

Tobacco Retailer Permit Ordinance Implementation (Ch. 4.98) Update

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Environmental Health Services**

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**SAN MATEO COUNTY HEALTH
ENVIRONMENTAL
HEALTH SERVICES**

Community Impact Goals

- Reduces youth access to tobacco
- Removes unauthorized products from stores
- Strengthens community health



Background

Program History

- Tobacco Retailer Permit Program established 1998; updated May 2023 to align with State law and strengthen local controls
- Environmental Health Services designated as enforcement authority

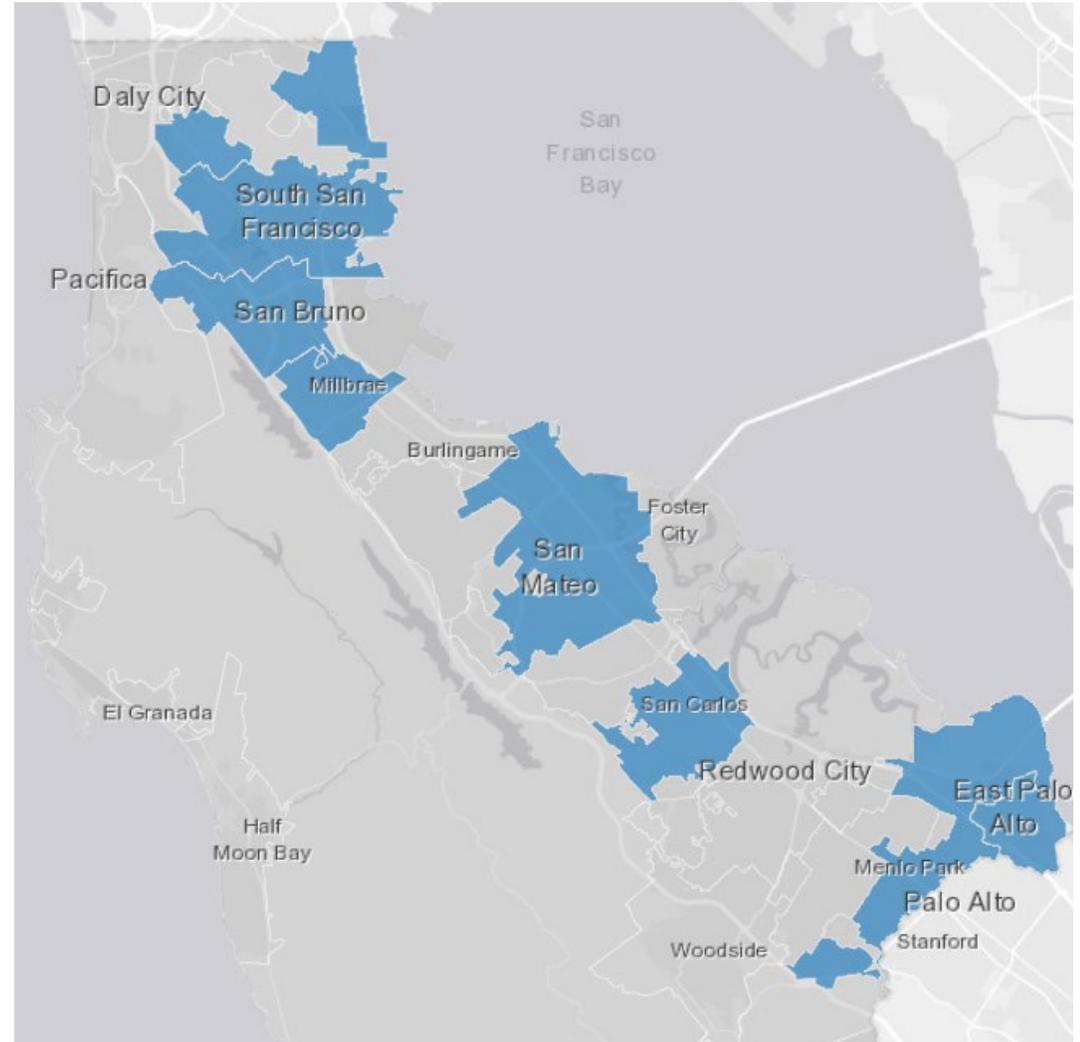
Key Provisions

- No new permits within **1,000 ft. of youth populated areas** or **500 ft. of another retailer**
- Prohibits sale of **flavored tobacco products (State Law)** and **electronic smoking devices**
- **Fines:** \$500 first violation; \$1,000 subsequent violations
- **Automatic Permit suspension for “Underage Sales”**
- **Two inspections/year** per retailer

City Adoption

9 cities adopted County ordinance

- Brisbane
- Colma
- South San Francisco
- San Bruno
- Millbrae
- San Mateo
- San Carlos
- Menlo Park
- East Palo Alto



Outreach & Implementation

“Education Before Enforcement” approach

- City Adoption → outreach to businesses
- Onsite education and materials
 - Ordinance requirements
 - FAQs
 - List of prohibited flavored tobacco products



