first. See that it matches the person.

2. Check the **date of birth (DOB)**. Make sure the person is at least 21 years old.

3. Check the **expiration date**. Make sure the ID has not expired.

Under 21



IN SAMPLE
IN SALLY SUE
2570 24TH STREET
ANTHONY, CA 95818

SEX: F
HAIR: BRN
EYES: BLU
HGT: 5'05" WGT: 125 LB
DOB: 08/31/2009

For more tobacco retailer resources visit : www.cdph.ca.gov/Tobacco21



2. Display age of sale warning sign at register

All tobacco retailers are required to post this age-of-sale warning sign stating that selling tobacco products to anyone under 21 years of age is illegal and subject to penalties at each point of sale. 'We Card' signs do *not* comply with the state law. You can print this sign here: bit.ly/Tobacco21sticker or order free signs here: bit.ly/tobaccofreesign

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**

Valid Identification May Be Required

Business and Professions Code Section 22952 21 U.S.C 387f(d)

This sign must be readable by the consumer and must not be altered, covered or obliterated in whole or in part



- Open camera or QR code reader on your smartphone.
- Hold your smartphone over QR Code so that it's clearly visible within camera screen.
- Look for the notification banner or tap to trigger code's action.

8 Tips to Comply with Statewide Tobacco Laws

3. Maintain your California License

To sell tobacco products in California, a retailer must obtain and maintain a California Cigarette and Tobacco Products Retailer License, which is administered by the California Department of Tax and Fee Administration (CDTFA) and pay the annual fee of \$265. As of July 1, 2022, a permit is also required for the sale of electronic cigarettes. Visit this page for up to date information on requirements on licensing for selling tobacco products:

bit.ly/cdtftobaccoproducts



4. Keep tobacco products behind the counter

Do not offer self-service displays for customers to shop tobacco products, including electronic smoking devices, e-liquids, components, parts or accessories.

5. Train your employees

Train your employees on federal, state and local laws for tobacco product sales. Regularly monitor your employees to ensure they follow your training. Training employees can include:

- How to ask for valid government ID for anyone that looks younger than 27 years of age
- To only accept valid government ID and examples of what these are (CA state ID, passports, out of state ID, international passports)
- How to check that the ID is valid (not expired)
- How to confirm that the ID matches the person
- How to confirm that the customer is 21+ years old
- To refuse a sale if the ID is not valid, does not match the person or the person is under 21 years old, and examples of what to say
- What products in the store are tobacco products, including electronic cigarettes, vapes, e-liquids and synthetic nicotine products

8 Tips to Comply with Statewide Tobacco Laws

6. Know what a tobacco product is under CA law

WHAT IS A "TOBACCO PRODUCT" UNDER CALIFORNIA LAW?



"Tobacco product" means any of the following:

A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff.



Cigarettes



Cigars & Cigarillos



Chew, ZYN, Snus



Hookah Shisha

An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.



JUUL & Other Vapes



Cigalikes



Vaporizers



E-juices

Any component, part, or accessory of a tobacco product, whether or not sold separately.



Papers



Atomizers



Batteries



Chargers

"Tobacco product" does not include

a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such an approved purpose.



8 Tips to Comply with Statewide Tobacco Laws

7. Do not sell flavored products that are prohibited for sale in CA

- California state law prohibits the sale of most flavored tobacco products, including products such as flavored e-cigarettes, menthol cigarettes, and tobacco product flavor enhancers.
- This law applies to retail locations, including stores and vending machines.
- It is sometimes helpful to know the only products that the law does **not** currently apply to:
 - flavored premium cigars with a wholesale price of \$12+
 - flavored loose-leaf pipe tobacco
 - flavored shisha/hookah tobacco, but *only* in licensed stores that only allow entry of people 21+ year of age at all times

Local jurisdictions can have laws that are more restrictive than state law. If local ordinances are more restrictive, you must follow the local ordinance.

LOCAL JURISDICTIONS WITH MORE RESTRICTIONS
City of Stockton

8. Research products you are purchasing for resale

Many tobacco product companies still make and distribute flavored tobacco products, and the packaging of these items might not make it obvious that they are flavored. We encourage you to look at the product description online for information.

You are responsible for making sure that the products you sell at your location comply with federal, state and local laws.

Tobacco Products Allowed to be Sold

	Stockton	California	Tracy	Lodi	Manteca	Lathrop	Ripon	Escalon	Unincorporated San Joaquin County
Menthol Cigarettes									
Flavored electronic cigarettes (e-cigarettes) or vapes that deliver another vaporized liquid, e-juice, pods or cartridges									
Flavored e-liquids, even if they contain tobacco-free nicotine or do not contain any nicotine									
Flavor enhancers, such as e-liquid flavor enhancers of flavored cigarette papers									
Vape pens with flavored cannabidiol (CBD), aromatherapy or essential oils									
Flavored non-premium cigars (wholesale value of less than \$12), little cigars and cigarillos									
Flavored smokeless tobacco (such as chew, dip, or synthetic nicotine pouches)									
Flavored blunt wraps and flavored hemp wraps									
Flavored loose-leaf, roll-you-own or pipe tobacco		✓	✓	✓	✓	✓	✓	✓	✓
Flavored premium cigars with a wholesale price of \$12+		✓	✓	✓	✓	✓	✓	✓	✓
Flavored hookah/shisha products*		✓	✓	✓	✓	✓	✓	✓	✓
UNFLAVORED tobacco products	✓	✓	✓	✓	✓	✓	✓	✓	✓



These products are allowed to be sold in these jurisdictions

*Flavored hookah/shisha products may only be sold in licensed stores that only allow people 21+ on the premises at any time.

