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7/21/2026

Ordinance Revisions to Chapter 5.138 and 9.12 Article II of Sacramento City Code Relating to Tobacco Retailers [In Lieu of Pass for Publication Ordinance to be Published in its Entirety] [Published 07/10/2026]

File ID: 2026-01229

Location: Citywide

Recommendation: Conduct a public hearing and upon conclusion: 1) adopt **Ordinances** amending various sections of chapter 5.138 and 9.12 Article II of the City of Sacramento City Code relating to tobacco retailers, as required by Sacramento City Charter 32 (C) submitted to the City Council for adoption on July 21, 2026; and 2) in lieu of publishing the ordinance title, publish the ordinance in full in the official newspaper of the City within ten days after adoption by the council, consistent with City Charter section 32(d).

Contact: Shawn Bartosh, Code Enforcement Manager, (916) 808-8673, sbartosh@cityofsacramento.org; Peter Lemos, Code and Housing Enforcement Chief, (916) 808-8183, plemos@cityofsacramento.org; Community Development Department

Presenter: Shawn Bartosh, Code Enforcement Manager, (916) 808-8673, sbartosh@cityofsacramento.org, Community Development Department

Attachments:

- 1-Description/Analysis
- 2-Ordinance 5.138 (Redline)
- 3-Ordinance 5.138 (Clean)
- 4-Ordinance 9.12 Article II (Redline)
- 5-Ordinance 9.12 Article II (Clean)
- 6-TRL_LIST_7_14
- 7-TRL_MAP
- 8-Presentation
- 9-UC Davis- Tobacco Retailer Licenses Healthy Food Exemption Policy Research

Description/Analysis

Issue Detail: On April 16, 2019, City Council adopted amendments to Chapter 5.138 of the City Code relating to tobacco retailers to strengthen regulations. The amendments, among many things,

included a prohibition of flavored tobacco products and a distance requirement between tobacco retailers.

On August 27, 2019, the City Council amended Title 17 of the City Code to require a conditional use permit (CUP) from the Zoning Administrator (ZA) to retail tobacco for 1) all tobacco retailers with stores 15,000 square feet or less in size; and 2) tobacco retailers that are greater than 15,000 square feet in size if they devote more than 250 square feet of shelving space to tobacco products and associated tobacco products and paraphernalia.

The CUP process allows the decision-maker to consider a variety of factors, including the public health, safety, convenience, or welfare of persons residing, working, visiting, or recreating in the surrounding neighborhood. Retailers that are larger than 15,000 square feet in size and devote less than 250 square feet to tobacco products are allowed by right but would be denied a tobacco retailer license if another retailer existed within 1,000 feet.

The intent of the amendments in Chapter 5.138 and Title 17 was to reduce tobacco retailer density by reducing or eliminating inequities in the location and distribution of tobacco retailers. Inadvertently, staff were then unable to issue a tobacco retailer license to businesses that submitted a planning application and initiated the development process before the amendments went into effect because of the proximity requirement.

On October 27, 2020, City Council adopted three amendments to Chapter 5.138. The first amendment exempts a location from the proximity requirement if a planning entitlement application was submitted prior to January 1, 2020. The second amendment exempts a location from the proximity requirement if the licensee devoted no more than five percent of total shelf space to tobacco product and sold fresh fruits and vegetables, dairy products, meat, fish or poultry, and breads and cereals (the “healthy food exemption”). The third amendment allows a retailer to retain a tobacco license in the event a retailer closes for up to one year, provided the closure is for renovation or construction. Prior to this amendment, a tobacco retail license could be revoked if a retailer ceased operating for more than 60 days, regardless of the reason.

On January 14, 2025, staff presented to City Council a follow up on prior code modifications of Sections 5.138.040 and 5.138.060 of the Sacramento City Code relating to tobacco retailer licensing. Information was provided that in the period between December 1, 2020, and October 17, 2024, there was an increase of 71 new permits. Of these, 27 utilized the healthy food exemption to operate within the proximity of another permitted location and most were not located in areas without fresh food. The update was to assess the outcomes of the amended ordinance, which assisted the Council in determining whether the current program of tobacco retailer regulation is achieving the Council’s goals. The Council determined that some of the amendments did not have the desired outcome. The City Council requested staff to return to the Law and Legislation Committee to remove the healthy food exemption for locations under 15,000 square feet, to make sure the permit fees cover the cost of

the program, and to provide the number of locations in the unincorporated areas of Sacramento with their proximity to the City. In response to the request to ensure fees cover the cost of the program, Council revised the fees for a new Tobacco Retailers License from \$510 to \$850 and for a renewal of the license from \$475 to \$600 as part of the FY 2026/2027 budget adoption process to help reduce the cost recovery gap. Staff can return to Council in the future with additional recommended fee adjustments to fully close the remaining gap, consistent with the findings of the fee study.

Following the passage of SB 1230 and AB 3218, effective January 1, 2025, several sections of the California Business and Professions, Health and Safety, and Revenue and Taxation Codes have been amended. To ensure local compliance and clarity regarding retail tobacco licensing, corresponding amendments are now required for Title 5 and Title 9 of Sacramento Municipal Code.

Stakeholder outreach included a February 2, 2026, meeting with approximately 60 members of the American Petroleum and Convenience Store Association, discussions with nonprofit anti-tobacco advocates, met with County and State enforcement staff, engagement with community members at public events, email outreach to all licensed tobacco retailers, and retailer support through a dedicated customer service specialist assigned to business compliance matters.

On March 17, 2026, the Law and Legislation committee reviewed staff recommendations for ordinance changes to Sacramento City Code 5.138 and 9.12. Article II (see attachments 2-5). The committee heard from constituents, tobacco retailers, and advocates. Following discussion and direction, the committee voted to approve the changes and move the item to the full City Council for consideration.

Policy Considerations: The City of Sacramento's 2040 General Plan encourages a healthy lifestyle for Sacramento residents to improve overall public health. Policy EJ-2.16 states that "The City should discourage the establishment of new drive-through restaurants, alcohol permits for off-site sales, and tobacco sales points near food deserts, schools, and pedestrian priority areas." And EJ-A.7 states the City shall incorporate zoning controls that prohibit tobacco sales points near schools and other areas.

Economic Impacts: None.

Environmental Considerations: The subject of this report does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment and is not a project under the California Environmental Quality Act (CEQA). (Public Resources Code sections 21065 and 21080 and CEQA Guidelines section 15378(b)(4).) No CEQA review is required. CEQA Guidelines section 15060(c)(3).

Sustainability: Not applicable.

Commission/Committee Action: On March 17, 2026, the Law and Legislation Committee reviewed

the staff's recommendations and voted unanimously to move the recommended ordinance changes forward to the full City Council for consideration. The committee requested staff to highlight the discussion on whether a healthy foods exemption should be transferable to a new business owner at the same location.

Rationale for Recommendation: The proposed ordinance is consistent with General Plan policies to promote a safe and healthy lifestyle for residents of the City of Sacramento and with Council direction provided in January 2025.

Financial Considerations: Not applicable.

Local Business Enterprise (LBE): Not applicable.

ORDINANCE NO.

Adopted by the Sacramento City Council

[Date Adopted]

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 5.138 OF THE SACRAMENTO CITY
CODE, RELATING TO TOBACCO RETAILERS**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

A. Section 5.138.010 of the Sacramento City Code is hereby amended as follows:

1. Subsection S is hereby deleted.

~~S. — Neither federal nor California state laws restrict the sale of menthol cigarettes or flavored non-cigarette tobacco products, electronic smoking devices, or the solutions used in these devices.~~

2. Subsection T is hereby amended to read as follows:

~~S.T.~~ The city has a substantial interest in promoting compliance with federal, state, and local laws intended to regulate tobacco sales and use; in discouraging the illegal purchase of tobacco products by persons under 21 years of age; in promoting compliance with laws prohibiting sales of cigarettes and tobacco products to persons under 21 years of age; and in protecting youth and underserved populations from the harms of tobacco use.

3. Subsection U is hereby amended to read as follows:

~~T.U.~~ California courts in Cohen v. Board of Supervisors (1985) 40 Cal.3d 277, Bravo Vending v. City of Rancho Mirage (1993) 16 Cal.App.4th 383, and Prime Gas v. City of Sacramento (2010) 184 Cal.App.4th 697, have affirmed the power of local jurisdictions to regulate business activity in order to discourage violations of law.

4. Subsection V is hereby amended to read as follows:

~~U.V.~~ State law authorizes local tobacco retailer licensing laws to provide for the suspension or revocation of the local tobacco retailer license for any violation of a state tobacco control law (California Business & Professions Code § 22971.3).

5. Subsection W is hereby amended to read as follows:

~~V.W.~~ A requirement for a tobacco retailer license will not unduly burden legitimate business activities of retailers who sell or distribute cigarettes or other tobacco products to adults. It will, however, allow the city to regulate the operation of lawful businesses to discourage violations of federal, state, and local tobacco-related laws.

- B. Except as amended by subsection A above, all provisions of 5.138.010 remain unchanged and in full effect.

SECTION 2.

- A. Section 5.138.030 of the Sacramento City Code is hereby amended as follows:

1. The definition of “characterizing flavor” is hereby amended to read as follows:

“Characterizing flavor” means a taste or aroma, distinguishable by an ordinary consumer during the consumption of a tobacco product, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product or any byproduct produced by the tobacco product, including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen, fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcohol beverage, herb, sweet, ~~or~~ spice, or a cooling sensation.

2. The definition of “city manager” is hereby amended to read as follows:

“City manager” means the city manager ~~of the city~~ or ~~his or her~~ designee.

3. The definition of “constituent” is hereby added to read as follows:

“Constituent” means any ingredient, substance, chemical, or compound, other than tobacco, water, or reconstituted tobacco sheet, that is added by the manufacturer to a tobacco product during the processing, manufacture, or packing of the tobacco product.

4. The definition of “flavored shisha tobacco product” is hereby added to read as follows:

“Flavored shisha tobacco product” means any shisha tobacco product that contains a constituent that imparts a characterizing flavor.

5. The definition of “hookah” is hereby added to read as follow:

“Hookah” means a type of waterpipe, used to smoke shisha tobacco products or other tobacco products, with a long flexible tube for drawing aerosol through water. Components of hookah may include heads, stems, bowls, and hoses.

6. The definition of “nicotine” is hereby added to read as follows:

“Nicotine” means any form of the chemical nicotine, including any salt or complex, regardless of whether the chemical is naturally or synthetically derived, and includes nicotinic alkaloids and nicotine analogs.

7. The definition of “shisha tobacco product” is hereby added to read as follows:

“Shisha tobacco product” means a tobacco product smoked or intended to be smoked in a hookah. “Shisha tobacco product” includes, and may be referred to as, hookah tobacco, waterpipe tobacco, maassel, narghile, and argileh. “Shisha tobacco product” does not include any electronic devices, such as an electronic hookah, electronic cigarette, or electronic tobacco product.

8. The definition of “tobacco product flavor enhancer” is hereby added to read as follows:

“Tobacco product flavor enhancer” means a product designed, manufactured, produced, marketed, or sold to produce a characterizing flavor when added to a tobacco product.

- B. Except as amended by subsection A above, all provisions of 5.138.030 remain unchanged and in full effect.

SECTION 3.

- A. Subsection B of section 5.138.040 of the Sacramento City Code is hereby amended to read as follows:

B. No license shall issue, and no existing license shall be renewed, to authorize tobacco retailing within 1,000 feet of a tobacco retailer already licensed pursuant to this chapter as measured by a straight line from the nearest point of the property line of the parcel on which the applicant's business is located to the nearest point of the property line of the parcel on which an existing licensee's business is located. This section does not apply to:

1. A person who submitted a planning application to the Community Development Department before January 1, 2020, provided the application does not include a legislative change request pursuant to section [17.808.230](#), unless a corresponding conditional use permit was subsequently denied or the planning application was withdrawn.

