



“Plug-in” Policy Provisions for a Tobacco Retailer License

Your community has a range of policy choices to consider when designing a local tobacco retailer licensing ordinance. Our *Model California Ordinance Requiring a Tobacco Retailer License* (“Model TRL”) contains the basic elements for an effective licensing ordinance that can be used to enforce federal, state, and local tobacco control laws. From there, communities can include additional policy options, or “Plug-ins,” to enhance the ordinance and address local public health concerns related to tobacco use.

This fact sheet describes each of the Plug-ins. The Model TRL and Plug-ins are available at www.changelabsolutions.org/tobacco-control. If you would like help adapting any of these models for your community, please contact us at www.changelabsolutions.org/tobaccoquestions.

Restrictions on Eligibility for a License

A local tobacco retailer licensing ordinance allows a community to exercise better control over where tobacco products are sold. These Plug-ins limit the types of businesses and the locations that are eligible for a tobacco retailer license. Limiting where tobacco is sold can reduce youth access to tobacco products and facilitate enforcement of the licensing provisions.

Tobacco-free pharmacies


This Plug-in prohibits businesses that contain pharmacies from obtaining a tobacco retailer license. The sale of tobacco products at stores containing pharmacies may convey a mixed message to consumers, who often rely on these businesses for health-related services. Because stores containing pharmacies frequently provide health-related information to the public, communities may be concerned that the sale of tobacco at these stores conveys a tacit approval of these products to the public. Further, stores containing pharmacies often stock tobacco products near cessation aids, compromising the efforts of smokers who are trying to quit.

No licenses near schools

This Plug-in prohibits a license for a business operating too close to a school or other area frequented by youth. Children are more likely to experiment with tobacco products when tobacco retailers are located near schools. Communities can use this Plug-in to establish “tobacco-free zones” that restrict tobacco sales within a certain distance of schools, playgrounds, libraries, and similar venues.

New tobacco retailers must be a specified distance from current retailers

To prevent the concentration of tobacco retailers within particular neighborhoods, this Plug-in restricts how close tobacco retailers may be to one another. The number of tobacco retailers in a neighborhood affects youth smoking behaviors and youth access to tobacco products. Additionally, in some communities, disadvantaged neighborhoods are disproportionately impacted by high tobacco retailer density.



Several communities have prohibited businesses that contain pharmacies from obtaining tobacco retailer licenses because these businesses provide health-related services to the public.

More than 100 communities in California have passed tobacco retailer licensing ordinances, many of which have particularly effective eligibility, fee, and enforcement provisions. For a list of communities with strong tobacco retailer licensing laws and the Plug-ins they have incorporated, see the Center for Tobacco Policy & Organizing’s *Matrix of Strong Local Tobacco Retailer Licensing Ordinances* at www.center4tobaccopolicy.org/localpolicies-licensing.



Communities can use tobacco retailer licensing to restrict new businesses that primarily sell tobacco products, like head shops, discount cigarette stores, and smoke shops.



A variety of cigars, little cigars, and cigarillos are packaged for single sale and sold for less than a dollar each. As part of tobacco retailer licensing, communities can prohibit the sale of cigars sold individually or in small packages.

Number of available licenses is limited based on population

This Plug-in caps the total number of tobacco retailer licenses that can be issued in a city or county based on population. While state law limits the number of alcohol licenses that can be issued in a particular area, there is no similar cap on tobacco retailer licenses. Communities may be concerned about the number of tobacco retailers in their city or county because greater tobacco retailer density may lead to higher smoking rates. This Plug-in provides one tool that a community can use to restrict the total number of tobacco retailer licenses that may be issued.

No license for retailers that primarily will sell tobacco

This Plug-in restricts new “Significant Tobacco Retailers”—also known as head shops, discount cigarette stores, and smoke shops. Under this Plug-in, businesses that seek to primarily sell tobacco products cannot obtain a tobacco retailer license. State reports have shown that these businesses illegally sell tobacco to minors at a higher rate than the statewide average. Further, cities or counties may want to restrict these businesses because they often sell items that are commonly known to be drug paraphernalia while claiming that such items are intended to be used for tobacco.

