



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 180522
(As Amended, 12/5/18)

Introduced May 17, 2018

Councilmembers Squilla, Quiñones Sánchez, Blackwell, O'Neill, Oh and Taubenberger

**Referred to the
Committee on Finance**

AN ORDINANCE

Amending Section 9-631 of The Philadelphia Code, entitled "Tobacco Retailer Permit," by limiting the power of the Board of Health to regulate the transferability of current permits and the locations of current Tobacco Retailers, and by removing the transfer restrictions of Section 9-631(2)(d), under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 9-631 of The Philadelphia Code is hereby amended to read as follows:

§ 9-631. Tobacco Retailer Permit.

* * *

(2) Tobacco Retailer Permit Required.

(a) No person shall act as a Tobacco Retailer without a current Tobacco Retailer Permit for each location where the person engages in Tobacco Retailing. Acting as a Tobacco Retailer without a permit is hereby declared a nuisance as a matter of law.

(b) Each Tobacco Retailer shall prominently display the Tobacco Retailer Permit at each location where the person engages in Tobacco Retailing.

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(c) A Tobacco Retailer Permit shall be issued to an applicant if, in addition to any other applicable requirement, all of the following requirements are met:

(.1) If the applicant is an individual, such applicant is at least eighteen (18) years of age.

(.2) The applicant has provided all material information required by the application.

(.3) The applicant has not made any material false statement in the application.

(.4) The applicant currently maintains a valid cigarette retailer license from the Pennsylvania Department of Revenue, if required.

(.5) The applicant currently maintains a valid commercial activity license and any license or permit required under this Title.

(.6) The location for which the Tobacco Retailer Permit is sought is fixed, and not mobile.

(.7) Any other requirement adopted by the Board of Health which the Board deems appropriate for the protection of public health.

(.8) *Notwithstanding any regulation adopted by the Board of Health, a lawful purchaser or transferee of a location for which the business owner held a Tobacco Retailer Permit as of December 12, 2016, may obtain a Tobacco Retailer Permit for that location, provided such purchaser or transferee applies for the permit within six (6) months following the sale or disposition of the location, and satisfies all requirements of this Section 9-631 and all sections of the Board of Health Regulation Relating to Tobacco Retailing (effective December 27, 2016), other than Sections 2(a) and 2(b).*

(d) A Tobacco Retailer Permit is valid for one person at one location and may not be transferred from one person to another or from one location to another[.]; *provided, however, as long as all other requirements of this Section 9-631 and all requirements adopted by the Board of Health are satisfied, including payment of the fee required by Section 9-631(4) and Section 4 of the Board of Health Regulation, a Tobacco Retailer may transfer the retailer's Tobacco Retailer Permit for one location to another location operated by that Tobacco Retailer. A new Tobacco Retailer Permit is required whenever a Tobacco Retailer changes location or transfers ownership, provided, however, that a location for which a Tobacco Retailer held a Tobacco Retailer Permit on*

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December 12, 2016 may be sold or transferred no more than two times within a ten (10)-year period, and the new owner may obtain a tobacco permit for that location if such owner satisfies all of the requirements of this Section 9-631 and all requirements adopted by the Board of Health.

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Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.

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