2. A licensee that devotes no more than 5% of total shelf space to tobacco products and at least 10% of shelf space to all of the following: fresh or healthy food; fresh fruits and vegetables; juice and dairy products; meat, fish or poultry; and fresh baked goods, breads, and cereals. [This subsection B.2 applies only to licenses that were effective on July 1, 2026, and continues only so long as the license is not revoked, does not expire, or is not renewed pursuant to section 5.138.060.](#)

B. Except as amended by subsection A above, all provisions of 5.138.040 remain unchanged and in full effect.

SECTION 4.

Section 5.138.050 of the Sacramento City Code is hereby amended to read as follows:

5.138.050 Application procedure.

All applications for a license shall be submitted to the city manager in the name of each proprietor proposing to conduct tobacco retailing and shall be signed by each proprietor or an authorized agent thereof. [Each application must be accompanied by the required non-refundable license fee.](#) A proprietor proposing to conduct tobacco retailing at more than one location shall submit a separate application for each location. Every application shall be submitted on a form supplied by the city manager and shall contain the following information:

A. The name, address, and telephone number of each proprietor;

B. The business name, address, and telephone number of the fixed location for which a license is sought;

C. Whether or not any proprietor has previously been issued a license pursuant to this chapter that is, or was at any time, suspended or revoked and, if so, the dates of the suspension period or the date of revocation; ~~and~~

D. Proof that the California Department of Tax and Fee Administration has issued a valid state tobacco retailer's license that covers the location for which a license is sought, in addition to any other required or applicable licenses, permits, or certifications;

E. Proof of a valid city business operations tax certificate;

F. A signed affirmation by the proprietor of being informed of, and agreeing to abide by, the laws affecting tobacco retailer licenses; and

~~D. G.~~ Such other information as the city manager deems necessary for the administration or enforcement of this chapter.

SECTION 5.

A. Section 5.138.060 of the Sacramento City Code is hereby amended as follows:

1. Subsection A is hereby amended to read as follows:

A. Upon the receipt of an application for a license and the applicable license fee, the city manager shall issue a license unless:

1. The application is incomplete or inaccurate;

2. The applicant owes the city a fee authorized by section 5.138.080 or an administrative penalty for either a violation of a provision of this chapter or a condition of its license issued pursuant to this chapter;

~~2. 3.~~ The application seeks authorization for tobacco retailing at an address that appears on a license that is suspended, has been revoked, or is subject to suspension or revocation proceedings for violation of any of the provisions of

this chapter; provided, however, this subparagraph shall not constitute a basis for denial of a license if either or both of the following apply:

a. The applicant provides the city with documentation demonstrating that the applicant has acquired or is acquiring the premises or business in an arm's length transaction,

b. It has been more than five years since the most recent license for that location was revoked;

~~3~~ 4. The application seeks authorization for tobacco retailing that is unlawful pursuant to this code, or that is unlawful pursuant to any other local, state, or federal law; or

~~4~~ 5. The city manager has information that the applicant or his or her agents or employees has violated any local, state or federal tobacco control law at the location for which the license or renewal of the license is sought within the preceding 30-day period.

2. Subsection C is hereby amended to read as follows:

C. ~~Subject to Notwithstanding~~ section 5.138.040.B, a tobacco retailer operating lawfully on January 1, 2020 that would otherwise be eligible for a ~~tobacco retailer~~ license for the location for which a license is sought may receive or renew a license for that location so long as all of the following conditions are met:

1. The license is timely obtained and is renewed without lapse or permanent revocation (as opposed to temporary suspension);

2. The tobacco retailer is not closed for business or has not ceased tobacco retailing for more than 60 consecutive days. However, a tobacco retailer may be closed for business or may cease tobacco retailing for up to one year if the closure or cessation is due to new construction or renovation;

3. The tobacco retailer does not substantially change the business premises or business operation for the purpose of increasing the sale or display of tobacco products; and

4. The tobacco retailer retains the right to operate under all other applicable laws.

B. Except as amended by subsection A above, all provisions of 5.138.060 remain unchanged and in full effect.

SECTION 6.

Section 5.138.070 of the Sacramento City Code is hereby amended to read as follows:

5.138.070 Display of license.

~~Each license shall be prominently displayed in a publicly visible location at the licensed premises. No person shall act as a tobacco retailer unless the following are prominently displayed on the premises:~~

- A. A valid license issued pursuant to this chapter;
- B. A valid business operations tax certificate issued pursuant to title 3; and
- C. A valid tobacco retailer license issued by the state of California.

SECTION 7.

Section 5.138.090 of the Sacramento City Code is hereby amended to read as follows:

5.138.090 License nontransferable.

A license is nontransferable. If a licensee changes business location, that licensee must obtain a new license prior to acting as a tobacco retailer at the new location. If a business licensed to conduct tobacco retailing is sold, the new owner must obtain a new license for that location before acting as a tobacco retailer.

SECTION 8.

Section 5.138.100 of the Sacramento City Code is hereby amended to read as follows:

5.138.100 License violation.

The following constitute violations of a license issued under this chapter:

- A. ~~It is a violation of a license for a~~ A licensee or his or her agents or employees ~~to~~ sells or offers for sale any flavored tobacco product. There is a rebuttable presumption that tobacco product is a flavored tobacco product if a manufacturer or its agents or employees has made a public statement or claim that the tobacco product has or produces a

characterizing flavor, including, but not limited to, text, color, or images on the product's labeling or packaging that are used to expressly or impliedly communicate that a tobacco product has a characterizing flavor. It is a rebuttable presumption that all tobacco products sold, stored, or displayed are intended for sale.

B. Failure to prominently display the license in a publicly visible location at the licensed premises.

C. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter.

D. The failure of the licensee, or the licensee's agents or employees to allow any peace officer, the city manager, or the city official authorized to enforce this code to conduct unscheduled inspections of the premises for the purpose of ensuring compliance with any federal, state, or local tobacco law or regulation, including any provision of this code, at any time the business is open for business.

E. The licensee, its agents, or employees who are under the age of 21 sell tobacco or tobacco products.

F. The sale or storage of cannabis, cannabis products, or products bearing the universal cannabis symbol.

G.B. ~~It is a~~The violation of ~~a license for a licensee or his or her agents or employees to violate~~ any local, state, or federal tobacco-related law.

SECTION 9.

Section 5.138.110 of the Sacramento City Code is hereby amended to read as follows:

5.138.110 Suspension or revocation of license.

A. In addition to any other remedy authorized by law, a license shall be suspended or revoked as provided in this section, if the city manager finds that the licensee or his or her agents or employees has or have violated any of the provisions of this chapter; provided, however, violations by a licensee at one location may not be accumulated against other locations of that same licensee, nor may violations accumulated against a prior licensee at a licensed location be accumulated against a new licensee at the same licensed location.

1. Upon a finding by the city manager of a first license violation within any five-year period, the license shall be suspended for 30 days.

2. Upon a finding by the city manager of a second license violation within any five-year period, the license shall be suspended for 90 days.

3. Upon a finding by the city manager of a third license violation within any five-year period, the license shall be revoked.

B. Notwithstanding subsection 5.138.110-A, a license shall be revoked if the city manager finds that ~~any or both~~ of the following conditions exist:

1. One or more of the bases for denial of a license under subsection 5.138.060-A existed at the time the application was made or at any time before the license was issued.

2. The information contained in the license application, including supplemental information, if any, is found to be false in any material respect.

3. The licensee or their agents or employees fail to cease sales of tobacco, tobacco products, or tobacco paraphernalia or fail to remove products as prescribed in subsection D.

C. In the event the city manager suspends or revokes a license, written notice of the suspension or revocation shall be served upon the licensee within five days of the suspension or revocation in the manner prescribed in subsection 5.138.060D. The notice shall contain:

1. A brief statement of the specific grounds for such suspension or revocation;

2. A statement that the licensee may appeal the suspension or revocation by submitting an appeal, in writing, in accordance with the provisions of section [5.138.120](#), to the city manager, within 10 calendar days of the date of service of the notice; and

3. A statement that the failure to appeal the notice of suspension or revocation will constitute a waiver of all rights to an administrative appeal hearing, and the suspension or revocation will be final.

D. A licensee for whom a license suspension is in effect, or whose license has been revoked, must cease all tobacco retailing and remove all tobacco products [from the entire store](#) and [remove](#) tobacco paraphernalia from public view at the address that appears on the suspended or revoked license.

SECTION 10.

A. Section 5.138.120 of the Sacramento City Code is hereby amended as follows:

1. Subsection A is hereby amended to read as follows:

A. Any applicant or licensee aggrieved by the decision of the city manager in denying, suspending, or revoking a license, may appeal the decision by submitting a written appeal to the city manager [at the address provided in the notice](#) within 10 calendar days from the date of service of the notice of denial, suspension, or revocation. The appeal must be accompanied by an appeal fee set by resolution of the city council. The written appeal shall contain:

1. A brief statement in ordinary and concise language of the specific action protested, together with any material facts claimed to support the contentions of the appellant;

2. A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested action should be reversed or otherwise set aside;

3. The signatures of all parties named as appellants and their official mailing addresses; and

4. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

B. Except as amended by subsection A above, all provisions of 5.138.120 remain unchanged and in full effect.

SECTION 11.

Section 5.138.160 of the Sacramento City Code is hereby amended to read as follows:

5.138.160 Enforcement.

A. In addition to any other remedy, any person violating any provision of this chapter shall be guilty of a misdemeanor for each day such violation continues.

B. Any violation of this chapter may be remedied by a civil action brought by the city attorney. The city may recover reasonable attorneys' fees and costs of suit in any civil action brought by the city attorney to remedy any violation of this chapter.

C. Any person violating the provisions of this chapter shall also be liable for civil penalties of not less than \$250 or more than \$25,000 for each day the violation continues.

D. Violations of this chapter are hereby declared to be public nuisances subject to abatement by the city.

E. Compliance with this chapter may be monitored by the city manager and any law enforcement officer, including but not limited to youth decoy operations. Compliance checks may be unannounced.

1. Inspections may be conducted during the normal business hours of the place to be entered.

2. Inspections may be at any place at which tobacco products are sold, produced, or stored or at any site where evidence of activities involving violations of this code or evasion of tobacco products tax and violations of Revenue and Taxation Code section 30165.1 may be discovered.

3. Inspections may be at any place where evidence of a violation of Health and Safety Code sections 104559.1 or 104599.5 may be discovered.

4. Any person that refuses to allow an inspection shall be subject to the penalties imposed pursuant to section 5.138.110.

E. F. In addition to criminal sanctions, civil penalties as provided in this section, and other remedies set forth in this chapter, administrative penalties may be imposed pursuant to chapter 1.28 against any person violating any provision of this chapter. Imposition, enforcement, collection and administrative review of administrative penalties imposed shall be conducted pursuant to chapter 1.28.

G. In addition to any other penalty under this chapter, a person who has engaged in tobacco retailing without a valid license shall be ineligible to apply for or be issued a license as follows:

1. No new license may be issued for the person as a proprietor until 30 days have passed from the date of the violation; and
2. Each day a person engages in tobacco retailing without a valid tobacco retailer license shall constitute a separate violation.

ORDINANCE NO.

Adopted by the Sacramento City Council

[Date Adopted]

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER
5.138 OF THE SACRAMENTO CITY CODE, RELATING TO TOBACCO
RETAILERS**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

A. Section 5.138.010 of the Sacramento City Code is hereby amended as follows:

1. Subsection S is hereby deleted.
2. Subsection T is hereby amended to read as follows:

S. The city has a substantial interest in promoting compliance with federal, state, and local laws intended to regulate tobacco sales and use; in discouraging the illegal purchase of tobacco products by persons under 21 years of age; in promoting compliance with laws prohibiting sales of cigarettes and tobacco products to persons under 21 years of age; and in protecting youth and underserved populations from the harms of tobacco use.

