Consumer and Worker Protection

Inspection Checklist: Tobacco Retail Dealers

Do you sell tobacco products, which include cigarettes, to consumers?

Pharmacies or businesses that contain pharmacies are prohibited from selling or offering for sale in NYC:

- Electronic cigarettes as of August 23, 2018
- Tobacco products as of January 1, 2019

Definition: "Tobacco products" are products that contain tobacco, including, but not limited to, cigarettes, cigars, chewing tobacco, pipe tobacco, roll-your-own tobacco, smokeless tobacco (e.g., chewing tobacco, powdered tobacco, snus), bidi, snuff, shisha, or dissolvable tobacco products.

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.

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	If you sell tobacco products, which include cigarettes, directly to consumers, you must have a valid DCWP Tobacco Retail Dealer license. If your business has multiple locations, each location must have its own separate license.	☐ Yes
	NYC Code § 20-202(a)(1)	
2	DCWP's combined license and complaint sign must be posted where all customers can see it.	☐ Yes
	6 RCNY § 1-03(a)	
Underage Sales		
3	It is illegal to sell tobacco products, electronic cigarettes, or smoking paraphernalia to anyone under the age of 21. **Tip:** Products prohibited for sale to anyone under 21 include cigarettes, cigars, smokeless tobacco, other tobacco products, electronic cigarettes and component parts, liquid nicotine, non-tobacco shisha, herbal cigarettes, pipes, rolling papers, or smoking paraphernalia. **Tip:** Customers must show proof of age with a driver's license or other photo ID issued by a government entity.	☐ Yes
	NYC Code § 17-706; PHL § 1399-cc(2)	

Consumer and Worker Protection

Inspection Checklist: Tobacco Retail Dealers

Requirement		Do you meet this requirement?
Flavored Tobacco		
4	It is illegal to sell or offer for sale tobacco products that have or produce a distinguishable taste or aroma, including, but not limited to: fruit, chocolate, honey, vanilla, candy, cocoa, dessert, alcoholic beverage, herb, or spice. It is not illegal to sell products that have or produce the taste or aroma of menthol, mint, wintergreen, or tobacco.	☐ Yes
	NYC Code § 17-715(a)	
Sale by Minor		
5	Employees who are younger than 18 cannot sell, dispense, or handle tobacco products, which include cigarettes, unless the employee is under the direct supervision of someone who is 18 or older.	☐ Yes
	NYC Code § 17-705	
Secure Display		
6	Tobacco products, herbal cigarettes, shisha, liquid nicotine, and 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.	☐ Yes
	PHL § 1399-cc(7)	
Signage		
7	The Age Restriction Sign must be clearly posted on white paper with bold red letters. **Tip:** The letters on the sign must be at least one-half inch tall. **Tip:** The sign can be downloaded and printed from nyc.gov/BusinessToolbox.	☐ Yes
	NYC Code § 17-706(c); 24 RCNY § 13-06(a)	
8	The cigarette Tax Stamp Sign must be clearly posted. **Tip:** The sign can be downloaded and printed from nyc.gov/health.	☐ Yes
	NYC Code § 17-703.1	
Illegal Discounts		
9	It is illegal to honor or accept a price reduction instrument (e.g., coupon or rebate) in any transaction related to the sale of tobacco products, which include cigarettes.	☐ Yes
	NYC Code § 17-176.1(b)(1), NYC Code § 17-176.1(c)(1)	
10	It is illegal to sell or offer for sale tobacco products, which include cigarettes, through a multipackage discount or to provide tobacco products for less than the listed price in exchange for purchasing other tobacco products.	☐ Yes
	NYC Code § 17-176.1(b)(2), NYC Code § 17-176.1(c)(2)	
11	It is illegal to sell or offer for sale another product for less than its listed price in exchange for purchasing tobacco products, which include cigarettes.	☐ Yes
	NYC Code § 17-176.1(b)(3), NYC Code § 17-176.1(c)(3)	

