

Inspection Checklist: Electronic Cigarette Retail Dealers

Do you or your business sell electronic cigarettes to consumers?

Pharmacies or businesses that contain pharmacies are prohibited from selling or offering to sell electronic cigarettes in NYC.

Definition: An **electronic cigarette** is a battery-operated device that delivers vapor for inhaling by heating a liquid, gel, herb, or other substance, regardless of whether it contains nicotine. Any component part, such as a cartridge or refill, is considered to be an electronic cigarette.

Use this checklist to learn what our inspectors look for and help avoid violations. All businesses also must comply with the General Retail Inspection Checklist, which is included at the end for easy reference.

For your convenience, each Requirement includes the relevant section of law and/or rule, so you can refer to it for more information. The KEY below describes the legal citations and symbols used in this checklist.

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| KEY |
| NYC Code: NYC Administrative Code RCNY: Rules of the City of New York PHL: NY Public Health Law §: Section |

| Requirement | Do you meet this requirement? |
|---|-------------------------------|
| Licenses | |
| 1 Electronic Cigarette Retail Dealers must have a valid DCWP Electronic Cigarette Retail Dealer license . NYC Code §20-561 | <input type="checkbox"/> Yes |
| 2 DCWP's combined license and complaint sign must be posted where all customers can see it. 6 RCNY §1-03(a) | <input type="checkbox"/> Yes |
| Underage Sales | |
| 3 It is illegal to sell electronic cigarettes to anyone under the age of 21. Tip: Products prohibited for sale to anyone under 21 include electronic cigarettes and any component part, such as a cartridge or refill. Tip: Customers must show proof of age with a driver's license or other photo ID issued by a government entity. NYC Code §17-706(a-1); PHL §1399-cc(2) | <input type="checkbox"/> Yes |
| Signage | |
| 4 The Age Restriction Sign must be clearly posted on white paper with red letters. Tip: The sign must be 11 inches wide by 8.5 inches tall. Tip: The sign can be downloaded and printed from nyc.gov/BusinessToolbox NYC Code §17-706(c); 24 RCNY 13-06(a) | <input type="checkbox"/> Yes |

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| Requirement | Do you meet this requirement? |
|---|-------------------------------|
| Secure Display | |
| 5 Electronic cigarettes must be stored behind a counter accessible only to store personnel or in a locked container, and they cannot be displayed or offered for sale in any other manner. PHL §1399-cc(7) | <input type="checkbox"/> Yes |
| Flavored Electronic Cigarette or E-Liquid | |
| 6 It is illegal to sell or offer for sale electronic cigarettes or e-liquids that have or produce a distinguishable taste or aroma, including, but not limited to: menthol, mint, wintergreen, fruit, chocolate, honey, vanilla, candy, cocoa, dessert, alcoholic beverage, herb, spice, or any concept flavor. Tip: A “concept flavor” has or produces a taste or aroma that is distinguishable from tobacco but may not relate to any particular known flavor. NYC Code §17-715(b) | <input type="checkbox"/> Yes |
| Location of Store | |
| 7 If your business is located within 500 feet of a school, it is illegal to display in your storefront or any exterior window or door smoking paraphernalia or advertisements for tobacco products, electronic cigarettes, or vapor products. Tip: “Smoking paraphernalia” means any pipe, water pipe, hookah, rolling papers, vapes, or any other item designed for the inhalation of tobacco or nicotine. PHL §1399-dd-1(2) | <input type="checkbox"/> Yes |

For more information: **Visit** nyc.gov/BusinessToolbox | **Contact 311** (212) NEW-YORK (Outside NYC)

This document is provided for informational purposes only, is not exhaustive, and does not constitute legal advice. New York City businesses must comply with all relevant federal, State, and City laws and rules. Businesses are responsible for knowing and complying with current regulations that affect their business.

Inspection Checklist: General Retail

Does your business sell goods or services?

Use this checklist to learn what our inspectors look for and help avoid violations. For your convenience, each Requirement includes the relevant section of law and/or rule, so you can refer to it for more information. The KEY below describes the legal citations and symbols used in this checklist.