3. Subsection U is hereby amended to read as follows:

T. California courts in *Cohen v. Board of Supervisors* (1985) 40 Cal.3d 277, *Bravo Vending v. City of Rancho Mirage* (1993) 16 Cal.App.4th 383, and *Prime Gas v. City of Sacramento* (2010) 184 Cal.App.4th 697, have affirmed the power of local jurisdictions to regulate business activity in order to discourage violations of law.

4. Subsection V is hereby amended to read as follows:

U. State law authorizes local tobacco retailer licensing laws to provide for the suspension or revocation of the local tobacco retailer license for any violation of a state tobacco control law (California Business & Professions Code § 22971.3).

5. Subsection W is hereby amended to read as follows:

V. A requirement for a tobacco retailer license will not unduly burden legitimate business activities of retailers who sell or distribute cigarettes or other

tobacco products to adults. It will, however, allow the city to regulate the operation of lawful businesses to discourage violations of federal, state, and local tobacco-related laws.

- B. Except as amended by subsection A above, all provisions of 5.138.010 remain unchanged and in full effect.

SECTION 2.

- A. Section 5.138.030 of the Sacramento City Code is hereby amended as follows:

1. The definition of “characterizing flavor” is hereby amended to read as follows:

“Characterizing flavor” means a taste or aroma, distinguishable by an ordinary consumer during the consumption of a tobacco product, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product or any byproduct produced by the tobacco product, including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen, fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcohol beverage, herb, sweet, spice, or a cooling sensation.

2. The definition of “city manager” is hereby amended to read as follows:

“City manager” means the city manager or designee.

3. The definition of “constituent” is hereby added to read as follows:

“Constituent” means any ingredient, substance, chemical, or compound, other than tobacco, water, or reconstituted tobacco sheet, that is added by the manufacturer to a tobacco product during the processing, manufacture, or packing of the tobacco product.

4. The definition of “flavored shisha tobacco product” is hereby added to read as follows:

“Flavored shisha tobacco product” means any shisha tobacco product that contains a constituent that imparts a characterizing flavor.

5. The definition of “hookah” is hereby added to read as follow:

“Hookah” means a type of waterpipe, used to smoke shisha tobacco products or other tobacco products, with a long flexible tube for drawing aerosol through water. Components of hookah may include heads, stems, bowls, and hoses.

6. The definition of “nicotine” is hereby added to read as follows:

“Nicotine” means any form of the chemical nicotine, including any salt or complex, regardless of whether the chemical is naturally or synthetically derived, and includes nicotinic alkaloids and nicotine analogs.

7. The definition of “shisha tobacco product” is hereby added to read as follows:

“Shisha tobacco product” means a tobacco product smoked or intended to be smoked in a hookah. “Shisha tobacco product” includes, and may be referred to as, hookah tobacco, waterpipe tobacco, maassel, narghile, and argileh. “Shisha tobacco product” does not include any electronic devices, such as an electronic hookah, electronic cigarette, or electronic tobacco product.

8. The definition of “tobacco product flavor enhancer” is hereby added to read as follows:

“Tobacco product flavor enhancer” means a product designed, manufactured, produced, marketed, or sold to produce a characterizing flavor when added to a tobacco product.

- B. Except as amended by subsection A above, all provisions of 5.138.030 remain unchanged and in full effect.

SECTION 3.

- A. Subsection B of section 5.138.040 of the Sacramento City Code is hereby amended to read as follows:

B. No license shall issue, and no existing license shall be renewed, to authorize tobacco retailing within 1,000 feet of a tobacco retailer already licensed pursuant to this chapter as measured by a straight line from the nearest point of the property line of the parcel on which the applicant's business is located to the nearest point of the property line of the parcel on which an existing licensee's business is located. This section does not apply to:

1. A person who submitted a planning application to the Community Development Department before January 1, 2020, provided the application does not include a legislative change request pursuant to section [17.808.230](#), unless a corresponding conditional use permit was subsequently denied or the planning application was withdrawn.

2. A licensee that devotes no more than 5% of total shelf space to tobacco products and at least 10% of shelf space to all of the following: fresh or healthy food; fresh fruits and vegetables; juice and dairy products; meat, fish or poultry; and fresh baked goods, breads, and cereals. This subsection B.2 applies only to licenses that were effective on July 1, 2026, and continues only so long as the license is not revoked, does not expire, or is not renewed pursuant to section 5.138.060.

- B. Except as amended by subsection A above, all provisions of 5.138.040 remain unchanged and in full effect.

SECTION 4.

Section 5.138.050 of the Sacramento City Code is hereby amended to read as follows:

5.138.050 Application procedure.

All applications for a license shall be submitted to the city manager in the name of each proprietor proposing to conduct tobacco retailing and shall be signed by each proprietor or an authorized agent thereof. Each application must be accompanied by the required non-refundable license fee. A proprietor proposing to conduct tobacco retailing at more than one location shall submit a separate application for each location. Every application shall be submitted on a form supplied by the city manager and shall contain the following information:

- A. The name, address, and telephone number of each proprietor;
- B. The business name, address, and telephone number of the fixed location for which a license is sought;
- C. Whether or not any proprietor has previously been issued a license pursuant to this chapter that is, or was at any time, suspended or revoked and, if so, the dates of the suspension period or the date of revocation;
- D. Proof that the California Department of Tax and Fee Administration has issued a valid state tobacco retailer's license that covers the location for which a license is sought, in addition to any other required or applicable licenses, permits, or certifications;
- E. Proof of a valid city business operations tax certificate;
- F. A signed affirmation by the proprietor of being informed of, and agreeing to abide by, the laws affecting tobacco retailer licenses; and
- G. Such other information as the city manager deems necessary for the administration or enforcement of this chapter.

SECTION 5.

- A. Section 5.138.060 of the Sacramento City Code is hereby amended as follows:
 - 1. Subsection A is hereby amended to read as follows:
 - A. Upon the receipt of an application for a license and the applicable license fee, the city manager shall issue a license unless:
 - 1. The application is incomplete or inaccurate;

2. The applicant owes the city a fee authorized by section 5.138.080 or an administrative penalty for either a violation of a provision of this chapter or a condition of its license issued pursuant to this chapter;

3. The application seeks authorization for tobacco retailing at an address that appears on a license that is suspended, has been revoked, or is subject to suspension or revocation proceedings for violation of any of the provisions of this chapter; provided, however, this subparagraph shall not constitute a basis for denial of a license if either or both of the following apply:

a. The applicant provides the city with documentation demonstrating that the applicant has acquired or is acquiring the premises or business in an arm's length transaction,

b. It has been more than five years since the most recent license for that location was revoked;

4. The application seeks authorization for tobacco retailing that is unlawful pursuant to this code, or that is unlawful pursuant to any other local, state, or federal law; or

5. The city manager has information that the applicant or his or her agents or employees has violated any local, state or federal tobacco control law at the location for which the license or renewal of the license is sought within the preceding 30-day period.

2. Subsection C is hereby amended to read as follows:

C. Subject to ~~section 5.138.040.B~~, a tobacco retailer operating lawfully on January 1, 2020 that would otherwise be eligible for a license for the location for which a license is sought may receive or renew a license for that location so long as all of the following conditions are met:

1. The license is timely obtained and is renewed without lapse or permanent revocation (as opposed to temporary suspension);

2. The tobacco retailer is not closed for business or has not ceased tobacco retailing for more than 60 consecutive days. However, a tobacco retailer may be closed for business or may cease tobacco retailing for up to one year if the closure or cessation is due to new construction or renovation;

3. The tobacco retailer does not substantially change the business premises or business operation for the purpose of increasing the sale or display of tobacco products; and

4. The tobacco retailer retains the right to operate under all other applicable laws.

B. Except as amended by subsection A above, all provisions of 5.138.060 remain unchanged and in full effect.

SECTION 6.

Section 5.138.070 of the Sacramento City Code is hereby amended to read as follows:

5.138.070 Display of license.

No person shall act as a tobacco retailer unless the following are prominently displayed on the premises:

- A. A valid license issued pursuant to this chapter;
- B. A valid business operations tax certificate issued pursuant to title 3; and
- C. A valid tobacco retailer license issued by the state of California.

SECTION 7.

Section 5.138.090 of the Sacramento City Code is hereby amended to read as follows:

5.138.090 License nontransferable.

A license is nontransferable. If a licensee changes business location, that licensee must obtain a new license prior to acting as a tobacco retailer at the new location. If a business licensed to conduct tobacco retailing is sold, the new owner must obtain a new license for that location before acting as a tobacco retailer.

SECTION 8.

Section 5.138.100 of the Sacramento City Code is hereby amended to read as follows:

5.138.100 License violation.

The following constitute violations of a license issued under this chapter:

- A. A licensee or his or her agents or employees sells or offers for sale any flavored tobacco product. There is a rebuttable presumption that tobacco product is a flavored tobacco product if a manufacturer or its agents or employees has made a public statement or claim that the tobacco product has or produces a characterizing flavor, including, but not limited to, text, color, or images on the product's labeling or packaging that are used to expressly or impliedly communicate that a tobacco product has a characterizing flavor. It is a rebuttable presumption that all tobacco products sold, stored, or displayed are intended for sale.

B. Failure to prominently display the license in a publicly visible location at the licensed premises.

C. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter.

D. The failure of the licensee, or the licensee's agents or employees to allow any peace officer, the city manager, or the city official authorized to enforce this code to conduct unscheduled inspections of the premises for the purpose of ensuring compliance with any federal, state, or local tobacco law or regulation, including any provision of this code, at any time the business is open for business.

E. The licensee, its agents, or employees who are under the age of 21 sell tobacco or tobacco products.

F. The sale or storage of cannabis, cannabis products, or products bearing the universal cannabis symbol.

G. The violation of any local, state, or federal tobacco-related law.

SECTION 9.

Section 5.138.110 of the Sacramento City Code is hereby amended to read as follows:

5.138.110 Suspension or revocation of license.

A. In addition to any other remedy authorized by law, a license shall be suspended or revoked as provided in this section, if the city manager finds that the licensee or his or her agents or employees has or have violated any of the provisions of this chapter; provided, however, violations by a licensee at one location may not be accumulated against other locations of that same licensee, nor may violations accumulated against a prior licensee at a licensed location be accumulated against a new licensee at the same licensed location.

1. Upon a finding by the city manager of a first license violation within any five-year period, the license shall be suspended for 30 days.

2. Upon a finding by the city manager of a second license violation within any five-year period, the license shall be suspended for 90 days.

3. Upon a finding by the city manager of a third license violation within any five-year period, the license shall be revoked.

B. Notwithstanding subsection A, a license shall be revoked if the city manager finds that any of the following conditions exist:

1. One or more of the bases for denial of a license under subsection A existed at the time the application was made or at any time before the license was issued.

2. The information contained in the license application, including supplemental information, if any, is found to be false in any material respect.

3. The licensee or their agents or employees fail to cease sales of tobacco, tobacco products, or tobacco paraphernalia or fail to remove products as prescribed in subsection D.

C. In the event the city manager suspends or revokes a license, written notice of the suspension or revocation shall be served upon the licensee within five days of the suspension or revocation in the manner prescribed in subsection D. The notice shall contain:

1. A brief statement of the specific grounds for such suspension or revocation;

2. A statement that the licensee may appeal the suspension or revocation by submitting an appeal, in writing, in accordance with the provisions of section [5.138.120](#), to the city manager, within 10 calendar days of the date of service of the notice; and

3. A statement that the failure to appeal the notice of suspension or revocation will constitute a waiver of all rights to an administrative appeal hearing, and the suspension or revocation will be final.