Consumer and Worker Protection

Inspection Checklist: Tobacco Retail Dealers

Requirement		Do you meet this requirement?
12	It is illegal to sell or offer for sale tobacco products, which include cigarettes, for less than the listed price.	☐ Yes
	NYC Code § 17-176.1(b)(4), NYC Code § 17-176.1(c)(4)	
Minimum Package Sizes		
13	It is illegal to sell or offer for sale cigarettes in a package or other container of less than 20.	☐ Yes
	PHL § 1399-gg(2)(a); NYC Code § 17-704(a-1)	
14	It is illegal to sell or offer for sale little cigars unless they are in a pack of 20 or more.	☐ Yes
	NYC Code § 17-704(c)	
15	It is illegal to sell or offer for sale prepackaged roll-your-own tobacco containing less than 6/10 of an ounce of tobacco.	☐ Yes
	PHL § 1399-gg(2)(b)	
16	It is illegal to sell or offer for sale wrapping papers, wrapping leaves, or tubes that can be used to wrap tobacco for smoking in a package or other container of less than 20 sheets.	☐ Yes
	PHL § 1399-gg(2)(c)	
17	It is illegal to sell or offer for sale snus in a package that contains less than 0.32 ounces of snus.	☐ Yes
	NYC Code § 17-704(d)	
18	It is illegal to sell or offer for sale smokeless tobacco in a package that contains less than 1.2 ounces of tobacco.	☐ Yes
	NYC Code § 17-704(d)	
19	It is illegal to sell or offer for sale shisha or non-tobacco shisha in a package that contains less than 3.5 ounces of shisha or non-tobacco shisha.	☐ Yes
	NYC Code § 17-704(e)	
20	It is illegal to sell or offer for sale loose tobacco in a package that contains less than 1.5 ounces of loose tobacco.	☐ Yes
	NYC Code § 17-704(f)	
Price Floors Visit nyc.gov/health for additional information, including tables.		
21	It is illegal to sell or offer for sale a package of cigarettes for less than the price floor of $13.00 (including sales tax) or $11.94 (excluding sales tax).	☐ Yes
	NYC Code § 17-176.1(d)(1)	
22	It is illegal to sell or offer for sale a package of 20 little cigars for less than the little cigar price floor of $10.95, excluding other tobacco products (OTP) and sales tax.	☐ Yes
	24 RCNY § 13-03(a)	

NYC Consumer and Worker Protection

Inspection Checklist: Tobacco Retail Dealers

Requirement		Do you meet this requirement?
23	It is illegal to sell or offer for sale a cigar or package of cigars for less than the cigar price floor of $8.00 for the first cigar, plus $1.75 for each additional cigar, excluding OTP and sales tax.	☐ Yes
	24 RCNY § 13-03(b)	
24	It is illegal to sell or offer for sale a package of smokeless tobacco for less than the smokeless tobacco price floor of $8.00 per 1.2 ounces, plus $2.00 for each additional 0.3 ounces, excluding OTP and sales tax.	☐ Yes
	24 RCNY § 13-03(c)	
25	It is illegal to sell or offer for sale a package of snus for less than the snus price floor of $8.00 for the first 0.32 ounces, plus $2.00 for each additional .08 ounces or any fraction thereof, excluding OTP and sales tax.	☐ Yes
	24 RCNY § 13-03(d)	
26	It is illegal to sell or offer for sale a package of shisha for less than the shisha price floor of $17.00 per 3.5 ounces, plus $3.40 for each 0.7 ounces or any fraction thereof in excess of 3.5 ounces, excluding OTP and sales tax.	☐ Yes
	24 RCNY § 13-03(e)	
27	It is illegal to sell or offer for sale a package of non-tobacco shisha for less than the non-tobacco shisha price floor of $17.00 per 3.5 ounces, plus $3.40 for each 0.7 ounces or any fraction thereof in excess of 3.5 ounces, excluding OTP and sales tax.	☐ Yes
	24 RCNY § 13-03(f)	
28	It is illegal to sell or offer for sale a package of loose tobacco for less than the loose tobacco price floor of $2.55 per 1.5 ounces, plus $0.51 for each 0.3 ounces or any fraction thereof in excess of 1.5 ounces, excluding OTP and sales tax.	☐ Yes
	24 RCNY § 13-03(g)	
Bidis and Gutka		
29	It is illegal to sell bidis and gutka unless you are a business that primarily sells, manufactures, or promotes tobacco, tobacco products, and accessories.	☐ Yes
	PHL § 1399-ll(1), PHL § 1399-mm(1)	
Loose Tobacco Products and Smokeless Tobacco		
30	It is illegal to sell or offer for sale tobacco products, which include cigarettes, that have been removed from packaging (e.g., box, carton, or other container) that bears a health warning.	☐ Yes
	NYC Code § 17-704(a); PHL § 1399-gg(1)	
State Registration Suspended or Revoked		
31	It is illegal to sell tobacco products or herbal cigarettes with a suspended or revoked New York State Tobacco Registration.	☐ Yes
	PHL § 1399-ee(2)	

