

Tobacco Permit Requirements

Town of Los Gatos



Retailers in the Town of Los Gatos 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 as of 1/1/18

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 menthol cigarettes, flavored cigars, flavored electronic cigarettes, or e-liquids

- Violating any law regarding tobacco products or retailing of 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 valid permit
- Allowing smoking or the use of electronic smoking devices in the retail outlet

EXCEPTION: You may continue to sell flavored tobacco products if you qualify as an "adult-only tobacco store" by meeting **all** the following requirements:

- Primarily sell tobacco products
- Generate more than 60% of gross revenue from tobacco products or paraphernalia
- Do not allow minors under age 21 without a parent or guardian
- Do not sell alcohol or food for onsite consumption
- Post a sign outside the location clearly stating that anyone under age 21 is prohibited from entering the premises

Tobacco retailers are *required* to:

- Obtain and annually renew a tobacco retailer permit; 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

¹ Town of Los Gatos Ordinance Code 2259.