D. A licensee for whom a license suspension is in effect, or whose license has been revoked, must cease all tobacco retailing and remove all tobacco products from the entire store and remove tobacco paraphernalia from public view at the address that appears on the suspended or revoked license.

SECTION 10.

A. Section 5.138.120 of the Sacramento City Code is hereby amended as follows:

1. Subsection A is hereby amended to read as follows:

A. Any applicant or licensee aggrieved by the decision of the city manager in denying, suspending, or revoking a license, may appeal the decision by submitting a written appeal to the city manager at the address provided in the notice within 10 calendar days from the date of service of the notice of denial, suspension, or revocation. The appeal must be accompanied by an appeal fee set by resolution of the city council. The written appeal shall contain:

1. A brief statement in ordinary and concise language of the specific action protested, together with any material facts claimed to support the contentions of the appellant;

2. A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested action should be reversed or otherwise set aside;

3. The signatures of all parties named as appellants and their official mailing addresses; and

4. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

B. Except as amended by subsection A above, all provisions of 5.138.120 remain unchanged and in full effect.

SECTION 11.

Section 5.138.160 of the Sacramento City Code is hereby amended to read as follows:

5.138.160 Enforcement.

A. In addition to any other remedy, any person violating any provision of this chapter shall be guilty of a misdemeanor for each day such violation continues.

B. Any violation of this chapter may be remedied by a civil action brought by the city attorney. The city may recover reasonable attorneys' fees and costs of suit in any civil action brought by the city attorney to remedy any violation of this chapter.

C. Any person violating the provisions of this chapter shall also be liable for civil penalties of not less than \$250 or more than \$25,000 for each day the violation continues.

D. Violations of this chapter are hereby declared to be public nuisances subject to abatement by the city.

E. Compliance with this chapter may be monitored by the city manager and any law enforcement officer, including but not limited to youth decoy operations. Compliance checks may be unannounced.

1. Inspections may be conducted during the normal business hours of the place to be entered.

2. Inspections may be at any place at which tobacco products are sold, produced, or stored or at any site where evidence of activities involving violations of this code or evasion of tobacco products tax and violations of Revenue and Taxation Code section 30165.1 may be discovered.

3. Inspections may be at any place where evidence of a violation of Health and Safety Code sections 104559.1 or 104599.5 may be discovered.

4. Any person that refuses to allow an inspection shall be subject to the penalties imposed pursuant to section 5.138.110.

F. In addition to criminal sanctions, civil penalties as provided in this section, and other remedies set forth in this chapter, administrative penalties may be imposed pursuant to chapter 1.28 against any person violating any provision of this chapter. Imposition, enforcement, collection and administrative review of administrative penalties imposed shall be conducted pursuant to chapter 1.28.

G. In addition to any other penalty under this chapter, a person who has engaged in tobacco retailing without a valid license shall be ineligible to apply for or be issued a license as follows:

1. No new license may be issued for the person as a proprietor until 30 days have passed from the date of the violation; and

2. Each day a person engages in tobacco retailing without a valid tobacco retailer license shall constitute a separate violation.

ORDINANCE NO.

Adopted by the Sacramento City Council

[Date Adopted]

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 9.12 OF THE
SACRAMENTO CITY CODE, RELATING TO DISTRIBUTION OF TOBACCO
PRODUCTS TO MINORS.**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 9.12.070 of the Sacramento City Code is hereby amended to read as follows:

9.12.070 Purpose.

The protection of the public welfare requires that potential access by minors to all forms of tobacco products be strictly regulated.

Howard University and the National Institute on Drug Abuse have reported that the nicotine in tobacco is a powerful, habit-forming drug that leads to compulsive use, and produces strong withdrawal symptoms. The U.S. Public Health Service has described nicotine addiction as the most widespread example of drug dependence in our county.

Studies have found that nicotine addiction typically begins in childhood. It has been estimated that thousands of American children smoke for the first time every day. Many youth, particularly male teenagers, use smokeless tobacco. Reported tests have shown that minors as young as ~~eleven (11)~~ years of age have experienced little or no difficulty in purchasing tobacco products.

Existing state law prohibits knowing distribution of tobacco products to persons under the age of ~~21 eighteen (18)~~ years. The state law scheme does not cover all conduct involving distribution of tobacco to minors because a distributor can avoid prosecution for knowingly distributing to a minor by failing to obtain information about the recipient's age. A local ordinance which makes unknowing distribution ~~illegal an~~ infraction will supplement existing state law, will not be inconsistent with existing state law, and will help achieve the important purpose of reducing the likelihood of minors obtaining tobacco products in the city.

SECTION 2.

A. Section 9.12.080 of the Sacramento City Code is hereby amended as follows:

1. The definition of "tobacco products" is hereby amended to read as follow:

"Tobacco products" ~~mean any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, snuff or any other form of tobacco which may be utilized for smoking, chewing, inhalation or other manner of ingestion.~~ has the same meaning as in section 5.138.030.

2. The definition of "tobacco vending machine" is hereby amended to read as follows:

"Tobacco vending machine" means any electronic or mechanical device the operation of which depends upon the insertion of money, whether in coin or paper bill, or other thing representative of value, which dispenses or vends a tobacco products.

B. Except as amended by subsection A above, all provisions of section 9.12.080 remain unchanged and in full effect.

SECTION 3.

Section 9.12.090 of the Sacramento City Code is hereby amended to read as follows:

9.12.090 Distribution of tobacco products to persons under 21 ~~minors~~ prohibited.

~~A.~~ Any person who, without knowledge of the tobacco product recipient's minor's age, distributes a tobacco product to ~~a minor~~ any person who is in fact under the age of 21 eighteen (18) years, is guilty of a misdemeanor ~~infraction~~.

~~B. Any person who authorizes the installation or placement of a tobacco vending machine on premises which the person manages or controls and who permits or suffers, without knowledge of the minor's age, any tobacco product to be distributed from such tobacco vending machine to a minor under the age of eighteen (18) years is guilty of an infraction.~~

SECTION 4.

Section 9.12.100 of the Sacramento City Code is hereby amended to read as follows:

9.12.100 Proof of age.

For the purpose of preventing the violation of section 9.12.090 ~~(A) or (B)~~ of this chapter, any person may refuse to distribute a tobacco product to a person who is unable to produce adequate written evidence that they are ~~he or she is over the age of~~ 21 eighteen (18) years ~~of age or older~~.

SECTION 5.

Section 9.12.120 of the Sacramento City Code is hereby amended to read as follows:

9.12.120 Posting of signs required-Copies of ordinances to be provided.

~~A.~~ Every person who distributes tobacco products within the city shall post conspicuously and keep so posted in each place of business from which tobacco products are distributed a sign in letters at least one inch high which states as follows:

It is unlawful to distribute tobacco products to any person under the age of 21 ~~18~~ years.

It is unlawful for any person under the age of 21 ~~18~~ years to purchase or receive tobacco products.

California [Penal Code](#) Section 308; Sacramento City Code Section [9.12.090](#).

~~B. — Every tobacco vending machine owner shall affix and keep affixed to the front of each tobacco vending machine within the city a sign as described in subsection A of this section.~~

~~C. — Every tobacco vending machine owner shall provide a copy of the ordinance codified in this chapter to the manager of every premises upon which such owner has a tobacco vending machine in place on the effective date of the ordinance codified in this chapter and to the manager of every premises upon which such owner installs or places, or causes to be installed or placed, a tobacco vending machine after the effective date of the ordinance codified in this chapter. (Prior code § 24.02.014)~~

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[Date Adopted]

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California [Penal Code](#) Section 308; Sacramento City Code Section [9.12.090](#).

File#	Retailer Name	CaseType	Open Date
07-040267	NATOMAS LIQUOR & DELI	Tobacco	06/19/2007
07-046000	WALGREENS #10114	Tobacco	08/15/2007
07-048185	BONFARE MARKET	Tobacco	09/06/2007
07-048398	CIGARETTE CITY FOREVER	Tobacco	09/10/2007
07-049193	CHOICE GAS STATION	Tobacco	09/18/2007
08-000609	FRUITRIDGE AM/PM	Tobacco	01/10/2008
08-001023	AIS OPERATIONS dba ARCO AM/PM	Tobacco	01/16/2008
08-001926	QUICK SHOP MARKET INC	Tobacco	01/29/2008
08-002958	ALL CIGARETTES CHEAPER	Tobacco	02/13/2008
08-003903	RAINBOW MARKET	Tobacco	02/27/2008
08-006577	RIVERMART	Tobacco	04/02/2008
08-007187	KISUGU, LLC dba A1 MART	Tobacco	04/07/2008
08-010220	SP LIQUOR MARKET	Tobacco	05/12/2008
08-089729	JIBBOOM STREET SHELL	Tobacco	09/03/2008
08-089731	MACK ROAD SHELL	Tobacco	09/03/2008
08-089736	GREENHAVEN SHELL	Tobacco	09/03/2008
08-089737	POCKET ROAD SHELL	Tobacco	09/03/2008
08-089740	NATOMAS SHELL	Tobacco	09/03/2008
09-044354	THE SMOKE SHOP	Tobacco	10/05/2009
09-047155	RIVER PARK MARKET INC	Tobacco	11/05/2009
09-050267	PETROSTAR OIL CO	Tobacco	12/17/2009
10-003179	NATOMAS FOOD & LIQUOR	Tobacco	02/05/2010
10-005379	MACK ROAD INC	Tobacco	03/01/2010
10-008885	DISCOUNT LIQUOR AND CIGARETTES	Tobacco	04/13/2010
10-011530	COMPTON'S MARKET	Tobacco	05/21/2010
10-015262	SUPERIOR GAS & MART	Tobacco	06/22/2010
10-017039	BREAK TIME MINI MART	Tobacco	07/22/2010
10-028469	SAEED OIL COMPANY dba CHEVRON	Tobacco	12/10/2010
11-003395	MIKE'S LIQUOR	Tobacco	01/27/2011
11-003658	7-ELEVEN STORE #2365-34492B	Tobacco	02/01/2011
11-013777	FAMILY MARKET	Tobacco	05/23/2011
11-027089	BOSS'S MARKET	Tobacco	10/20/2011
11-030369	CIGARETTES XPRESS	Tobacco	12/05/2011
12-000670	AKAMAI INVESTMENTS LLC DbA HABITS	Tobacco	01/11/2012
12-000996	PADDA TRADING INC., DBA: G CIGARETTES PLUS	Tobacco	01/18/2012
12-001072	TERRA INVESTMENTS dba POWER INN CHEVRON	Tobacco	01/19/2012
12-001599	BROHAM ART & TOBACCO	Tobacco	01/23/2012
12-002644	SHELDON SHELL GAS STATION	Tobacco	02/11/2012
12-007437	7-ELEVEN STORE #23265D - 7060021	Tobacco	05/07/2012
12-007546	OAK PARK MARKET - 7040303	Tobacco	05/08/2012
12-007589	SUNLAND LIQUOR - 7040412	Tobacco	05/09/2012
12-007600	WING WA, INC. DbA WING WA CENTER - 7040469	Tobacco	05/09/2012
12-007601	TWISTED - 7040445	Tobacco	05/09/2012