Consumer and Worker Protection

Inspection Checklist: Tobacco Retail Dealers

Requirement		Do you meet this requirement?
Location of Store		
32	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.	☐ Yes
	PHL § 1399-dd-1(2)	
Tobacco Vending Machines		
33	If your business contains a vending machine that sells tobacco products, the vending machine must be located within plain view of an employee of the business. **Tip:** This requirement is satisfied if the vending machine is located within plain view of where an employee is regularly stationed, such as a bar, checkout counter, or host's stand.	☐ Yes
	PHL § 1399-dd; NYC Code § 17-177(c)	
34	If your business contains a vending machine that sells tobacco products, the vending machine must be located more than 25 feet away from the entrance to the premises.	☐ Yes
	NYC Code § 17-177(c)(1)	

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.

NYC Consumer and Worker Protection

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.

KEY
NYC Code: NYC Administrative Code **RCNY:** Rules of the City of New York **NY GBL:** NY General Business Law **§:** Section

Requirement		**Do you meet this requirement?**
Price Lists for Services		
1	A price list must be displayed and include the following: • 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 **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.	☐ Yes
	6 RCNY §5-70(a)	
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.	☐ Yes
	6 RCNY §5-70(a)	
3	If there is a sale or promotion, the pre-sale prices must also be posted.	☐ Yes
	NYC Code §20-750(b)	
4	Prices for services cannot be based on gender. **Tip:** Words like "men's," "women's," and "ladies'" cannot be used to describe the price.	☐ Yes
	NYC Code §20-750(c)	
Pricing for Goods		
5	All items offered for sale must show a price, exclusive of tax, as follows: • 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.	☐ Yes
	NYC Code §20-708, NYC Code §20-708.1	

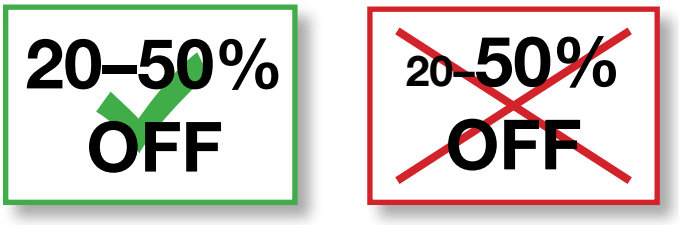
Consumer and Worker Protection

Inspection Checklist: General Retail

Requirement		Do you meet this requirement?
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. *Exceptions:* • You do NOT need to individually price each item if you provide price scanners for customer use that meet the following requirements: – Price scanners are within 30 feet of an item OR there is a sign in view of the item that says "A Price Scanner for Customer Use to Check Prices is Located _____ (indicate location)." AND – The number of price scanners available to customers is based on the number of checkout stations: 1–3 checkout stations = 1 or more price scanners 4–5 checkout stations = 2 or more price scanners 6–7 checkout stations = 3 or more price scanners 8–9 checkout stations = 4 or more price scanners 10 or more checkout stations = 5 or more price scanners • The following items must be individually priced unless shelf prices and a price look-up function are provided: – 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	☐ Yes
	NYC Code §20-708.1(b), NYC Code §20-708.1(c)	

