Tobacco Permit Requirements
Santa Clara County Unincorporated Areas

Retailers in the unincorporated areas of Santa Clara County must obtain and maintain a permit from the County to sell tobacco products. 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

**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
- 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 valid permit
- Allowing smoking or the use of electronic smoking devices in the retail outlet

**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 1/21/11 or
- Electronic smoking devices as of 8/22/14
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)

**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

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1 Santa Clara County Ordinance Code, Division A18, Chapter XXIII (§ A18 et seq.).