

Introduced by Senator Padilla

February 22, 2007

An act to amend Section 22973 of the Business and Professions Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 625, as introduced, Padilla. Cigarette and tobacco product retailers.

Existing law, the California Cigarette and Tobacco Products Licensing Act of 2003, provides for and requires the licensure by the State Board of Equalization of manufacturers, distributors, wholesalers, importers, and retailers of cigarette or tobacco products that are engaged in business in California. Existing law requires an application for licensure as a retailer of cigarettes or tobacco products to be filed on or before April 15, 2004, and to include a one-time license fee of \$100 per retail location, but does not apply this fee to an application for renewal of a license for which the one-time fee has been paid.

This bill would delete the April 1, 2004, deadline for application for licensure as a retailer of cigarettes or tobacco products, and would apply the \$100 fee to applications for renewal of licensure.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 22973 of the Business and Professions
- 2 Code is amended to read:

1 22973. (a) An application for a license shall be filed ~~on or~~
2 ~~before April 15, 2004~~, on a form prescribed by the board and shall
3 include the following:

4 (1) The name, address, and telephone number of the applicant.

5 (2) The business name, address, and telephone number of each
6 retail location. For applicants who control more than one retail
7 location, an address for receipt of correspondence or notices from
8 the board, such as a headquarters or corporate office of the retailer,
9 shall also be included on the application and listed on the license.
10 Citations issued to licensees shall be forwarded to all addressees
11 on the license.

12 (3) A statement by the applicant affirming that the applicant
13 has not been convicted of a felony and has not violated and will
14 not violate or cause or permit to be violated any of the provisions
15 of this division or any rule of the board applicable to the applicant
16 or pertaining to the manufacture, sale, or distribution of cigarettes
17 or tobacco products. If the applicant is unable to affirm this
18 statement, the application shall contain a statement by the applicant
19 of the nature of any violation or the reasons that will prevent the
20 applicant from complying with the requirements with respect to
21 the statement.

22 (4) If any other licenses or permits have been issued by the
23 board or the Department of Alcoholic Beverage Control to the
24 applicant, the license or permit number of such licenses or permits
25 then in effect.

26 (5) A statement by the applicant that the contents of the
27 application are complete, true, and correct. Any person who signs
28 a statement pursuant to this subdivision that asserts the truth of
29 any material matter that he or she knows to be false is guilty of a
30 misdemeanor punishable by imprisonment of up to one year in the
31 county jail, or a fine of not more than one thousand dollars
32 (\$1,000), or both the imprisonment and the fine.

33 (6) The signature of the applicant.

34 (7) Any other information the board may require.

35 (b) The board may investigate to determine the truthfulness and
36 completeness of the information provided in the application. The
37 board may issue a license without further investigation to an
38 applicant for a retail location if the applicant holds a valid license
39 from the Department of Alcoholic Beverage Control for that same
40 location.

1 (c) The board shall provide electronic means for applicants to
2 download and submit applications.

3 (d) ~~(1) A one-time license~~ A fee of one hundred dollars (\$100)
4 shall be submitted with each application *for a license pursuant to*
5 *this section and with each application for renewal of such a license.*
6 An applicant that owns or controls more than one retail location
7 shall obtain a separate license for each retail location, but may
8 submit a single application for those licenses *or renewal of those*
9 *licenses* with a ~~one-time license~~ fee of one hundred dollars (\$100)
10 per location.

11 ~~(2) The one-time fee required by this subdivision does not apply~~
12 ~~to an application for renewal of a license for a retail location for~~
13 ~~which the one-time license fee has already been paid.~~