

County of Santa Clara

Public Health Department

Public Health Administration
150 W. Tasman Drive, 2nd Floor
San José, CA 95134
408.792.5040



October 22, 2024

Dear Business Owner,

Previously, the City of Palo Alto and County of Santa Clara Public Health Department provided you with a letter detailing proposed changes to the Palo Alto City Ordinance Chapter 4.64 “Permits for Retailers of Tobacco Products” (“TRP Ordinance”) which may have an impact on you and your business.

You are receiving this follow up letter to inform you that the Palo Alto City Council approved the changes to the TRP Ordinance during its October 21, 2024 City Council meeting.

Changes to the TRP Ordinance approved by the City of Palo Alto, include, but are not limited to the following:

1. Establish fines of up to \$2,500 and up to a 180-day suspension of the business’s TRP permit for a second violation of the TRP ordinance within a 5-year period.
2. Require the permanent revocation of a TRP for a third offense within a 5-year period. Any business continuing to sell tobacco products after TRP revocation will be subject to additional fines.
3. Increase fines and penalties for retailers operating without a valid permit as follows:
 - Fines up to \$2,500 and 30 days of permit ineligibility for an initial violation.
 - Fines up to \$5,000 and one year of permit ineligibility for a second violation within a five-year period.
 - Fines up to \$10,000 and permanent TRP ineligibility for each subsequent violation within a five-year period.
4. Require businesses that have their TRP suspended to post a prominent public notice at their business during the entire suspension period.
5. Require businesses, as a condition of its TRP, to (1) consent to inspection by the County of all areas and records; and (2) comply with any impound or seizure order issued by the County. Violations of these provisions would be a basis for suspension/revocation of a TRP.
6. Require that if inspections reveal noncompliance with any of the ordinance requirements, such that reinspection is needed to determine compliance, the cost of such reinspection will be billed to the retailer.
7. Clarify that a retailer is liable for all enforcement-related fees and costs.
8. Make explicit that all tobacco retailers are responsible for the actions of their employees relating to the sale and furnishing of tobacco products at the retail location, and that nothing in the ordinance shall be construed to penalize the purchase, use, or possession of a tobacco product by any person not engaged in tobacco retailing.
9. Require businesses to examine an individual’s identification to confirm the age of that person, regardless of appearance, prior to selling tobacco products to any person.

Board of Supervisors: Sylvia Arenas, Cindy Chavez, Otto Lee, Susan Ellenberg, S. Joseph Simitian
County Executive: James R. Williams

Included with this letter is an updated fact sheet which outlines tobacco retailing laws in the City of Palo Alto. **All the new changes to the TRP Ordinance will go into effect on November 21, 2024.**

The updated TRP ordinance and other materials related to this topic are available here:
cityofpaloalto.org/smokingordinance.

This letter and the included fact sheet are based upon the latest changes to the TRP Ordinance and do not replace or supersede relevant local, state, or federal law. Tobacco retailers are advised to keep apprised of subsequent changes to relevant local, state, and federal laws.

If you have questions, you may contact Don Tran at the Santa Clara County Public Health Department by calling (408) 817-6879 or emailing don.tran@phd.sccgov.org

Sincerely,

Don Tran

Don Tran, MPH
Program Manager, Tobacco Prevention Program
County of Santa Clara Public Health Department