12-007625	LOVELY FOOD AND LIQUOR INC dba FAST STOP FOOD STORE #5 - 704	Tobacco	05/09/2012
12-007628	FAST STOP FOOD STORE #6 - 7040172	Tobacco	05/09/2012
12-007633	CAPITAL GROCERY - 7040087	Tobacco	05/09/2012
12-007642	CJ GAS, INC - 7040128	Tobacco	05/09/2012
12-007791	HMJ FOOD CORPORATION dba PACIFIC MARKET - 7040308	Tobacco	05/11/2012
12-007798	TOWER PIPES & CIGARS, INC.	Tobacco	05/11/2012
12-007801	K MINI MART - 7040229	Tobacco	05/11/2012
12-007818	7-ELEVEN STORE #16350D - 7050038	Tobacco	05/11/2012
12-008164	WALGREENS #05036 - 7040458	Tobacco	05/16/2012
12-008197	COTTAGE MART - 7040139	Tobacco	05/16/2012
12-008211	SAFEWAY #2242 - 7040379	Tobacco	05/16/2012
12-008283	DHILLON'S SACRAMENTO SHELL - 7040376	Tobacco	05/17/2012
12-008286	PARK PLACE SHELL - 7040314	Tobacco	05/17/2012
12-008324	KING'S SUPERMARKET, INC - 7040233	Tobacco	05/18/2012
12-008326	DHILLON'S ARDEN SHELL - 7040397	Tobacco	05/18/2012
12-008645	CITY LIQUOR & FOOD - 7040127	Tobacco	05/22/2012
12-009327	CAPITOL LIQUOR - 7040088	Tobacco	05/30/2012
12-009328	A & P LIQUORS - 7040175	Tobacco	05/30/2012
12-009340	CHEEMA FOOD & LIQUOR - 7060041	Tobacco	05/30/2012
12-009342	MICNAN, LLC. TOOLEY OIL CO. DBA SHELL SERVICE STATION	Tobacco	05/30/2012
12-009343	NORTHGATE CHEVRON - 7040299	Tobacco	05/30/2012
12-009345	CHEVRON STATION #1709 - 7040101	Tobacco	05/30/2012
12-009346	CHEVRON STATION #1523 - 7040108	Tobacco	05/30/2012
12-009365	CHEVRON STATION #1578 - 7040102	Tobacco	05/30/2012
12-009366	CHEVRON STATION #1590 - 7040107	Tobacco	05/30/2012
12-009372	SPECIAL FOOD MARKET	Tobacco	05/30/2012
12-009461	T & Y MARKET - 7040417	Tobacco	05/31/2012
12-009462	MIDTOWN SHELL - 7040282	Tobacco	05/31/2012
12-009463	PARK N SAVE - 7040313	Tobacco	05/31/2012
12-009464	GLEN COX CHEVRON - 7040200	Tobacco	05/31/2012
12-009468	7-ELEVEN #2365-26598E - 7040008	Tobacco	05/31/2012
12-009746	DHILLON'S EL CAMINO SHELL - 7040393	Tobacco	06/06/2012
12-009751	FOUR OAKS MARKET - 09-038056	Tobacco	06/06/2012
12-009765	COLLEGE TOWN CHEVRON - 7040131	Tobacco	06/06/2012
12-009767	CAPUTO ENTERPRISES, INC. DBA ARCO AM/PM	Tobacco	06/06/2012
12-009770	CHOICE FOOD & LIQUOR - 7040114	Tobacco	06/06/2012
12-009779	DS+D PETROLEUM INC dba ORCHARD ARCO AM/PM - 11-009885	Tobacco	06/06/2012
12-009782	CHIMA LIQUOR STORE - 7040339	Tobacco	06/06/2012
12-009788	B & L CASH MARKET - 7040054	Tobacco	06/06/2012
12-009860	EXPRESS STOP - 7040168	Tobacco	06/07/2012
12-009886	ECONOMY LIQUOR & FOOD - 7040156	Tobacco	06/07/2012
12-009888	B & W LIQUOR - 7040053	Tobacco	06/07/2012
12-009897	DPSK, INC DBA GREENHAVEN SHELL #7631	Tobacco	06/07/2012
12-009943	DISCOUNT CIGARETTES - 7040149	Tobacco	06/08/2012

12-009954	CIGARETTE LAND	Tobacco	06/08/2012
12-009972	GOLDSTAR SUPERMARKET - 7040203	Tobacco	06/08/2012
12-010080	JAY STREET LIQUOR - 7040221	Tobacco	06/11/2012
12-010081	D. MILLER INC dba ARCO MART AM/PM - 7040046	Tobacco	06/11/2012
12-010110	POWER INN SHELL - 7060039	Tobacco	06/11/2012
12-010355	FOOD MAXX #488	Tobacco	06/14/2012
12-010361	FOOD MAXX #464 - 7040180	Tobacco	06/14/2012
12-010364	SAVE MART #622	Tobacco	06/14/2012
12-010465	MID TOWN GAS & FOODMART, LLC - 7040280	Tobacco	06/15/2012
12-011204	DPSK, INC. DbA CAMPUS SHELL	Tobacco	06/27/2012
12-011281	CIGARETTE CITY PLUS - 7050049	Tobacco	06/28/2012
12-012671	ZEBRA CLUB - 7040614	Tobacco	07/24/2012
12-012676	WELCO SUPERMARKET - 7040465	Tobacco	07/24/2012
12-013784	SMOKE SHOP & WIRELESS	Tobacco	07/30/2012
12-014437	BILL'S LIQUOR & DELI	Tobacco	08/09/2012
12-014965	NORWOOD AM/PM - 7050051	Tobacco	08/14/2012
12-014982	BROADWAY CHEVRON	Tobacco	08/15/2012
12-017644	7-ELEVEN #2365-14107G	Tobacco	09/21/2012
12-017652	7-ELEVEN #32836A - 7040006	Tobacco	09/21/2012
12-017660	NATOMAS WINE & SPIRITS INC. dba NATOMAS WINE & SPIRITS - 7060000	Tobacco	09/21/2012
12-017946	7-ELEVEN #2365-35481A ***HEALTHY FOOD EXEMPTION APPROVED	Tobacco	09/27/2012
12-018243	PINTS N FIFTHS - 7040592	Tobacco	10/03/2012
12-018402	LOTTERY LIQUOR - 7040578	Tobacco	10/05/2012
12-018403	SHOPPERS MARKET - 7050059	Tobacco	10/05/2012
12-018549	NEIGHBORHOOD GROCERY STORE	Tobacco	10/08/2012
12-019930	JK FOOD LIQUOR AND WINE - 7040507	Tobacco	10/29/2012
12-019970	ROUND CORNER TAVERN - 7040598	Tobacco	10/30/2012
12-027928	CHEVRON STATION #1754 - 7040535	Tobacco	11/14/2012
12-028703	R & L THOMPSON INC. dba NATOMAS CHEVRON - 7050005	Tobacco	11/29/2012
12-028760	TINKU'S MARKET	Tobacco	11/30/2012
12-028900	SAFEWAY #2684 - 7050002	Tobacco	12/04/2012
12-028901	SAFEWAY #2697	Tobacco	12/04/2012
12-029085	7-ELEVEN #14119F - 7050079	Tobacco	12/07/2012
12-029411	CAPITOL CASINO - 7040527	Tobacco	12/14/2012
12-029415	SERVO GASOLINE - 7040388	Tobacco	12/14/2012
12-029417	STOP N SHOP - 7040409	Tobacco	12/14/2012
12-029419	SUTTERVILLE SHELL - 7040395	Tobacco	12/14/2012
12-029420	GAWFCO ENTERPRISES, INC DBA BROADWAY CIRCLE K	Tobacco	12/14/2012
12-029423	GOLDEN VIRK INC. dba LAND PARK GAS	Tobacco	12/14/2012
12-030256	S F SUPERMARKET - 7050018	Tobacco	12/27/2012
12-030259	SAFEWAY FUEL CENTER #2697	Tobacco	12/27/2012
13-000053	SMOKE TOWN	Tobacco	01/02/2013
13-000274	SHOOR ENTERPRISE dba FRANKLIN GAS MART	Tobacco	01/07/2013
13-002369	GREENHAVEN LIQUORS - 7040205	Tobacco	02/11/2013

13-005288	BEVERAGES AND MORE! #64 - 7060025	Tobacco	03/19/2013
13-005695	SELECT WINE & SPIRITS	Tobacco	03/27/2013
13-006802	SMOKES, CIGARETTES AND SNACKS	Tobacco	04/16/2013
13-006905	QUALITY CIGARETTE PLUS - 7040337	Tobacco	04/17/2013
13-009566	C & B FOOD & LIQUORS	Tobacco	05/14/2013
13-009618	BANWAIT PETRO, INC. dba A TO Z CONEVIENCE STORES	Tobacco	05/15/2013
13-013927	ARDEN WAY CHEVRON	Tobacco	07/22/2013
13-022015	GREENHAVEN VAPE & SMOKE SHOP	Tobacco	11/07/2013
14-000474	LA ESPERANZA SUPERMARKET OF SACRAMENTO	Tobacco	01/10/2014
14-002864	CALIFORNIA GOLD BUYERS & SMOKE SHACK	Tobacco	02/18/2014
14-003564	ARZEE INC. dba CLOUD 9	Tobacco	03/03/2014
14-003982	HATUEY CIGARS	Tobacco	03/12/2014
14-007684	SACRAMENTO 76	Tobacco	05/07/2014
14-010740	BHANDAL MARKET INC dba SERV-RITE MARKET	Tobacco	06/16/2014
14-015802	SUNSHINE ENTERPRISE LLC dba CLOUD 9 TOBACCO	Tobacco	08/06/2014
14-016601	ED'S MARKET	Tobacco	08/15/2014
14-017159	7-ELEVEN STORE #2365-36868A	Tobacco	08/20/2014
14-023143	POTHONG MARKET	Tobacco	11/18/2014
14-025223	PARAMOUNT MARKET	Tobacco	12/30/2014
15-003067	ONE STOP GAS, LLC DBA ONE STOP GAS	Tobacco	02/06/2015
15-004085	TALLAC BOTTLE SHOP	Tobacco	02/24/2015
15-005779	ROL LLC DBA STREETS	Tobacco	03/23/2015
15-007741	ASP RETAIL, INC DbA COLLEGE TOWN BOTTLE SHOP	Tobacco	04/21/2015
15-010014	ROCKET #5435	Tobacco	05/21/2015
15-010015	ROCKET #7968	Tobacco	05/21/2015
15-010017	ROCKET #5436	Tobacco	05/21/2015
15-011360	DELUXE GROCERY STORE	Tobacco	06/09/2015
15-011368	BELL ARCO	Tobacco	06/09/2015
15-019559	FOLSOM VAPE & SMOKE	Tobacco	09/15/2015
16-000352	ARJUN INC. dba CIGARETTES AND MORE	Tobacco	01/08/2016
16-003324	CASILLAS CIGAR COMPANY	Tobacco	02/18/2016
16-004264	BONFARE MARKET #38	Tobacco	03/03/2016
16-006379	FLORIN CIGARETTE MARKET	Tobacco	03/31/2016
16-010762	SK YREKA INC DbA FLORIN FOOD AND GAS	Tobacco	05/24/2016
16-019264	STOP-N-SAVE MART	Tobacco	08/18/2016
16-021588	H&S ENERGY PRODUCTS, LLC DbA STORE #2044	Tobacco	09/13/2016
16-023786	RIO SMOKE SHOP	Tobacco	10/07/2016
16-025282	APRIM ENTERPRISES, LLC DbA CIGAR CLUB	Tobacco	10/24/2016
16-026889	ELEVATED	Tobacco	11/17/2016
16-026906	BONFARE MARKET #33	Tobacco	11/17/2016
17-001772	SOHAL 5 INC	Tobacco	01/26/2017
17-008881	BEVERAGES & MORE, INC dba BEVMO!	Tobacco	04/11/2017
17-010566	TOBACCO AND MORE	Tobacco	04/28/2017
17-013667	CIGARETTES N CIGARS	Tobacco	06/01/2017