NYC Consumer and Worker Protection

Inspection Checklist: General Retail

Requirement		Do you meet this requirement?
Signs		
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.  **6 RCNY §5-94(a)(1)**	☐ Yes
8	Advertising, including sale signs, cannot contain any of the following phrases: • "Our list price" • Below "manufacturer's wholesale cost" • "Manufacturer's cost" **6 RCNY §5-101**	☐ Yes
9	Businesses that sell goods and services must post a refund policy sign. **Tip:** A refund policy sign must be posted at each register, point of sale, or entrance, or attached to each item. **Tip:** Even if the policy is not to give refunds, a sign must be posted stating "No Refunds." **Tip:** The sign must state that a written copy of the store's refund policy is available on request. **6 RCNY §5-37; NY GBL §218-a**	☐ Yes
10	The refund policy sign must state any and all conditions or limitations to getting a refund. For example, it must state: • 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 **6 RCNY §5-37; NY GBL §218-a**	☐ Yes

NYC Consumer and Worker Protection

Inspection Checklist: General Retail

Requirement		Do you meet this requirement?
11	If you charge additional fees for credit card purchases, you **must display the highest total price for each purchase** (excluding sales tax). This means that if a purchase with a credit card would be higher than a cash purchase, the credit card purchase price **must be displayed to customers.** If you post both the cash and credit card price, the credit card price must be clear and conspicuous. You CANNOT: • Put a sign on the wall or at the register that notifies a fee is applied to all credit card sales. • Advertise a cash discount without including the higher credit card price. • Charge separate line items to credit card users on a customer receipt **without** clearly posting the total price prior to purchase. • Include a credit card surcharge warning on the item price tag. **Tip:** Visit https://dos.ny.gov/business-resources for more information and examples.	☐ Yes
	6 RCNY §5-24	
12	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.	☐ Yes
	6 RCNY §5-24(b)	
Receipts		
13	Receipts must be given to customers for purchases over $20 and upon request for purchases between $5 and $20. **Tip:** This does not apply to food and drink that is meant to be consumed on the premises.	☐ Yes
	6 RCNY §5-32	
14	The receipt must include each of the following: • Date of purchase • Amount paid for each item • Total amount paid • Separate statement of tax • Business name and address	☐ Yes
	6 RCNY §5-32(c)	
15	Receipts for audio, photographic, and video equipment that cost more than $100 must also include the make and model number of the item.	☐ Yes
	6 RCNY §5-32(c)(5)	

NYC Consumer and Worker Protection

Inspection Checklist: General Retail

Requirement		Do you meet this requirement?
Price Accuracy		
16	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.	☐ Yes
	NYC Code §20-708.1(d), NYC Code §20-708.1(e)	
17	Tax cannot be charged on tax-exempt items. **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. **Tip:** Check with the New York State Department of Taxation and Finance for a complete list of which items are exempt.	☐ Yes
	6 RCNY §5-41	
Layaway Plans		
18	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: • 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: *Example 1:* NOTICE: NO MERCHANDISE WILL BE REMOVED FROM INVENTORY UNTIL X% OF THE PURCHASE PRICE HAS BEEN PAID. *Example 2: ATTENTION: YOUR SELECTION OF MERCHANDISE WILL NOT BE ORDERED UNTIL YOU HAVE MADE YOUR NEXT TO FINAL PAYMENT.*	☐ Yes
	6 RCNY §5-23; NY GBL §396-t	

Consumer and Worker Protection

Inspection Checklist: General Retail

Requirement		Do you meet this requirement?
Expired Over-the-counter Medication		
19	It is illegal to sell over-the-counter medication after the expiration date on the label. **NYC Code §20-822(a)**	☐ Yes
Cash Payments		
20	Your store cannot refuse to accept cash payments from consumers. *Exceptions:* • 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: – 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. 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. **NYC Code §20-840**	☐ Yes
21	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. **Tip:** "Consumer commodity" means any article, good, merchandise, product, or commodity of any kind that is produced, distributed, or offered for retail sale. **NYC Code §20-840(c)**	☐ 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.