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| KEY |
| <p>NYC Code: NYC Administrative Code RCNY: Rules of the City of New York NY GBL: NY General Business Law §: Section</p> |

| Requirement | Do you meet this requirement? |
|---|-------------------------------|
| Price Lists for Services | |
| <p>1 A price list must be displayed and include the following:</p> <ul style="list-style-type: none"> List of the type of services Minimum price for each service Conditions or variations of service that change the minimum price Range of additional charges caused by conditions or variations (e.g., \$10 pants, \$15 pants with pleats) (if the price is based on an hourly labor rate) Rate as dollars per hour <p>Tip: If the price list states a price “and up” or “from” — e.g., “\$5 and up” or “from \$5” — it must also state the reason(s) for the different prices and include the range of prices.</p> <p>6 RCNY §5-70(a)</p> | <input type="checkbox"/> Yes |
| <p>2 The price list must be clearly posted or clearly displayed at the place(s) where payment is made (e.g., near the cash register) and/or where orders are placed.</p> <p>6 RCNY §5-70(a)</p> | <input type="checkbox"/> Yes |
| <p>3 If there is a sale or promotion, the pre-sale prices must also be posted.</p> <p>NYC Code §20-750(b)</p> | <input type="checkbox"/> Yes |
| <p>4 Prices for services cannot be based on gender.</p> <p>Tip: Words like “men’s,” “women’s,” and “ladies” cannot be used to describe the price.</p> <p>NYC Code §20-750(c)</p> | <input type="checkbox"/> Yes |
| Pricing for Goods | |
| <p>5 All items offered for sale must show a price, exclusive of tax, as follows:</p> <ul style="list-style-type: none"> The price must be attached to the item by a stamp, tag, or label. OR The price must be stated on a sign that is plainly visible where the item is displayed. <p>NYC Code §20-708, NYC Code §20-708.1</p> | <input type="checkbox"/> Yes |

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| Requirement | Do you meet this requirement? |
|--|-------------------------------|
| <p>6 If your store’s annual revenue is more than \$2 million or you are a chain store, you must individually price each item, including food products, paper products, detergents, soaps, nonprescription drugs, and health and beauty aids.</p> <p><i>Exceptions:</i> The following items must be individually priced unless shelf prices and a price look-up function are provided:</p> <ul style="list-style-type: none"> • Milk • Items that are under 3 cubic inches in size, weigh less than 3 ounces, and cost under 1 dollar • Eggs • Fresh produce not packaged for retail sale • Products sold through a vending machine • Food sold for consumption on the premises • Snack foods offered for sale in single packages that weigh 5 ounces or less, e.g., cakes, gum, candies, chips, and nuts • Cigarettes, cigars, tobacco, and tobacco products • Food offered for sale in bulk • Frozen juice • Ice cream • Frozen foods packaged for final retail sale in plastic bags • Items on sale for 1 week or less, but only if they are located in a segregated display at the end of the aisle and the sale period, name of the product, and the advertised price are clearly posted on a sign at the point of display • Jars of baby food <p>NYC Code §20-708.1(b), NYC Code §20-708.1(c)</p> | <input type="checkbox"/> Yes |
| Signs | |
| <p>7 Sale signs that advertise a price range or percent discount—example: “Savings of 20 to 50%” or “20% to 50% off”—must state the minimum and maximum percentages in equal size.</p> <div style="display: flex; justify-content: center; gap: 20px; margin: 10px 0;"> <div style="border: 2px solid green; padding: 10px; text-align: center;"> <p>20-50% OFF</p> </div> <div style="border: 2px solid red; padding: 10px; text-align: center;"> <p>20-50% OFF</p> </div> </div> <p>6 RCNY §5-94(a)(1)</p> | <input type="checkbox"/> Yes |

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|--|-------------------------------|
| <p>8 Advertising, including sale signs, cannot contain any of the following phrases:</p> <ul style="list-style-type: none"> • “Our list price” • Below “manufacturer’s wholesale cost” • “Manufacturer’s cost” <p>6 RCNY §5-101</p> | <input type="checkbox"/> Yes |
| <p>9 Businesses that sell goods and services must post a refund policy sign.</p> <p>Tip: A refund policy sign must be posted at each register, point of sale, or entrance, or attached to each item.</p> <p>Tip: Even if the policy is not to give refunds, a sign must be posted stating “No Refunds.”</p> <p>Tip: The sign must state that a written copy of the store’s refund policy is available on request.</p> <p>6 RCNY §5-37; NY GBL §218-a</p> | |
| <p>10 The refund policy sign must state any and all conditions or limitations to getting a refund. For example, it must state:</p> <ul style="list-style-type: none"> • Any fees charged for refunds, such as “restocking fees” • If a refund will not be provided for “as is” or “sale” items • Whether the refund will be in cash, credit, or store credit only • If proof of purchase is required for a refund • If a refund will be provided at any time or within a specific period of time <p>6 RCNY §5-37; NY GBL §218-a</p> | <input type="checkbox"/> Yes |
| <p>11 If there are limitations on using credit cards, such as minimum purchase amounts, the policy must be clearly posted at or near each entrance and in all advertising that indicates credit cards are accepted.</p> <p>6 RCNY §5-24(b)</p> | |
| <p>Receipts</p> | |
| <p>12 Receipts must be given to customers for purchases over \$20 and upon request for purchases between \$5 and \$20.</p> <p>Tip: This does not apply to food and drink that is meant to be consumed on the premises.</p> <p>6 RCNY §5-32</p> | <input type="checkbox"/> Yes |
| <p>13 The receipt must include each of the following:</p> <ul style="list-style-type: none"> • Date of purchase • Amount paid for each item • Total amount paid • Separate statement of tax • Business name and address <p>6 RCNY §5-32(c)</p> | |