17-017667	SUPER X MARKET	Tobacco	07/31/2017
17-023933	99 PLUS MART- (Sunday Before 3pm)	Tobacco	10/26/2017
17-028079	MR. B LIQUOR	Tobacco	12/18/2017
18-002666	CIGARETTES & TOBACCO FOREVER	Tobacco	01/31/2018
18-002826	TOWER LIQUOR	Tobacco	02/01/2018
18-006879	GENERAL STORE AND DELI	Tobacco	03/12/2018
18-009399	KING WINE & LIQUOR #2	Tobacco	04/09/2018
18-013981	DISCOUNT CIGARETTE & GIFT MART	Tobacco	05/23/2018
18-016132	MUIR WAY MARKET	Tobacco	06/13/2018
18-020831	JAZZI'S STEAMPUNK CIGAR CO	Tobacco	07/27/2018
18-027229	DOWNTOWN VAPES & SMOKES	Tobacco	08/31/2018
18-028981	FOLSOM GAS MART	Tobacco	09/17/2018
18-035260	LITTLE SMOKE SHACK	Tobacco	12/01/2018
18-036122	HI & BUY	Tobacco	12/07/2018
18-037097	aisle 1 #2578	Tobacco	12/19/2018
19-000265	7-ELEVEN #18185D	Tobacco	01/04/2019
19-000516	7-ELEVEN #38424 ***HEALTHY FOOD EXEMPTION APPROVED***	Tobacco	01/08/2019
19-004403	SAFEWAY #3013	Tobacco	02/15/2019
19-007586	GAWFCO ENTERPRISES, INC. dba FREEPORT UNION 76	Tobacco	03/22/2019
19-007589	GAWFCO ENTERPRISES, INC. dba 65TH ST UNION 76	Tobacco	03/22/2019
19-013331	RAI & BASSI PETROLEUM INC. dba NORTHGATE ARCO AM/PM	Tobacco	05/13/2019
19-018613	JIMMY'S SOUL FOOD & HMONG CUISINE 8a-5p Mon-fri	Tobacco	06/28/2019
19-032151	U SMOKE 4 LESS	Tobacco	09/10/2019
19-033060	VINNY'S SMOKES AND VAPES	Tobacco	09/16/2019
19-034075	RAJ MINI MART	Tobacco	09/25/2019
19-034095	V7 UMC INC DBA TOBACCO CITY	Tobacco	09/25/2019
19-042144	LIQUOR VIDEO CENTER	Tobacco	12/13/2019
19-042146	NICK'S MARKET	Tobacco	12/13/2019
20-007108	7 ELEVEN 37620A	Tobacco	03/03/2020
20-008525	HI & BUY	Tobacco	03/19/2020
20-035866	ROXIE COMPANY INC, dba ROXIE DELI & BARBEQUE	Tobacco	11/03/2020
21-011900	ARCO AMPM SHIFT CHANGE ***HEALTHY FOOD EXEMPTION APPROV	Tobacco	01/26/2021
21-020524	KARGILL INVESTMENTS INC. dba KARGILL ARCO ELDER CREEK	Tobacco	04/14/2021
21-022237	DODD CONVENIENCE dba EXPRESS STOP	Tobacco	04/21/2021
21-023679	BIG BOSS GASOLINE	Tobacco	05/03/2021
21-025076	A&M FOOD & LIQUOR (DODD CONVENIENCE)	Tobacco	05/12/2021
21-033192	NEW ARCADE MARKET	Tobacco	07/12/2021
21-040725	AMERICAN WAY MARKET	Tobacco	09/08/2021
21-040732	SAM'S MARKET	Tobacco	09/08/2021
21-041969	BELL GAS & MINI MART	Tobacco	09/15/2021
21-048151	SOUTHSIDE MARKET & DELI	Tobacco	11/10/2021
22-000417	NORTHGATE LIQUOR & FOOD	Tobacco	01/05/2022
22-001265	STOP AND THINK INC, dba WORLD WINES AND LIQUOR	Tobacco	01/12/2022
22-003653	CALVIN'S MARKET ***HEALTHY FOOD***	Tobacco	01/20/2022

22-004030	RED CARPET LIQUOR & LOTTO	Tobacco	01/21/2022
22-005616	M & K ROYAL SPIRITS INC	Tobacco	01/26/2022
22-010219	COMFORT MARKET	Tobacco	03/07/2022
22-016818	PRESTO FOOD & LIQUOR	Tobacco	04/20/2022
22-017554	ROYAL MARKET	Tobacco	04/26/2022
22-017670	QUIK STOP MARKET #551096	Tobacco	04/27/2022
22-018570	ARCO BROADWAY	Tobacco	05/04/2022
22-022533	GOLD STAR MART	Tobacco	06/01/2022
22-025456	J STREET MARKET	Tobacco	06/22/2022
22-033463	K & B ASSOCIATES INC dba PUNJAB INTERNATIONAL	Tobacco	08/17/2022
22-034302	BING'S MARKET	Tobacco	08/24/2022
22-035209	FOODS CO #355	Tobacco	08/30/2022
22-035216	FOODS CO #501	Tobacco	08/30/2022
22-035228	FOODS CO #532 STORE	Tobacco	08/30/2022
22-038548	FREEPORT SHIFT CHANGE/ PAT 101, INC Dba COME N GO	Tobacco	09/22/2022
22-039173	H & S ENERGY PRODUCTS, LLC Dba STORE #1011	Tobacco	09/28/2022
22-042880	NORWOOD CHEVRON	Tobacco	10/26/2022
22-042905	BROS LIQUOR INC***HEALTHY FOOD***	Tobacco	10/26/2022
22-045682	CURTIS PARK MARKET	Tobacco	11/22/2022
22-045796	FOOD STOP	Tobacco	11/23/2022
22-046380	CHRONICLE MARKET/ ARCO AMPM	Tobacco	11/30/2022
22-047639	BETTER TRADE MARKET	Tobacco	12/13/2022
22-049092	SAM MARKET ***HEALTHY FOOD***	Tobacco	12/28/2022
23-000274	ELDER CREEK MARKET	Tobacco	01/04/2023
23-000817	EXPRESS LANE PLUS INC Dba FOOD MART ***HEALTHY FOOD***	Tobacco	01/10/2023
23-001859	KIM GAGNON MASSAGE THERAPY - (916) 662-1039 Est pmt # 23-102	Tobacco	01/15/2023
23-014310	FAMOUS SMOKE SHOP	Tobacco	04/25/2023
23-015643	USA MINI MART *HEALTHY FOODS*	Tobacco	05/02/2023
23-021088	AFG MARKET ***HEALTHY FOOD EXEMPTION***	Tobacco	06/08/2023
23-027933	Guru Farms Market	Tobacco	07/26/2023
23-029854	METRO FOOD AND LIQUOR	Tobacco	08/09/2023
23-031753	7-ELEVEN 42011H C/O 7-ELEVEN, INC	Tobacco	08/23/2023
23-037521	LICHINE'S LIQUOR & DELI	Tobacco	10/05/2023
23-042527	P B 32 GAS INC. Dba SUTTERVILLE FOOD MART	Tobacco	11/09/2023
23-043143	N & B FOOD MART	Tobacco	11/14/2023
23-045329	7 ELEVEN 42175A	Tobacco	12/06/2023
23-045755	TASSS SMOKE SHOP	Tobacco	12/11/2023
23-046228	7 ELEVEN 41288A	Tobacco	12/14/2023
23-047179	El Camino Market	Tobacco	12/27/2023
24-002536	BP PRODUCTS NORTH AMERICA Dba AMPM 7173	Tobacco	01/18/2024
24-008491	EXPRESS MART INC. *HEALTHY FOODS*	Tobacco	02/23/2024
24-011409	ELITE CAPITAL INVESTMENTS Dba ONE STOP MARKET Prior TRL case 1	Tobacco	03/15/2024
24-012041	ARSHKEERAT Dba RIVERA MART	Tobacco	03/20/2024
24-019232	CIRCLE 6 FOOD STORE - 09-005327	Tobacco	05/08/2024

24-023909	ACE LIQUOR ***HEALTHY FOOD***	Tobacco	06/11/2024
24-025356	EXOTIC SMOKES	Tobacco	06/20/2024
24-026051	DIAMOND GAS & MARKET #13	Tobacco	06/26/2024
24-026054	DIAMOND GAS & MARKET #3	Tobacco	06/26/2024
24-027218	EXOTIC SMOKE SHOP	Tobacco	07/06/2024
24-028650	DOLGEN CALIFORNIA, LLC DbA DOLLAR GENERAL STORE #14306 ***H	Tobacco	07/17/2024
24-029130	BARG AFGHAN MARKET & RESTAURANT LLC	Tobacco	07/22/2024
24-032482	EAGLE TRS 4 LLC, WESTIN SACRAMENTO	Tobacco	08/16/2024
24-032977	PRIT MARKET	Tobacco	08/20/2024
24-038257	ARCO AMPM #7062	Tobacco	10/01/2024
24-041465	MEADOWVIEW CHEVRON	Tobacco	10/25/2024
24-042848	ERIC'S DONUTS ***HEALTHY FOODS***	Tobacco	11/04/2024
25-013051	A&M GAS STATION #3, INC.	Tobacco	04/08/2025
25-015360	MOOJEE SMOKE SHOP	Tobacco	04/25/2025
25-018412	MIDTOWN LOUD	Tobacco	05/14/2025
25-019257	RODNEY'S CIGAR & LIQUOR	Tobacco	05/20/2025
25-024535	WALGREENS #01436	Tobacco	06/27/2025
25-035629	GLOBAL ONE FOODS, INC. DbA STANFORD MARKET ***HEALTHY FOOD	Tobacco	09/11/2025
25-036947	GOLDEN OAKS MARKET	Tobacco	09/22/2025
25-040559	NORTHGATE SHELL	Tobacco	10/21/2025
25-043143	H & H CONVIENCE STORE ***HEALTHY FOODS***	Tobacco	11/12/2025
25-043387	LIQUOR KING ***HEALTHY FOODS***	Tobacco	11/14/2025
25-045079	DRNB CORPORATION DbA BROADWAY FOOD MART	Tobacco	12/02/2025
26-003921	SUN UP MARKET ***HEALTHY FOODS***	Tobacco	01/28/2026
26-009378	BPS FUEL, INC. ***HEALTHY FOODS EXEMPTION***	Tobacco	02/25/2026
26-010624	Royal gift and vape NO BOT	Tobacco	03/05/2026
26-010669	KWIK SHOP MARKET ***HEALTHY FOODS EXEMPTION***	Tobacco	03/06/2026
26-013350	BUDDY'S SUPERMARKET, INC	Tobacco	03/24/2026
26-020345	Fuel Stop mini mart & tire TRL VIOLATION	Tobacco	05/14/2026
26-024314	PS MARKET ***HEALTHY FOODS EXEMPTION*** PREVIOUS 12-01128	Tobacco	06/11/2026

Licensed Tobacco Retailer as of 07-14-2026

Legend

-  City Boundary
-  Tobacco Retailer (255)
-  Healthy Food Exemption (38)

