

Tobacco Retail License (TRL)

Board Update: April 22, 2025



COUNTY OF MONTEREY
HEALTH DEPARTMENT



Overview

- TRL Program
- DOJ Grants
- Planned Enforcement Activities
- Next Steps

TRL Ordinances



Overview of TRL Program

Key Areas:

- Education, Inspections, Enforcement, Administration

Who Oversees the TRL Program?

- **Local:** Monterey County's Environmental Health Bureau enforces local tobacco laws (Ordinance No. 5372)
- **State:** California Department of Public Health (CDPH) provides overarching regulations and guidelines
- **State:** California Department of Tax and Fee Administration (CDTFA)
 - CA Cigarette and Tobacco Products Licensing Act

Reporting Unlawful Tobacco Sales- STAKE Act Sticker

**The Sale of Tobacco Products to Persons Under 21 Years
of Age Is Prohibited by Law and Subject to Penalties**

**To Report an Unlawful Tobacco Sale Call
1-800-5 ASK-4-ID**

Valid Identification May Be Required

Business and Professions Code Section 22952 21 U.S.C 387f(d)

This sign must be readable by the consumer and must not be altered,
covered or obliterated in whole or in part



- Open camera or QR code reader on your smartphone.
- Hold your smartphone over QR Code so that it's clearly visible within camera screen.
- Look for the notification banner or tap to trigger code's action.

2024-2025 TRL Inspections

Cities with Tobacco Retail License Ordinance Adoption	Number of Retailers
Tobacco Retailer License- City of Gonzalez	10
Tobacco Retailer License- City of King City	16
Tobacco Retailer License- City of Marina	3
Tobacco Retailer License- City of Pacific Grove	13
Tobacco Retailer License- City of Seaside	13
Tobacco Retailer License- City of Carmel	6
Tobacco Retailer License- City of Monterey	39
Tobacco Retailer License- City of Salinas	119
Total Unincorporated Retailer Licenses	98
Total	317

2024-2025 Inspection & Compliance Results

All TRL retailers have been inspected for the current fiscal year.

Out of 317 retailers, 45 were marked out of compliance for selling flavor tobacco products and intoxicating hemp products:

- Inspectors issued Notice of Violation (NOV) to retailers.
- Products removed from the facility immediately.
- No products have been confiscated or seized by EHB inspectors.
- Effective January 1, 2024, primary responsibility for the enforcement of California's flavored tobacco sales law is CDPH- Office of Youth Tobacco Enforcement.
- The California Attorney General, or a local law enforcement agency, including, but not limited to, a city attorney, district attorney, or county counsel are authorized to assess civil penalties against retailers in violation of the state law. (Health and Safety Code section 104559.5(g).)

Flavored Tobacco & Intoxicating Hemp



COUNTY OF MONTEREY
HEALTH DEPARTMENT
Elsa Mendoza Jimenez, Director of Health

Administration Animal Services Behavioral Health Clinic Services
Emergency Medical Services Environmental Health Public Administrator/Public Guardian Public Health

January 6, 2025

Subject: Flavored Tobacco & Intoxicating Hemp Removal from Premises

Dear Business Proprietor,

The sales of flavored tobacco and intoxicating hemp products has been banned throughout the State of California. Under Monterey County Code 7.80 and California Health and Safety Code Section 104559.5, these laws will hold the licensee responsible for maintaining compliance.


Unlawful products include, but are not limited to:

- **Intoxicating Cannabinoids in Hemp products**—synthetic or naturally derived as well as industrial hemp-based food, beverage, or dietary product intended for human consumption; products with any detectable THC per serving (per California's Office of Administrative Law).
- **Flavored Tobacco Products** - including but not limited to, "cigarettes, cigars, pipe tobacco, hookah, tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco - and any product or formulation of matter containing biologically active amounts of nicotine that is product or matter will be introduced into the human body are strictly prohibited" (per Monterey County, California, Code of Ordinances, Chapter 7.80)

To sell tobacco and cannabis in the state of California, a business is required to obtain such licenses and abide by the current regulations. If the business fails to meet the standards of sales, they will be subject to civil penalties and even imprisonment, i.e. selling cannabis to a minor will result in felony charges under section 11361(b) California Health and Safety Code.

As these matters are being actively monitored by the Monterey County Sheriff's Department, the District Attorney's Office, and the Environmental Health Bureau, your establishment may be subject to unannounced site visits by representatives of these agencies to verify compliance. Once again, failure to comply with these regulations shall result in enforcement actions, including fines or other legal consequences.

