



Tobacco Retailer Ordinance

The City of Malibu recently passed a Tobacco Retail Licensing Ordinance requiring all merchants in the City who sell tobacco, tobacco products, or tobacco paraphernalia to register with the City.

The intent of this ordinance is to encourage responsible tobacco retailing and to discourage the violation of federal, state and local tobacco laws, especially those laws that forbid the sale and distribution of tobacco products to minors. The City of Malibu Planning Department is the lead agency and is responsible for the administration, oversight, and enforcement of this new ordinance.

The registration requirement is in addition to the existing State of California tobacco retailer license and general Los Angeles County business license.

Am I a tobacco retailer?

A "Tobacco retailer" means any person who sells, offers for sale or distribution, exchanges, or offers to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia without regard to the quantity sold, distributed, exchanged, or offered for exchange. If any part of this definition applies to your business, then you are required to obtain a City of Malibu tobacco retailer registration ordinance.

I already have a state tobacco license issued by the California Board of Equalization. Why do I need a tobacco registration from the City?

The tobacco license issued by the California Board of Equalization is meant to curb tobacco tax fraud and the counterfeiting of tobacco products. That license does not preempt local jurisdiction from adopting local tobacco licenses. The City of Malibu City Council adopted this ordinance on November 14, 2011 to encourage responsible tobacco retailing and to discourage violations of federal, state and local tobacco-related laws, especially those that prohibit the sale or distribution of tobacco products to minors.

To legally sell tobacco products in the City of Malibu you will need a valid state tobacco license and a City tobacco registration.

What does the City's tobacco registration require?

The registration requires that tobacco retailers comply with federal, state and local tobacco related laws, including provisions of the City's tobacco ordinance. Information about the City's tobacco ordinance is provided in this FAQ and can also be found in the Malibu Municipal Code Chapter 5.42, Ordinance No. 363.

Some provisions include:

Signage: A conspicuous sign must be posted at each point of sale indicating that the sale of tobacco products to anyone under 18 is illegal under Penal Code Section 308(c);

Tobacco Retailer Registration: The Tobacco Retailer Registration must be conspicuously displayed per City of Malibu Municipal Code section 5.18;

Cigarette Display: Cigarettes must be displayed in a locked cabinet if in a customer area, or behind a counter accessible to store employees only. Cigarettes must not be sold using “self service displays”, which is the open display of cigarettes accessible to the public without the assistance of a store employee;

Cigarette Packaging: Cigarettes must be manufactured, distributed, sold or offered for sale in packages of at least 20 per package. “Roll-your-own” tobacco packages must contain at least 0.6 ounces of tobacco, under Penal Code Section 308.3; and

Bidis Sales: The sale of “bidis” is prohibited, except at businesses that prohibit the presence of minors, under Penal Code Section 308.1.

How much is registration?

There is no fee.

Where do I send the registration application and required documents? Mail the tobacco application and required documents to:

City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

How long is the registration effective?

The registration is effective for one year and has to be renewed annually, no later than thirty (30) days prior to the expiration of the term.

Do I need to re-apply for the registration every year?

Yes.

Do I need to re-apply if my business has moved or I have sold my business? If the retail location has moved or has changed its name since the last registration was issued, you must re-apply for the registration. If the retail business has been sold, the new owner must apply for a new registration within ten (10) business days of the change. The registration is nontransferable from one person to another or from one location.

Can I sell tobacco from a mobile location such as a truck or car?

No registration may be issued to authorize tobacco retailing at other than a fixed location. Itinerant tobacco retailing is prohibited.

What do I do if I have multiple tobacco retailing locations?

Each location that sells tobacco, tobacco products, and/or tobacco paraphernalia must have its own registration.

Will there be inspections?

Yes. The City's Planning Department will conduct regular site inspections of retailers for compliance with local, state and federal tobacco retail laws. The Sheriff's Department will conduct random undercover youth decoy operations to check compliance with laws prohibiting the sale of tobacco products to minors.

What will happen if I am cited for a violation during an inspection?

Violations of the registration are subject to monetary fines, suspension and/or revocation of the

registration, depending on the type of violation and number of past violations.

Can I appeal a violation?

Yes. Retailers must submit a request in writing for an administrative hearing to review the violation. The request must be submitted and filed with the City Clerk within ten (10) calendar days following the notification of the violation.

Who do I contact if I have additional questions?

Retailers can contact the Planning Department staff 310-456-2489, extension 245, or email at psalazar@malibucity.org for further information.

Forms/Handouts:

Tobacco Retail Registration Program Webpage:

(<http://www.malibucity.org/index.cfm/fuseaction/nav/navid/547/>)

[Ordinance No. 363](#)

[Tobacco Retailer's Registration Form](#)

[Additional Proprietors Form](#)

Request to Appeal Revocation Form (coming soon)

Links:

[California State Board of Equalization California Cigarette & Tobacco Products Licensing Act of 2003](#)