Total Licenses: 293

Council District

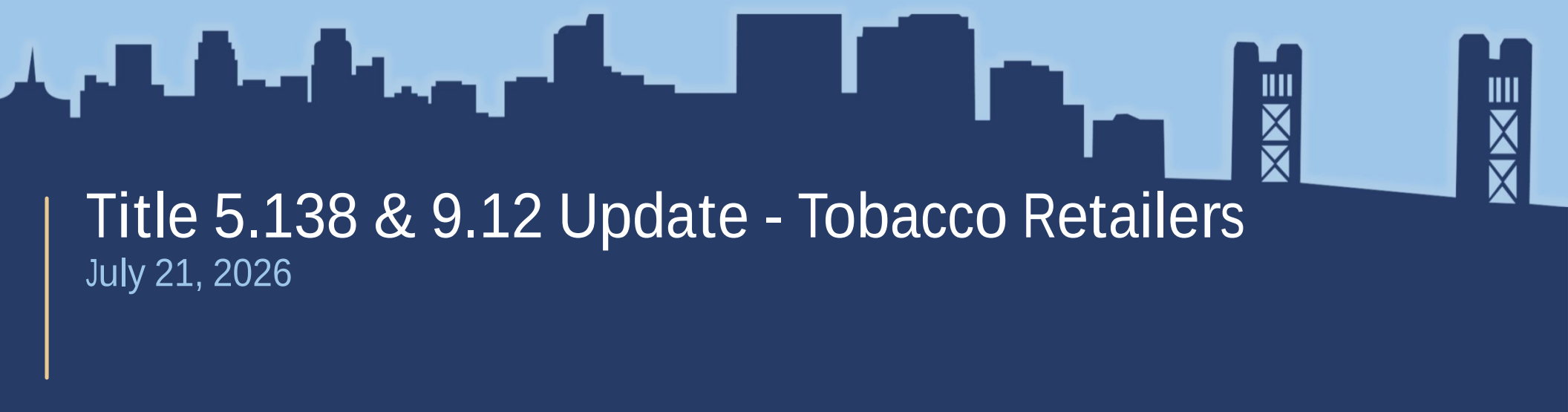
-  District 1 - Total 10; HFE: 0
-  District 2 - Total 46; HFE: 11
-  District 3 - Total 34; HFE: 5
-  District 4 - Total 66; HFE: 7
-  District 5 - Total 43; HFE: 4
-  District 6 - Total 48; HFE: 4
-  District 7 - Total 28; HFE: 3
-  District 8 - Total 18; HFE: 4



DISCLAIMER:
All maps & data provided are subject to
Terms of Use identified in the City of
Sacramento Open Data Policy at
<http://portal.cityofsacramento.org/opendata>

0 1/2 1 2 Miles

07/14/2026



Title 5.138 & 9.12 Update - Tobacco Retailers

July 21, 2026

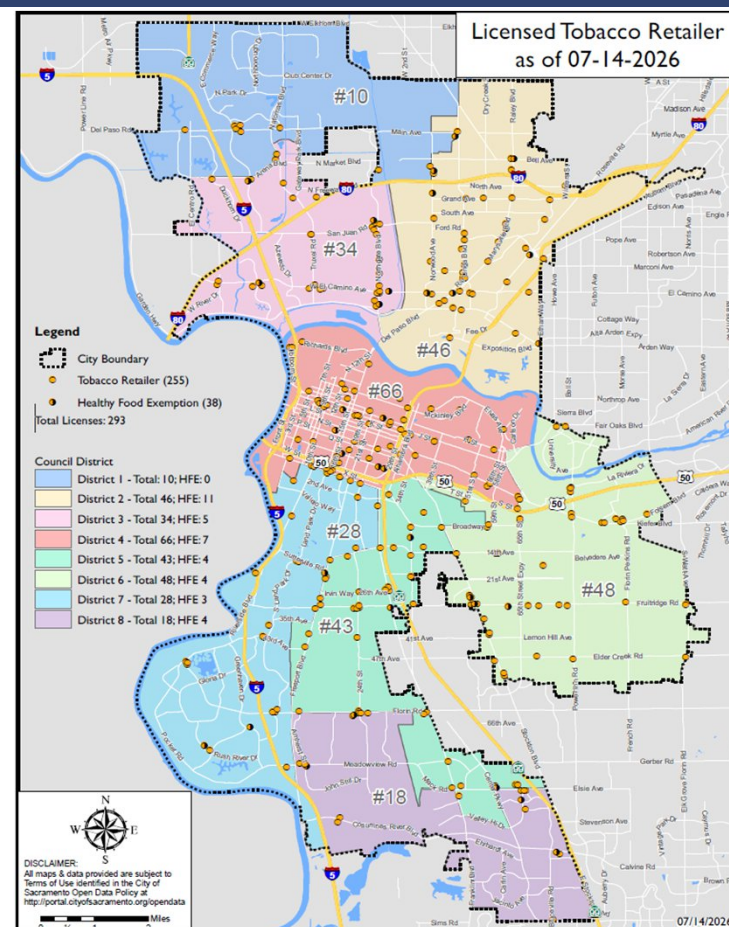
Timeline

- ❖ April 16, 2019 - Amendments to SCC 5.138 adopted which included a prohibition on flavored tobacco and a proximity requirement between retailers
- ❖ August 27, 2019 - Amendments adopted to title 17 requiring a Conditional Use Permit for most new tobacco retailers
- ❖ October 27, 2020 - Amendments to SCC 5.138 adopted allowing for a “Healthy Foods” exemption, alleviating the proximity requirement
- ❖ January 14, 2025 - Update to City Council
- ❖ February 2, 2026 – Conducted outreach and met with approximately 60 members of the American Petroleum and Convenience Store Association.
- ❖ March 17, 2026 – Recommendations to Law & Legislation committee
- ❖ July 21, 2026 – Ordinance Revision to City Council for Consideration

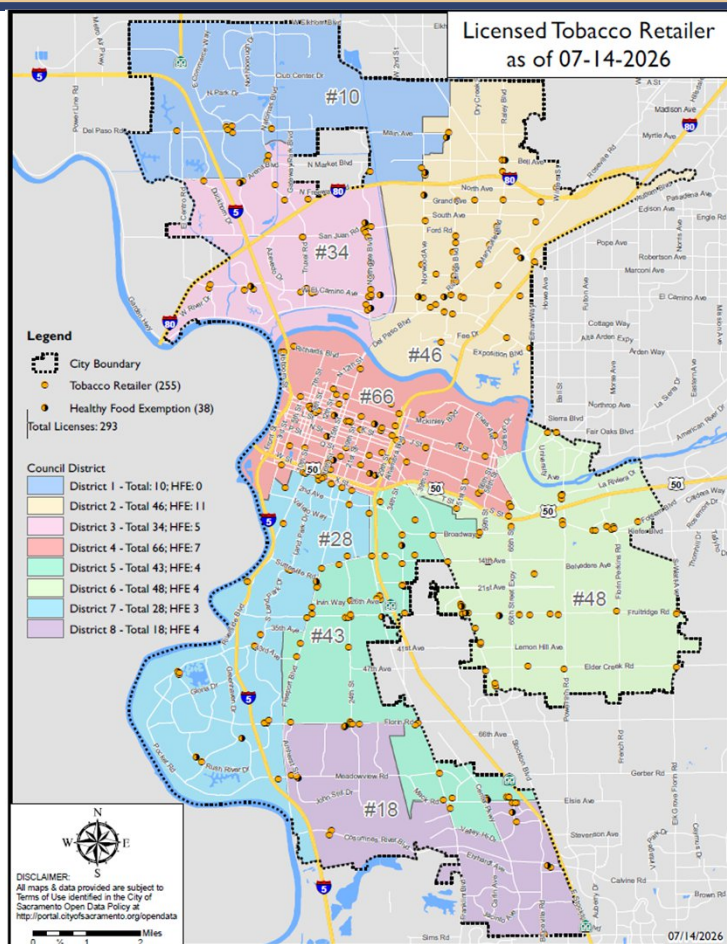
Tobacco Retailers as of 7/14/2026

12/1/2020	10/17/2024	7/14/2026
• D1 - 10	• D1 - 12	• D1 - 10
• D2 - 32	• D2 - 47	• D2 - 46
• D3 - 27	• D3 - 34	• D3 - 34
• D4 - 61	• D4 - 72	• D4 - 66
• D5 - 36	• D5 - 46	• D5 - 43
• D6 - 41	• D6 - 51	• D6 - 48
• D7 - 20	• D7 - 29	• D7 - 28
• D8 - 13	• D8 - 20	• D8 - 18
• Total -240	• Total- 311	• Total- 293

*Per the State of California – CA Dept of Tax and
[Fee Administration](#) there are 786 TRLs in Sacramento County as of
 2/2/26



Tobacco Retailers with HFE as of 7/14/2026



Total TRL's Via Healthy
Foods Exemption as of
7/14/26

- D1 - 0
- D2 - 11
- D3 - 5
- D4 - 7
- D5 - 4
- D6 - 4
- D7 - 3
- D8 - 4

Total 38

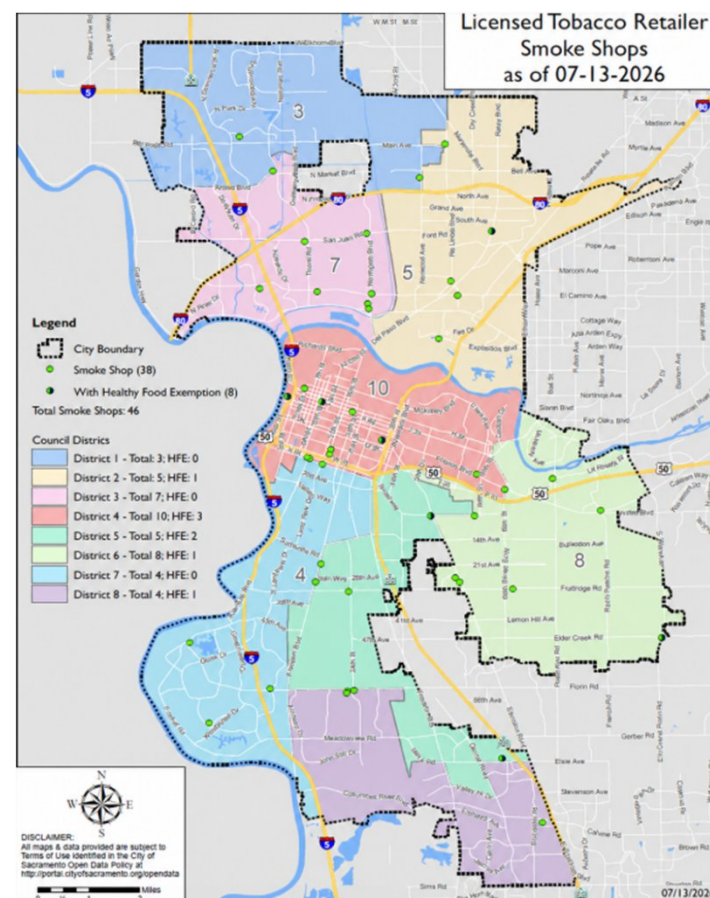
Smoke Shops as of 7/13/2026

Smoke Shops-46

- D1 - 3
- D2 - 5
- D3 - 7
- D4 - 10
- D5 - 5
- D6 - 8
- D7 - 4
- D8 - 1

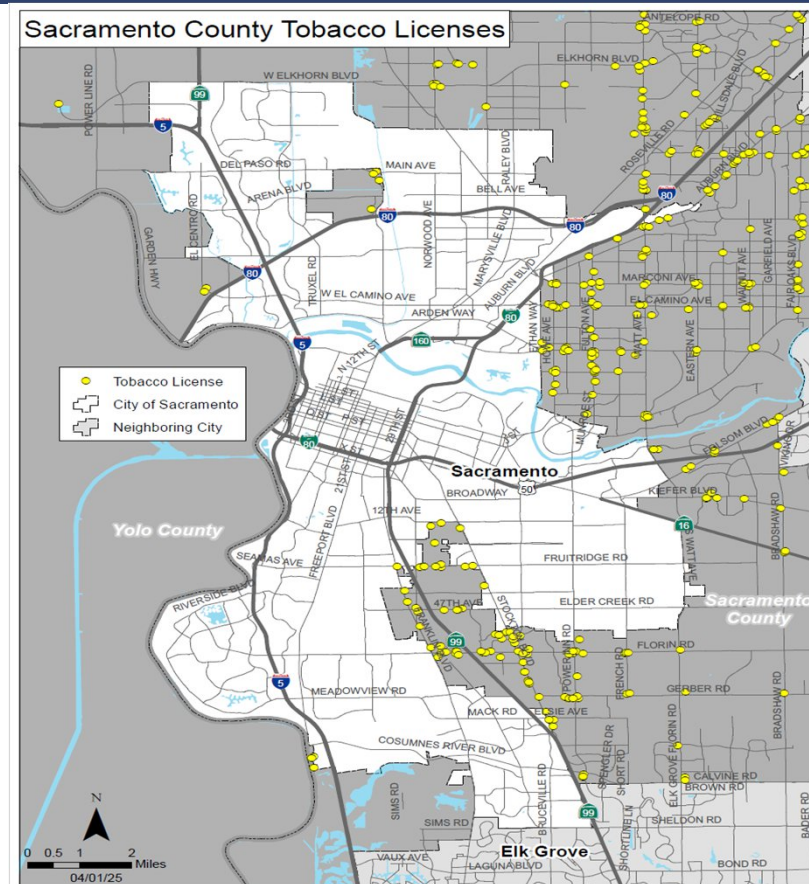
Via Healthy Foods Exemption - 8

- D1 - 0
- D2 - 1
- D3 - 0
- D4 - 3
- D5 - 2
- D6 - 1
- D7 - 0
- D8 - 1



County Tobacco Licenses

- ❖ There are roughly 370 Tobacco Retailers in Sacramento County (not including the City of Sacramento's 300 retailers)
- ❖ D2, D5 & D6 have the most neighboring county retailers within 1000 ft radius proximity to City of Sacramento TRLs