In effort to maintain compliance, ensure to review current inventory and remove any banned items from premises immediately. We appreciate your attention to this matter and your cooperation in maintaining compliance with the law.


Ric Encarnacion, MPH, REHS
Director of Environmental Health, Bureau Chief
Environmental Health Bureau



Tina M. Nieto
Sheriff-Coroner

Joint letter sent to all TRL retailers in January 2025 for prohibited products

- H&SC Section 104559.5 - Flavored Tobacco Products
- AB3218 – Tobacco Manufacturer Reporting Requirements
- AB45 - Intoxicating Cannabinoids in Hemp Products

Tobacco Sales to Minors (Prior Decoy Operations)

- 16% (20 out of 123) of tobacco retailers sold within Monterey County in 2019
- 22% (8 out of 35) of tobacco retailers sold within Monterey County in 2020
- 10% (3 out of 29) of tobacco retailers sold within Monterey County in 2021

Sheriff – DOJ-Prop56-2024-25-1-046

Grant period (3yr) start FY25/26 - FY27/28

augments Monterey County TRL goals regarding education and enforcement (decoy)

- 20 retailer inspections per year
- 10 decoy operations will be conducted (20 retailers visited)
- 10 shoulder tap operations will be conducted (20 retailers visited)
- 10 undercover operations will be conducted (20 retailers visited)
- 20 retailers will be visited and provided education materials
- 150 enforcement officers will receive TRL education training

Sheriff's Office Planned Enforcement Activities

Planned enforcement activities under JUUL

- Planned Tobacco Youth Decoy Operations
 - Enforcement activity will commence upon completion of MOU
 - Training must be completed for participating Explorer Post Cadets and Deputies

A map of Monterey County, California, showing its geographical features and major roads. The county is divided into five numbered regions: Region 1 is a small pink area near Salinas; Region 2 is a blue area in the north near Watsonville; Region 3 is a large purple area in the center and south; Region 4 is a small red area near Salinas; and Region 5 is a large red area along the coast. Major cities like Santa Cruz, Gilroy, Los Banos, Watsonville, Salinas, Soledad, Coalinga, and Arroyo are labeled. Highways 152, 33, 25, 198, 145, and 46 are also marked.

Monterey County District Attorney's Office Tobacco Efforts Presented on Behalf of District Attorney Jeannine M. Pacioni

District Attorney's TRL Efforts

- . Overview of Monterey County District Attorney's Office efforts to educate, inspect, and enforce retail tobacco laws.
- . Focus areas: Flavored vapes/tobacco products, sales to minors, illegal sales.
- . Ongoing undercover investigations and findings.

Civil Enforcement

- **Applicable Laws:**
 - Monterey County Code § 7.80 / Municipal Codes.
 - Health & Safety Code § 104559.5(b)(1) (Flavored Tobacco Ban).
 - Monterey County Code § 7.80.040(G) (Single Use E-Cigarettes).
- **Enforcement by:** Consumer Fraud Unit under Chief Deputy DA Emily Hickok.
- **Potential Penalties:**
 - Civil penalties, restitution, injunctions.
- **Referral Process:**
 - Submit evidence of violations to Consumer Fraud Unit.
 - Coordinate with the County of Monterey Health Department.

Operations & Coordination

- Collaboration Between Agencies.
- Deconfliction: 72-hour notice for UC purchases/decoy ops.
- Joint Enforcement:
 - Multi-agency inspections.
 - Monterey County Sheriff's Office decoy operations.
 - Cases referred to DA's Office for enforcement.
- Cannabis Unit: Refer cases with hemp/cannabis sales.

Investigative Practices

- Evidence gathering critical for civil and criminal cases.
- Encouraging operations that expose additional violations.
- Compliance with county/state laws to ensure prosecution success.
- Acting on tips that target tobacco retailers that avoid detection from routine Health Department inspections.

Findings

- 2 internet sales investigations.
- 14 businesses involving undercover purchases.
- Businesses investigated in each Monterey County District:

CITY	BUSINESS CONTACTS	OPEN INVESTIGATIONS
Greenfield	1	-
King City	4	2
Marina	2	2
Monterey	2	2
Salinas	13	5
Seaside	1	1
Soledad	4	2
Prunedale	1	-

District Attorney's Next Steps & Future Plans

- Continuing undercover operations and monitoring compliance.
- Strengthening partnerships with law enforcement and public agencies.
- Encouraging ongoing reporting of violations from community and agencies.

TRL Program Next Steps

- TRL fee review process
- New potential TRL fee schedule to include all enforcement and administrative activities

Questions?

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