No license for restaurants or bars

This Plug-in prohibits restaurants, bars, and other businesses that offer food or alcohol for on-site consumption from obtaining a tobacco retailer license. Communities may want to restrict restaurants because “non-traditional” retailers such as restaurants illegally sell tobacco products to minors at higher rates than other retailers. Communities may want to prohibit tobacco sales at bars because young adult bar patrons already have particularly high smoking rates. If a community decides that it is most appropriate to focus its efforts on one type of business, the Plug-in can be amended to prohibit sales for restaurants only or for bars only.

Only off-sale alcohol retailers may obtain a license

Under this Plug-in, only businesses that have a state license to sell alcohol for consumption off the premises are permitted to sell tobacco. In other words, businesses that do not have an “off-sale” alcohol license cannot sell tobacco products. Restricting tobacco sales in this manner helps ensure that tobacco sales are limited to retailers who already are accustomed to verifying that purchasers are of legal age to buy certain products. Further, this restriction on licenses indirectly reduces tobacco retailer density to the same level as alcohol retailer density, which is already regulated by the state.

No license for a business that allows smoking anywhere on the premises

This Plug-in prohibits a business from obtaining a tobacco retailer license if the business allows smoking anywhere on the premises. Although state law prohibits smoking in most businesses, smoking is still permitted in tobacco shops, private smokers’ lounges, and unenclosed outdoor areas, such as bar patios. One purpose of this Plug-in is to separate places where smoking is permitted from places where tobacco is sold to minimize impulsive tobacco use, such as “social smoking” at bars. Another purpose is to regulate businesses whose primary profit is derived from encouraging people to smoke, such as hookah bars.



While state law prohibits drug paraphernalia sales, some retailers nevertheless sell these products and claim they are intended to be used for tobacco. Communities can use the enforcement options in their local tobacco retailer licensing ordinance to address violations of state drug paraphernalia laws.



Using tobacco retailer licensing to limit signage can promote public safety by ensuring visibility into stores by law enforcement.

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This material was made possible by funds received from Grant Number 09-11182 with the California Department of Public Health, California Tobacco Control Program.

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Additional Requirements for Retailers

A local tobacco retailer licensing ordinance provides an effective tool to enforce a wide range of laws that are related to the sale and use of tobacco products. These Plug-ins allow cities and counties to implement new policies that address specific public health concerns related to tobacco sales in their communities.

Establishment of a minimum pack size for cigars

This Plug-in limits the sale of cigars sold individually and in small packages. These products are particularly appealing to youth due to their low prices, with some cigars selling for less than 70 cents apiece. Though little cigars and cigarillos are often similar to cigarettes, they are not covered by the federal and state laws that prohibit retailers from selling cigarettes individually or in small quantities. One option for reducing youth access to inexpensive cigars is to prohibit the sale of individual cigars and to establish a minimum pack size for these products.

For more information on this Plug-in, see our fact sheet on this topic, available at: www.changelabsolutions.org/publications/limiting-teen-friendly-cigars.

No drug paraphernalia sales

This Plug-in gives communities an additional tool to combat sales of drug paraphernalia. Under this provision, if a retailer is found to have violated state laws regarding drug paraphernalia or controlled substances, that retailer will also be in violation of the tobacco retailer license, and the penalties of the licensing ordinance will apply. For more information on this Plug-in, see our fact sheet on this topic, available at: www.changelabsolutions.org/publications/drug-paraphernalia.

Signage requirements

This Plug-in prohibits tobacco retailers from covering more than 15% of their windows with signs. The percentage can be adjusted to fit the needs of the community. This strategy is similar to California's "Lee Law," which is intended to promote public safety in liquor stores by restricting the amount of advertising that retailers can display on their windows.

Enforcement Options

The Model TRL contains mandatory penalties for violating the licensing provisions. This Plug-in provides additional enforcement options.

Alternatives to license suspension

The Model TRL mandates suspension of a license if a retailer violates the ordinance. However, in some circumstances, a local jurisdiction may want discretion to impose a different penalty if warranted. This Plug-in gives local government staff discretion to impose a fine on a retailer instead of suspending the retailer's license for the time specified in the ordinance. If your community wants to provide this discretion, mandatory minimum alternative penalties should still be specified in your ordinance. For example, this Plug-in provides that a fine would be available only for a first or second violation and only if the retailer admits that a violation occurred.