



CITY MANAGER'S OFFICE

CITY HALL
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September 8, 2023

Dear Business Owner,

The City of Cupertino is reaching out to inform you about proposed changes to the City's Tobacco Retailer Permit (TRP) Ordinance (CMC Ch. 5.50), which may impact your business. The TRP program in Cupertino is currently enforced by Santa Clara County's Public Health Department.

Proposed changes to the TRP Ordinance currently under consideration, 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 removal of a TRP for a third violation 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 ineligibility for an initial violation.
 - Fines up to \$5,000 and one year of 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. Requires 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. Requires 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.

The proposed changes will be heard and voted on at the September 19, 2023 City Council meeting. There will be an opportunity for public comment (in person or via Zoom) about the proposals during

the meeting. To view meeting materials for this topic, including the proposed ordinance, please view the agenda materials [here](#). Meeting materials are normally available three full business days before each meeting, therefore materials should be posted by Wednesday afternoon on October 4, 2023.

If you are unable to attend the meeting, you are welcome to share your feedback by contacting Andy Schramm, Administrative Assistant, at (408) 777-3200 or andys@cupertino.org.