



February 26, 2024

Dear Business Owners,

On May 23, 2023, the San Mateo County Board of Supervisors passed an amended Tobacco Retailer Permit (TRP) Ordinance for tobacco retailers located in Unincorporated San Mateo County. Several cities subsequently adopted the County Ordinance.

The TRP program is overseen by San Mateo County's Environmental Health Services (EHS), and we are reaching out to ensure you are aware of these changes which may affect your business. The cities which have adopted the County Ordinance so far include San Mateo, San Carlos, Millbrae, Menlo Park, and East Palo Alto.

The changes to the TRP Ordinance include, but are not limited to, the following:

1. A Permit that is not renewed in a timely manner shall expire at the end of its term, and the Tobacco Retailer must obtain a new Permit prior to any further sale, offer for sale, or distribution of any Tobacco Product (Chapter 4.98, Section 4.98.110).
2. No Person, Tobacco Retailer or other legal entity shall sell or distribute to a person any electronic smoking device that delivers natural or synthetic nicotine or any other substance(s) to the person inhaling from the device. This includes any component, part, or accessory intended or reasonably expected to be used with the electronic device, whether or not sold separately (Chapter 4.98, Section 4.98.160). *In other words, no e-cigarettes, electronic smoking or vaping equipment or accessories can be sold, whether or not the equipment also contains vaping liquids; and no liquids can be sold, regardless of the ingredients or flavors.*
3. No Person or Tobacco Retailer shall sell or offer to sell any Flavored Tobacco Product or Tobacco Product Flavor Enhancer (Chapter 4.98, Section 4.98.160). *This includes flavored hookah tobacco.*

The updated ordinance also:

- Increases fines up to \$500 for a first violation, and up to \$1,000 for all subsequent violations within a 60-month period.
- Mandates a fine for ALL ordinance violations, including sales of flavored tobacco and electronic cigarettes, e-cigarette paraphernalia or liquids.
- Mandates a permit suspension for up to 30 days for sales of tobacco to anyone under the age of 21 upon the first violation, 90 days for the second violation, and up to one year for the third violation.
- Mandates two unannounced inspections by County EHS staff per year.



Additionally, it is ILLEGAL to sell any product advertised to contain hemp or hemp THC (e.g., Delta-8, Delta-9), including food, not approved by California Department of Public Health. For a list of Authorized Industrial Hemp Firms and frequently asked questions, please visit our website at [www.smchealth.org/tobacco-retailer-permit](http://www.smchealth.org/tobacco-retailer-permit).

If your business does not have a Tobacco Permit to Operate from EHS, you must submit an application with a payment of \$672.00 no later than March 31, 2024. Attached for your convenience is a copy of the EHS Permit Application. Failure to submit your application with permit fee by March 31, 2024, may result in fines for operating without a permit, and being redesignated a “new” business, subject to location restrictions outline in the new ordinance. For inquiries, contact EHS at (650) 372-6200 or [envhealth@smcgov.org](mailto:envhealth@smcgov.org).

Sincerely,

Supervising Environmental Health Specialist  
San Mateo County Tobacco Program