Implementation

Since adoption of the Ordinance in 2023

204 permitted businesses

453 Routine inspections performed

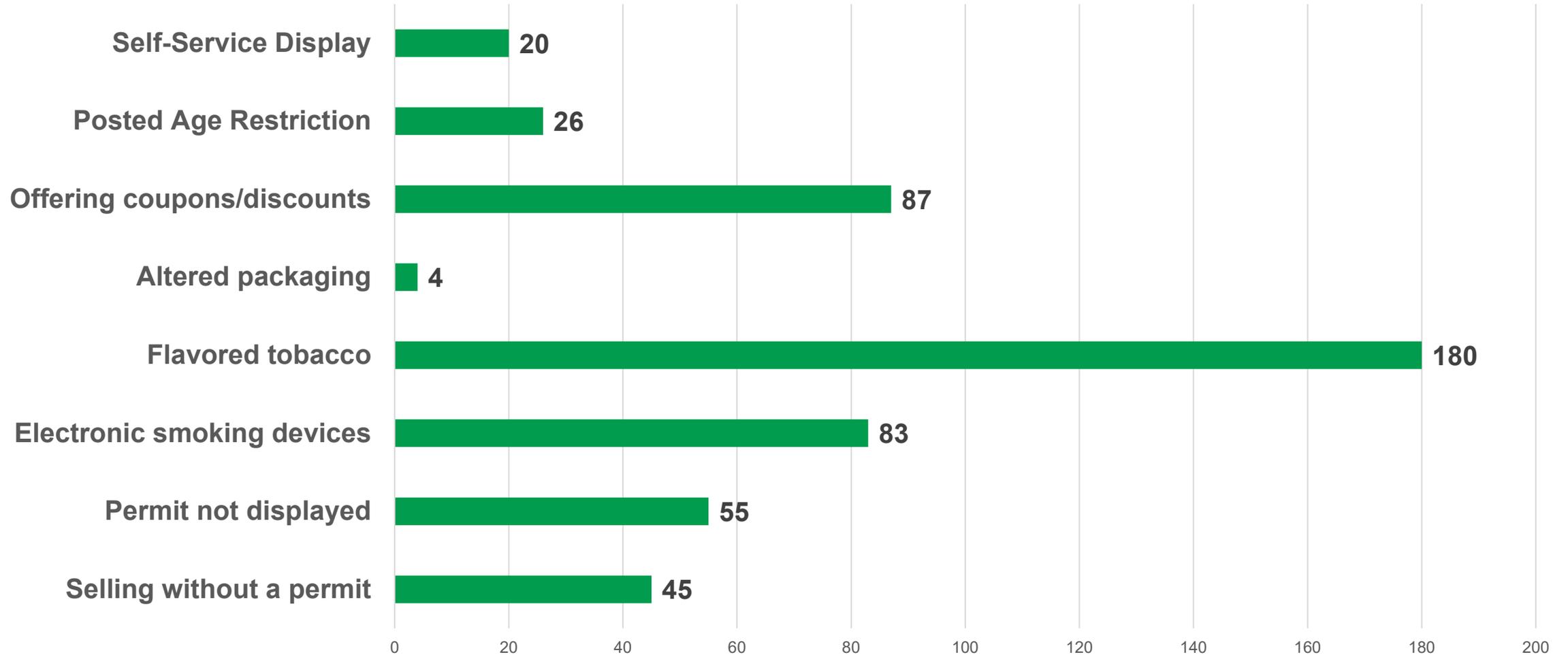
15 Permit Denials

62 Administrative Fines

3 Permit Suspensions



Violations & Enforcement



Violations & Enforcement

- 62 fines totaling \$60,000



- Permit Suspensions: 3



Program Specific Fields

# of employees	CERS Tank ID#	# of borings
# of housing units	tank volume	vehicle license plate
# of lots employee MHRV	material stored in UST	
Vehicle capacity in gallons		

SAN MATEO COUNTY HEALTH
ENVIRONMENTAL HEALTH SERVICES

PERMIT 23- (generated by the system)
Issued: XXX/XXXX
Expires: XX/XX/XXXX

PERMIT TO OPERATE

THIS PERMIT MUST BE PROMINENTLY POSTED ONSITE

Site Information	Permitted Activity
Project/Location Name:	Activity description
Address:	Activity record identifier
APN:	
CERS ID #	
State ID #	Special Instructions:
Incapulate System ID #	Special notes entered on the application by the inspector
Business Information	Contractor Information
Name:	Name:
Owner Name:	Owner Name:
Mailing Address:	Mailing Address:
Property Owner Information	Consultant Information
Name:	Name:
Owner Name:	Owner Name:
Mailing Address:	Mailing Address:

This is to certify that the owner and establishment shown have been granted permit to operate subject to compliance with all applicable laws and regulations. This permit is valid for the period shown above unless revoked or suspended for violation of applicable laws and/or regulations. The user may contact San Mateo County Environmental Health Services if there are any changes regarding ownership, billing, or regulated activities. Failure to notify may result in late penalties, permit denial or revocation and business closure. Permits are not transferable and become void on change of ownership. New owners may be subject to a penalty of up to three (3) times the permit fee for operating without a valid permit. Permittee shall ensure that industrial and commercial activities do not create a condition of nuisance or adversely affect beneficial uses of waters of the State through any actual or potential discharges of non-stormwater to the municipal separate storm sewer system (MS4) unless explicitly allowed through exemptions, conditional exemptions or a NPDES permit. Permittee shall implement appropriate and effective best management practices and other pollutant controls to prevent unpermitted discharges to the MS4. This is to certify that the owner and/or contractor listed on this permit have been authorized to conduct the activity listed above. All activities shall be conducted in compliance with all applicable laws and regulations. This permit is valid for the period shown above unless revoked or suspended for violation of applicable laws and/or regulations.

Challenge: Flavored Tobacco

- Retailers rely on distributors for product legality
- Continuously evolving labeling
- State Attorney General creating list of allowable products to clarify compliance



Collaboration

Collaboration

- District Attorney's Office
- Code Enforcement/Law Enforcement Agencies
- County Narcotics Task Force
- CA Department of Tax and Fee Administration



Questions

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