



TOBACCO RETAIL LICENSING

Questions And Answers

What is tobacco retail licensing?

A retail tobacco license requires retailers to obtain a license to sell tobacco products. If the retailer sells tobacco to minors, or violates other local and state laws relating to tobacco, the license can be suspended or revoked. The license fee should reflect the costs of administering and enforcing the licensing program; retailers can be charged a required a flat fee or a fee based on the volume of tobacco they sell.

Are there laws that license tobacco retailers?

Currently, there is no statewide law in California that requires a tobacco retailer to be licensed. However, 24 California communities require tobacco retailers to be licensed.

What are the benefits of tobacco retail licensing?

- Sends a message to all tobacco retailers that a community is serious about protecting kids from tobacco products.
- Helps determine who in your community is selling tobacco.
- Increases compliance with laws designed to eliminate the sale of tobacco to minors by creating a greater deterrent than fines alone for violating the law.
- Increases compliance with all tobacco-related laws.
- Creates a level playing field for all members of the business community.
- Licensing and related enforcement are very cost-effective measures for saving lives (up to 1,000 times as cost-effective as mammography), according to leading researchers in the area of youth access.

What type of arguments might I hear in trying to pass a tobacco retail licensing ordinance?

- 1) *Store owners already train clerks to not sell to minors.*
Research shows that training alone does not reduce illegal sales to minors. Self-policing programs such as the industry's "We Card" program are inadequate. More stringent measures like licensing are needed to address the public health problem of high illegal sales rates to youth.
- 2) *Licensing is an additional and unnecessary financial burden to business.*
Licenses are the cost of doing business (for example, to sell alcohol you need a license).
- 3) *Penalties for a license violation are too harsh.*
Profits from tobacco sales should not come at the expense of the health of our youth. A licensing ordinance allows ample time to come into compliance before a penalty is issued. And, if a retailer does not sell to youth, they will not be penalized—it's that simple.

For more information, check out the American Lung Association of California's "A Guide for Local Action: Tobacco Retailer Licensing"