

SMOKE-FREE ARIZONA ACT FAQ's for Retail Tobacco Stores

1) What is a retail tobacco store?

A retail tobacco store is a retail store that derives the majority of its sales from tobacco products and accessories.

2) What are "tobacco products and accessories"?

Tobacco products and accessories are smoking materials such as cigars, cigarettes, or pipe tobacco, and smoking-related materials such as lighters, humidors, pipes, and cigarette cases.

3) What is the difference between bars, restaurants, and retail tobacco stores?

A facility with a liquor license that allows alcoholic beverages to be served for consumption on site is a bar. A facility with a food establishment license that allows food to be served for consumption on site is a restaurant. Neither a bar nor a restaurant selling tobacco products is a "retail tobacco store" under the Act. Bars and restaurants are not exempt from the Smoke-Free Arizona Act, whereas "retail tobacco stores" are exempt under the Act. See Substantive Policy Statement #SP-086-PHS-EDC for more information.

4) I own a hookah café. We sell food and alcohol and allow people to smoke inside. Is this permitted?

No. If you have a food establishment license or a liquor license that allows for the consumption on site, this hookah café would not be a "retail tobacco store;" therefore smoking would not be permitted inside the establishment.

5) My retail tobacco store is located in a strip mall and shares walls with a neighboring business. Is this permitted?

Yes, so long as your retail tobacco store is physically separated and independently ventilated from the neighboring business.

6) What is the definition of "physically separated"?

Physically separated means "all space between a floor and a ceiling which is enclosed on all sides by solid walls or windows (exclusive of door or passageway) and independently ventilated from smoke-free areas, so that air within permitted smoking areas does not drift or get vented into smoke-free areas" according to A.R.S. §§ 36-601.01 (A)(6).

7) What does "independently ventilated" mean?

"Independently ventilated" means you to have a separate ventilation system from any neighboring establishments or non-smoking areas. You will not be able to share a ventilation system with a neighboring establishment.

8) What documents are required to prove that my retail tobacco store derives at least 51% of its gross income from tobacco products and accessories?

You must maintain on-site at all times a signed, dated, and notarized affidavit certifying that the retail tobacco store expects to (if not open for at least 1 year) or has derived (if open for at least 1 year) at least 51 percent of its gross income from the sale of tobacco products and accessories during each calendar year. Also, you must maintain on-site at all times evidence in the form of documents (sales invoices, z-tapes, x-tapes, etc...) that enable the Department or the Department's designee to determine the percent of gross income from tobacco products and accessories.

