

Tobacco Permit Requirements

City of Cupertino



Retailers in the City of Los Cupertino must obtain and maintain a permit from the Santa Clara County Department of Environmental Health to sell tobacco products.¹ The annual permit fee is \$425. **Tobacco products** include but are not limited to: cigarettes, cigars, little cigars, smokeless tobacco, hookah, electronic smoking devices (such as electronic cigarettes and vape pens), and any products for use with electronic smoking devices (such as e-liquids with or without nicotine).

You are *not* eligible for a tobacco retailer permit if you:

- Are a mobile retailer
- Operate at a temporary event
- Have a pharmacy
- Are located within 1,000 feet of a school
- Are located within 500 feet of another tobacco retailer

EXCEPTION: If you are located within 1,000 feet from a school or 500 feet from another tobacco retailer you can continue selling tobacco products *if* you were lawfully selling:

- Tobacco products on 7/1/20

Also, if you are located within 1,000 feet from a school, you can continue selling tobacco products if you were lawfully selling tobacco products prior to creation or relocation of that school.

However, you **lose** your exception if you:

- Fail to renew your permit on time or
- Transfer the business to a new owner (including if a new person obtains ownership of 10% or more of the business)

Tobacco retailers are *prohibited* from:

- Selling tobacco products to anyone under the age of 21
- Selling flavored tobacco products, including but not limited to menthol cigarettes, flavored little cigars, flavored smokeless/chewing tobacco, and flavored electronic cigarettes and e-liquids
- Selling and distributing electronic cigarette products (does not affect existing permits during current permit term only)
- Violating any law regarding tobacco products or retailing of tobacco products
- Employing minors (under age 21) to sell tobacco products
- Covering more than 15% of windows and clear doors with any type of ads or signs
- Selling tobacco products from a vending machine or self-service display
- Displaying tobacco products or ads if the retailer doesn't have a valid permit
- Allowing smoking or the use of electronic smoking devices in the retail outlet

Tobacco retailers are *required* to:

- Obtain and annually renew a tobacco retailer permit and prominently display the permit onsite
- Post a notice, at each point of purchase, saying that the sale of tobacco products to anyone under 21 years of age is illegal and subject to penalties
- Check ID for any purchaser who appears to be under 30 years of age

If you have any questions about the Tobacco Retailing Permitting Ordinance, please contact Don Tran at the Santa Clara County Public Health Department at (408) 817-6879 or Don.Tran@phd.sccgov.org.

¹ City of Cupertino Ordinance Number 20-2197