The City of Stockton also has more restrictions on flavors than the state in addition to restrictions on tobacco retailer locations. (<https://ecode360.com/43422840>)

Updated September 2024

Tips on How to be Successful Without Tobacco Sales

ANTHONY CHILELLI,
SACRAMENTO COUNTY
SHERIFF

“Using a point of sale system that scans customers identification will help to ease the stress of verifying a customer’s age. If customers come into your location looking for an alternative to smoking, advise them of the 7 FDA approved cessation options.”

THINGS YOU CAN DO:

1. Scan customer IDs to accurately verify age
2. Educate customers that want to quit smoking on the 7 FDA approved cessation options
3. Raise the percent of store revenue from higher profit margin products like hot meals and produce

Figure 6

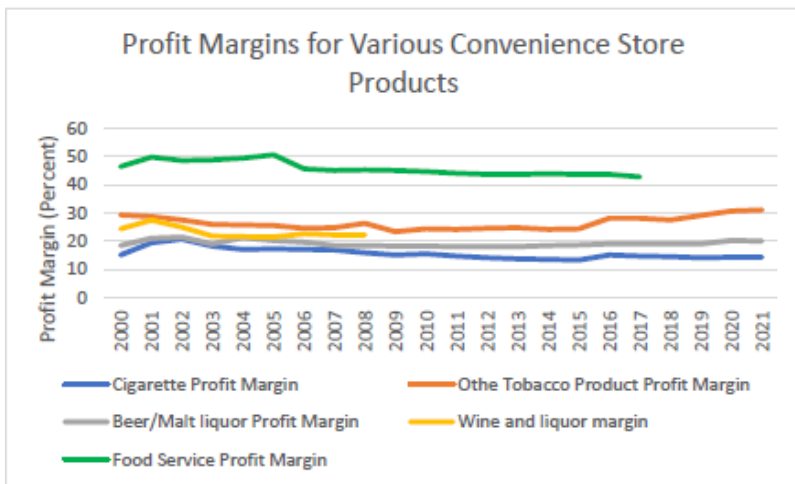


Figure 6 shows profit margins for various products sold by convenience stores over time. Food services have the largest profit margin among the products that are graphed, consistently higher than 40% from 2000-2017 (data for 2018-2021 are not available). Cigarettes, on the other hand, have the lowest profit margins among the other convenience store products that are graphed including beer/malt liquor, wine and liquor, other tobacco products, and food service. Among the products that are graphed in Figure 6, the least profitable product sold by convenience stores is cigarettes, consistently generating the smallest fraction of revenue that a convenience store retains since year 2000.

Tips on How to be Successful Without Tobacco Sales

Here are some tips on how to keep your business thriving, while also eliminating tobacco sales.



Promote a Healthy Community

Engage with your community, and participate in local events. Promote your business in a healthy manner. Offer promotions on healthy foods such as fresh fruits and vegetables. Encourage a safe and healthy environment with cleanliness and positive interactions. Apply for the Healthy Refrigeration Grant Program: bit.ly/healthyrefrigerationgrant



Accept WIC and SNAP Benefits

Sign your store up to accept WIC and SNAP Benefits. Call the Food and Nutrition Service (FNS) at (877) 823-4369 to request an application or apply online at <https://www.fns.usda.gov/snap/apply-to-accept>



Establish a Social Media Presence

Promote your new healthy options on social media such as Instagram and Facebook. Share facts and information about the benefits of your healthy replacement products. Post images and positive messaging to gain community support.



Focus on Customer Experience and Excellent Customer Service

Good customer service can help keep customers coming back by creating positive experiences and building trust. When customers are happy with the service they receive, they are more likely to recommend your business to others.

Additional Resources

Frequently Asked Questions

- FAQs from the California Department of Public Health: <https://www.cdph.ca.gov>

Changes to the Statewide Flavored Tobacco Products Retail Law that Affect California Retailers

- To read the letter from the State Public Health Officer for a summary of how to comply with the new law: bit.ly/4cye5h0

Questions about enforcement?

- For all cities (Escalon, Lathrop, Lodi, Manteca, Ripon and unincorporated areas) in San Joaquin County except the City of Stockton, contact the California Department of Public Health's Office of Youth Tobacco Enforcement at OYTE@cdph.ca.gov or 916-650-6522
- In the **City of Stockton**, contact the Police Department at (209) 937-8218

For free and confidential general business assistance:

- San Joaquin Small Business Development
(209) 868-1046
<https://www.sanjoaquinsbdc.org/>

FDA Approved Cessation Medications:

- UCSF Smoking Cessation Leadership Center, Pharmacologic Product Guide:
FDA-Approved Medications for Smoking Cessation: <http://bit.ly/3XH7YSE>