Recent State Law Update

SB 1230 and AB 3218 – Effective 1/1/25

1. Creates an “Unflavored Tobacco List” – Will create a state list of unflavored tobacco. If product is not on the list, it will be deemed a prohibited flavored tobacco. This list is published and active.
2. Stop non-FDA approved e-cigarettes from being added to the “Unflavored List” even if unflavored
3. Allows for confiscation of flavored tobacco products by law enforcement agency.

Recommendations for changes to the SCC

Based on Council feedback and CDD staff recommendations, the following highlights summarize notable proposed amendments to Sacramento City Code Chapters 5.138 and 9.12.

Recommendations for changes to the SCC

- **Healthy Food Exemption Sunset (Title 5)**

Eliminates the Healthy Food Exemption for new tobacco retailers, while allowing existing qualifying retailers to retain the exemption so long as they remain continuously licensed and compliant.

Law and Legislation Committee discussed allowing the Healthy Foods Exemption to remain with the parcel but did not recommend moving the proposal forward.

- **Updated & Expanded Definitions (Titles 5 & 9)**

Updated and added key definitions (e.g., nicotine, characterizing flavor, shisha, hookah, flavor enhancers) to improve clarity, consistency, and enforceability across both chapters.

- **Enhanced Inspection Authority (Title 5)**

Clarifies that tobacco retailers may not deny, delay, or obstruct inspections; refusal constitutes a license violation subject to enforcement action.

Recommendations for changes to the SCC

- **Clarified Flavored Tobacco Prohibition (Title 5)**

Establishes that any flavored tobacco product stored or displayed anywhere on the premises is presumed available for sale, closing enforcement loopholes.

- **Youth Protections 21 and over (Title 9)**

Updates City Code to reflect the State's Tobacco 21 and over law by replacing outdated 18 and over language with 21 and over.

Thank you

Shawn Bartosh

Code Enforcement
Manager

City of
SACRAMENTO



March 15, 2026

RE: Removing the Healthy Foods exemption for new tobacco retailer licenses

Dear members of the Sacramento Law and Legislation Committee and Committee Staff,

We are writing to share information about the Sacramento Healthy Food Exemption (Sacramento City Code 5.138.040 subsection (B)) in advance of the Law and Legislative Committee discussion on removing the Healthy Foods exemption for new tobacco retailer licenses. We are researchers in the Department of Human Ecology at the University of California, Davis leading an evaluation of Sacramento's Healthy Food Exemption.

In Sacramento, [City Code 5.138.040](#) prohibits new tobacco retailers from opening within 1,000ft of existing tobacco retailers. To increase healthy food access and address "food deserts," Sacramento City Council introduced a [Healthy Food Exemption](#) in 2020, which circumvents the 1,000ft proximity requirement if, "A licensee that devotes no more than 5% of total shelf space to tobacco products and at least 10% of shelf space to all of the following: fresh or healthy food; fresh fruits and vegetables; juice and dairy products; meat, fish or poultry; and fresh baked goods, breads, and cereals."

In February 2025 we received data from the City of Sacramento Code and Housing Enforcement on the 33 retailers that used the Healthy Food Exemption. We assembled data on retailer location and area-level demographics, and between September and October 2025, we conducted in-store observations in 29 of the 33 retailers.

Based on our in-store observations in 29 of the 33 tobacco retailers that used the Healthy Food Exemption, **only 6 stores (21%) were in compliance** with the Healthy Food Exemption. Noncompliance was largely driven by a lack of fresh fruits and vegetables: **Only 12 stores (41%) had fresh fruit and only 6 stores (21%) had fresh vegetables**. Even retailers that stocked fresh fruits and vegetables often had limited or low-quality options, and **large sections of the retail locations were devoted to unhealthy products like tobacco, alcohol, and sugary drinks**.

Though the Sacramento Healthy Food Exemption aimed to increase healthy food access in "food deserts," **only 2 of the 33 retailers (6%) that used the Healthy Food Exemption opened in USDA "Low Income Low Access"** areas as measured by the [USDA Food Access Research Atlas](#) (formerly the Food Desert Locator). We also found that retailers using the Healthy Food Exemption opened in areas with larger Black and Hispanic populations as well as in areas with lower educational attainment and income compared to Sacramento County on average. Therefore, **the Healthy Food Exemption may be further contributing to inequities in tobacco exposure**.

Please see the attached policy brief on the Sacramento Healthy Food Exemption, and please let us know if you have any questions about this research on healthy food exemptions.

Sincerely,

Alexandria E Reimold, PhD, Postdoctoral Scholar, Department of Human Ecology, UC Davis
Jennifer Falbe, ScD, MPH, Associate Professor, Department of Human Ecology, UC Davis

Please note, we are sending this letter as individuals and are not representing the official views of UC Davis. Affiliations are provided for informational purposes.



Sacramento Healthy Food Exemption Stores

Sacramento's Healthy Food Exemption Increases Tobacco Availability but not Healthy Food Access

Allie Reimold, PhD, Jennifer Falbe, ScD, MPH, Elisa Tong, MD, Melanie Dove, ScD, Kimberly Bankston Lee, Twlia Laster

BACKGROUND

Sacramento's Healthy Food Exemption (HFE; Sacramento City Code 5.138.040 subsection (B)) is a 2020 amendment allowing retailers devoting $\leq 5\%$ of total shelf space to tobacco and $\geq 10\%$ of total shelf space to "healthy" foods to bypass tobacco retail density restrictions.^{1,2}

The HFE requires retailers to stock 5 categories of healthy foods, including fresh fruits and vegetables, but also considers nutritionally unhealthy products (e.g., hot dogs, pepperoni pizza, and doughnuts) to be "healthy" foods.³

The HFE increased tobacco availability in Sacramento. As of February 2025, 33 tobacco retailers used the HFE which accounted for **45% of all new Tobacco Retail Licenses issued after 2020**.

HFE Categories

1. Fresh or healthy food
2. Fresh fruits or vegetables
3. Juice and dairy products
4. Meat, fish, or poultry
5. Fresh baked goods, breads, and cereals

ACTIVITIES

1. Researchers at UC Davis partnered with The SOL Project and conducted in-store observations between September and October 2025 to determine if tobacco retailers using the HFE stock healthy foods in compliance with the exemption. We used HFE retailer location data provided by the City of Sacramento Code and Housing Enforcement in February 2025.
2. To identify place-based inequities in where retailers using the HFE opened, we used data from the USDA Food Access Research Atlas (formerly the Food Desert Locator) and the 2020-2024 American Community Survey (ACS) 5-year estimates to compare demographics in the census tracts where HFE retailers opened to the Sacramento County average.
3. To investigate the origin of the HFE, including potential industry influence, we conducted a content analysis of Sacramento City Council Agendas and Meeting Minutes from 2019-2025.

FINDINGS

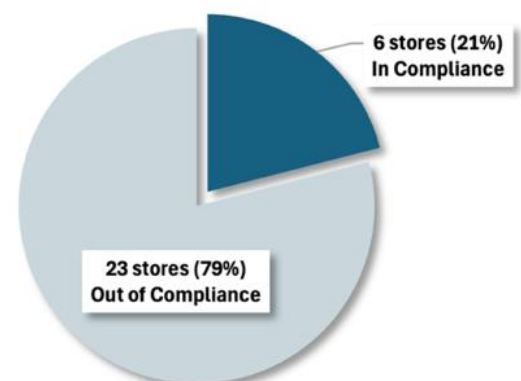
Retail Store Observations

Of the 33 retailers that used the Healthy Food Exemption to open, 2 were permanently closed, 1 was unsafe for in-store observation, and 1 did not sell tobacco or food. We conducted store observations in 29 stores that used the Healthy Food Exemption.

Only **6 retailers (21%) were in compliance** with the foods required by the Healthy Food Exemption (Figure 1).

Noncompliance was largely driven by a lack of fresh fruits and vegetables, **only 12 retailers (41%) had fresh fruit and only 6 retailers (21%) had fresh vegetables**.

Figure 1. Retailer compliance with the Healthy Food Exemption



Retail Store Observations Continued

Even retailers that stocked fresh fruits and vegetables often had limited or low-quality options (Figure 2).

Large sections of the HFE retailers were devoted to unhealthy products like tobacco, alcohol, and sugary drinks (Figure 3).



Figure 2. Fresh fruit available at an HFE retailer



Figure 3. Tobacco and alcohol at an HFE retailer

Place-Based Inequities

Only 2 of the 33 retailers (6%) that used the HFE opened in areas designated as “Low Income and Low Access,” a proxy for “food deserts.” USDA Low Income and Low Access areas are considered low income and have a significant number or share of residents that are >1 mile in urban areas or >10 miles in rural areas from the nearest supermarket.

Tobacco retailers that used the HFE opened in areas with larger Black and Hispanic populations, and areas with lower educational attainment and income when compared to Sacramento County on average (Table 1). Together, these place-based findings indicate that **the HFE did not result in food retailers opening in food deserts but did result in tobacco retailers opening in areas that often already have greater tobacco and alcohol retailer availability^{4,5} and tobacco use.⁶**

	HFE retailer census tracts average	Sacramento County average
% Non-Hispanic Black	12.1%	9.0%
% Hispanic	35.3%	24.2%
% of 25+ year olds w/ a bachelor's degree or higher	34.7%	42.4%
Median household income	\$71,117	\$92,175

Table 1. Average demographics in HFE retailer census tracts and Sacramento County. Source: 2020-2024 American Community Survey (ACS) 5-year estimates.

Healthy Food Exemption Origins

Sacramento City Council Agendas and Meeting Minutes from 2019 to 2025 indicate **potential tobacco and retail industry influence in the original passage of the HFE**. In February 2019, Sacramento City Staff met with representatives from JUUL (the electronic cigarette manufacturer), the American Petroleum and Convenience Store Association, and the California Fuels and Convenience Alliance to discuss tobacco retailer density in Sacramento. Furthermore, the HFE policy language that was adopted in October 2020 was first “submitted/drafted by a stakeholder,” but the stakeholder is not identified in City Council Meeting Minutes.

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CONTACT US:

areimold@ucdavis.edu

tcprc@phmail.ucdavis.edu; <https://tcprc.ucdavis.edu>

info@thesolproject.com; <https://thesolproject.com>

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