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| Requirement | Do you meet this requirement? |
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| <p>14 Receipts for audio, photographic, and video equipment that cost more than \$100 must also include the make and model number of the item.</p> <p>6 RCNY §5-32(c)(5)</p> | <input type="checkbox"/> Yes |
| Price Accuracy | |
| <p>15 The price charged for an item at checkout, including scanned items, must not exceed the item’s tagged, stamped, or marked price, shelf price, sale price, or advertised price.</p> <p>NYC Code §20-708.1(d), NYC Code §20-708.1(e)</p> | <input type="checkbox"/> Yes |
| <p>16 Tax cannot be charged on tax-exempt items.</p> <p>Tip: Examples of tax-exempt items include but are not limited to: feminine hygiene products, canned vegetables, baby food, clothing under \$110, diapers, nonprescription or over-the-counter drugs, contraceptives.</p> <p>Tip: Check with the New York State Department of Taxation and Finance for a complete list of which items are exempt.</p> <p>6 RCNY §5-41</p> | <input type="checkbox"/> Yes |
| Layaway Plans | |
| <p>17 A “layaway plan” means a purchase over \$50 where consumers agree to pay for the purchase in 4 or more installments before getting the merchandise. If a layaway plan is offered, each of the following written disclosures must be provided to consumers prior to accepting any payments:</p> <ul style="list-style-type: none"> • Description of the item, including name of manufacturer, brand name, color, size, style, or model number • Total cost of the item, including tax, installation, delivery, or freight charges • Any charge to use layaway, including any service charge, carrying charge, or cancellation fee • Duration of the layaway plan • Payment schedule and any consequences of missed payments • Refund policy regarding the payments • Notice of where the item is being stored, if other than the place of purchase, or if the item will not be removed from inventory until additional payments are made: <p><i>Example 1:</i> NOTICE: NO MERCHANDISE WILL BE REMOVED FROM INVENTORY UNTIL X% OF THE PURCHASE PRICE HAS BEEN PAID.</p> <p><i>Example 2:</i> ATTENTION: YOUR SELECTION OF MERCHANDISE WILL NOT BE ORDERED UNTIL YOU HAVE MADE YOUR NEXT TO FINAL PAYMENT.</p> <p>6 RCNY §5-23; NY GBL §396-t</p> | <input type="checkbox"/> Yes |

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|---|-------------------------------|
| Expired Over-the-counter Medication | |
| 18 It is illegal to sell over-the-counter medication after the expiration date on the label. NYC Code §20-822(a) | <input type="checkbox"/> Yes |
| Cash Payments | |
| 19 Your store cannot refuse to accept cash payments from consumers. <i>Exceptions:</i> <ul style="list-style-type: none"> • Your store may refuse bills above \$20. • Your store may refuse cash payments for telephone, mail, or internet-based transactions, unless the transaction takes place in the store. • Your store may accept prepaid cards from an on-site device that converts cash into prepaid cards, but only if: <ul style="list-style-type: none"> – The device does not charge a fee for the prepaid card or require a minimum deposit above \$1. – Upon request, the device provides the consumer with a receipt stating the amount of cash the consumer deposited onto the prepaid card. – Cash deposits onto the prepaid card do not expire. – There is no limit on the number of transactions a consumer can complete with the prepaid card. <p>You must clearly post a sign on or immediately next to the device when it is not working that states your store is required to accept cash payments and consumers may report violations by calling 311.</p> NYC Code §20-840 | <input type="checkbox"/> Yes |
| 20 Your store cannot charge a consumer who pays in cash a higher price for the same “consumer commodity” than a consumer who pays by credit card or other cashless transaction. <p style="text-align: center;">Tip: “Consumer commodity” means any article, good, merchandise, product, or commodity of any kind that is produced, distributed, or offered for retail sale.</p> NYC Code §20-840(c) | <input type="checkbox"/> Yes |

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