

AMENDED IN SENATE MARCH 27, 2007

SENATE BILL

No. 625

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 amended, Padilla. Cigarette and tobacco product retailers: *license fees.*

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 require payment of a \$100 reinstatement fee to applications for renewal of licensure as a precondition for reinstatement of an expired license.*

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:

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

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

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

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

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

28 (5) A statement by the applicant that the contents of the
29 application are complete, true, and correct. Any person who signs
30 a statement pursuant to this subdivision that asserts the truth of
31 any material matter that he or she knows to be false is guilty of a
32 misdemeanor punishable by imprisonment of up to one year in the
33 county jail, or a fine of not more than one thousand dollars
34 (\$1,000), or both the imprisonment and the fine.

35 (6) The signature of the applicant.

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

37 (b) The board may investigate to determine the truthfulness and
38 completeness of the information provided in the application. The

1 board may issue a license without further investigation to an
2 applicant for a retail location if the applicant holds a valid license
3 from the Department of Alcoholic Beverage Control for that same
4 location.

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

7 (d) (1) A one-time license fee of one hundred dollars (\$100)
8 shall be submitted with each application. An applicant that owns
9 or controls more than one retail location shall obtain a separate
10 license for each retail location, but may submit a single application
11 for those licenses with a one-time license fee of one hundred dollars
12 (\$100) per location.

13 (2) The one-time fee required by this subdivision does not apply
14 to an application for renewal of a license for a retail location for
15 which the one-time license fee has already been paid. *If a license*
16 *is reinstated after its expiration, the retailer, as a condition*
17 *precedent to its reinstatement, shall pay a reinstatement fee of one*
18 *hundred dollars (\$100).*

19 ~~SECTION 1. Section 22973 of the Business and Professions~~
20 ~~Code is amended to read:~~

21 ~~22973. (a) An application for a license shall be filed on a form~~
22 ~~prescribed by the board and shall include the following:~~

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

24 ~~(2) The business name, address, and telephone number of each~~
25 ~~retail location. For applicants who control more than one retail~~
26 ~~location, an address for receipt of correspondence or notices from~~
27 ~~the board, such as a headquarters or corporate office of the retailer,~~
28 ~~shall also be included on the application and listed on the license.~~
29 ~~Citations issued to licensees shall be forwarded to all addressees~~
30 ~~on the license.~~

31 ~~(3) A statement by the applicant affirming that the applicant~~
32 ~~has not been convicted of a felony and has not violated and will~~
33 ~~not violate or cause or permit to be violated any of the provisions~~
34 ~~of this division or any rule of the board applicable to the applicant~~
35 ~~or pertaining to the manufacture, sale, or distribution of cigarettes~~
36 ~~or tobacco products. If the applicant is unable to affirm this~~
37 ~~statement, the application shall contain a statement by the applicant~~
38 ~~of the nature of any violation or the reasons that will prevent the~~
39 ~~applicant from complying with the requirements with respect to~~
40 ~~the statement.~~

1 ~~(4) If any other licenses or permits have been issued by the~~
2 ~~board or the Department of Alcoholic Beverage Control to the~~
3 ~~applicant, the license or permit number of such licenses or permits~~
4 ~~then in effect.~~

5 ~~(5) A statement by the applicant that the contents of the~~
6 ~~application are complete, true, and correct. Any person who signs~~
7 ~~a statement pursuant to this subdivision that asserts the truth of~~
8 ~~any material matter that he or she knows to be false is guilty of a~~
9 ~~misdemeanor punishable by imprisonment of up to one year in the~~
10 ~~county jail, or a fine of not more than one thousand dollars~~
11 ~~(\$1,000), or both the imprisonment and the fine.~~

12 ~~(6) The signature of the applicant.~~

13 ~~(7) Any other information the board may require.~~

14 ~~(b) The board may investigate to determine the truthfulness and~~
15 ~~completeness of the information provided in the application. The~~
16 ~~board may issue a license without further investigation to an~~
17 ~~applicant for a retail location if the applicant holds a valid license~~
18 ~~from the Department of Alcoholic Beverage Control for that same~~
19 ~~location.~~

20 ~~(c) The board shall provide electronic means for applicants to~~
21 ~~download and submit applications.~~

22 ~~(d) A fee of one hundred dollars (\$100) shall be submitted with~~
23 ~~each application for a license pursuant to this section and with~~
24 ~~each application for renewal of such a license. An applicant that~~
25 ~~owns or controls more than one retail location shall obtain a~~
26 ~~separate license for each retail location, but may submit a single~~
27 ~~application for those licenses or renewal of those licenses with a~~
28 ~~fee of one hundred dollars (\$100) per location.~~