

Case Studies

on the Implementation and Enforcement
of Local Tobacco Retailer Licensing
Ordinances in California



INTRODUCTION

Although the state of California requires a license to sell tobacco products, the state licensing law is not designed to address public health concerns, such as youth access to tobacco products. Communities across California have attempted to fill the void by adopting local tobacco retailer licensing ordinances.

Approximately 50 cities and counties in California currently have local ordinances, most of which (a) require retailers to obtain a license to sell tobacco products and (b) impose a suspension or revocation of the license when a retailer violates state or local laws related to the sale, distribution, or use of tobacco. But when it comes to implementing and enforcing the ordinances, the licensing programs that have emerged look remarkably different from one another.

To help understand the variety of local approaches to tobacco retailer licensing, the Technical Assistance Legal Center (TALC) studied four communities that are enforcing their local tobacco retailer licensing ordinances: Contra Costa County, Santa Barbara County, the City of Willits, and the City of Los Angeles. TALC chose these communities because they were among the first in California to suspend the tobacco licenses of retail outlets that violated sales-to-youth or other tobacco control laws.

The purpose of TALC's study was to examine the differences among the four licensing programs, analyze why they evolved differently, and explore the significance of the differences given that they all were reaching the ultimate goal of holding retailers accountable for violations of tobacco sales laws. Note that TALC focused its research on implementation and enforcement—not on the process of organizing the community around the passage of the ordinance.

This report summarizes the key elements of the four licensing programs as they were described in interviews with lead agency staff in the four communities. A major conclusion of the report is that there is no one “right way” to implement and enforce a local tobacco retailer licensing program. Each of the four communities tailored its licensing program to its unique political climate and the particular capabilities and resources of its local agencies.

This report is designed for advocates in communities that have recently adopted or are in the process of adopting tobacco retailer licensing ordinances.

Chapter 1 provides basic information about tobacco control laws that are enforced through local licensing ordinances.

Chapter 2 provides brief descriptions of the four communities featured in the report.

Chapter 3 highlights two major preconditions that lay the groundwork for active and effective enforcement: a committed lead agency and early planning for enforcement.

Chapter 4 describes a key decision that affects many aspects of enforcement in the four communities, namely whether sales-to-youth violations are prosecuted in court before license-related penalties are imposed on retailers.

Chapter 5 compares how the four communities administer their licensing programs.

Chapter 6 compares how the four communities monitor retailers for violations of tobacco control laws.

Chapter 7 compares how the four communities penalize retailers who are found to be out of compliance with the law.

Two appendices at the end of this publication offer additional resources for readers:

Appendix A provides a chart comparing the four communities' licensing programs.

Appendix B provides contact information for staff in the four communities and sources of assistance on legal issues related to licensing, support for campaign organizing around licensing, and access to lists of local retailers.