



Why is tobacco retailer licensing important?

It's about reducing illegal sales of tobacco to minors and cutting youth smoking.

- Despite laws in every state making it illegal to sell tobacco to minors, each year an estimated 924 million packs of cigarettes are consumed by minors aged 12 to 17.
- Roughly half of all underage smokers usually buy the cigarettes they smoke, either directly from retailers or vending machines or by giving money to others to buy for them.
- 13.5 percent of 16-17 year-olds in California report having used some form of tobacco in the last month.

Tobacco retailer licensing ordinances provide enforcement agencies with the tools they need to enforce illegal sales to minors laws. If enforcement agents know who is selling tobacco products, it's much easier to monitor to whom they're selling.

Is licensing effective?

According to a study conducted in Woodridge, Illinois - a city that carefully monitors its licensing ordinance - illegal sales decreased from 70 percent before their tobacco retailer licensing ordinance, to less than 5 percent in the year and a half after its enactment¹.

Prepared by the Educating Key Opinion Leaders Project

American Lung Association of California
921 11th Street, Suite 700
Sacramento, CA 95814
(916) 442-4446
(916) 442-6565

This project is made possible by funds provided from the Tobacco Tax, Health Education Act of 1994, Proposition 89 - under Grant Number 99-00001, from the California Department of Health Services - Tobacco Control Section.

¹ Joseph R. DiFranza, MD and John J. Librett, MPH, State and Federal Revenues from Tobacco Consumed by Minors, 89(7) Am. J. Pub. Health 1106 (July 1999).

² Campaign for Tobacco-Free Kids, <http://www.tobaccofreekids.org>.

³ Department of Health Services - Tobacco Control Section.

⁴ Leonard A. Jason et al., Active Enforcement of Cigarette Control Laws in the Prevention of Cigarette Sales to Minors, 266 J.A.M.A. 3159 (1991).

Clearing the Air: Tobacco Retailer Licensing

What is tobacco retailer licensing?

Similar to laws regulating alcohol sales, tobacco retailer licensing provides an effective tool for local governments to enforce merchant compliance with laws prohibiting tobacco sales to minors. A tobacco retailer licensing law requires retailers to obtain a license to sell tobacco products and provides for the suspension or revocation of the license if the merchant sells tobacco to minors or violates other local, state, or federal laws related to tobacco.

California state law prohibits tobacco sales to minors (Penal Code section 308 and the STAKE Act). Local governments have the authority to encourage compliance with these state laws by passing a local ordinance requiring tobacco retailers to be licensed. Effective laws preventing tobacco sales to minors should have a retailer licensing component.

Where is licensing occurring?

California, despite its progressive tobacco control policies, has been relatively slow to join the retailer licensing bandwagon. California is one of only 15 states that does not require tobacco retailer licensing of any kind⁵. In 1990, the city of Rancho Mirage was the first community in California to enact a licensing ordinance. Today, more than 250 local communities and states have enacted their own laws. Currently, only 21 communities in California have tobacco retailer licensing ordinances: **Antioch, Colma, Contra Costa County, Daly City, Danville, East Palo Alto, El Cerrito, Lafayette, City of Los Angeles, Millbrae, Pinole, Pittsburg, Pleasant Hill, Redwood City, Richmond, San Carlos, San Mateo City, San Mateo County, San Rafael, San Ramon, and Walnut Creek.**

What makes a good licensing ordinance?

1. Strong enforcement provisions, including unannounced compliance checks.
2. Designation of local enforcement agency to conduct the compliance checks. The assigned agency must receive an updated list of all licensed tobacco sales outlets.
3. Licensing fees should be sufficient to cover administration of the license and enforcement of the licensing ordinance; penalty fees paid should be earmarked for administration and enforcement costs.
4. Owners must be subject to license suspension or revocation for violating tobacco laws.

For more information about how you can get involved, contact your local American Lung Association at 1-800-LUNG USA or www.californialung.org.

⁵ U.S. Centers for Disease Control, *Retail Tobacco Product Licensing - 1999, 4th Quarter*. http://www2.cdc.gov/nccdphp/osh/state/rpt_map_display.asp?map_id=2.