

# 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.**

<b>KEY</b>
<p><b>NYC Code:</b> NYC Administrative Code  <b>RCNY:</b> Rules of the City of New York  <b>PHL:</b> NY Public Health Law  <b>§:</b> Section</p>

Requirement		Do you meet this requirement?
<b>Licenses</b>		
<b>1</b>	<p>If you sell tobacco products, which include cigarettes, directly to consumers, you must have a valid DCA <a href="#">Tobacco Retail Dealer</a> license. If your business has multiple locations, each location must have its own separate license.</p> <p><b>NYC Code §20-202(a)(1)</b></p>	<input type="checkbox"/> Yes
<b>2</b>	<p>DCA’s combined license and complaint sign must be posted where all customers can see it.</p> <p><b>6 RCNY §1-03(a)</b></p>	<input type="checkbox"/> Yes
<b>Underage Sales</b>		
<b>3</b>	<p>It is illegal to sell tobacco products, electronic cigarettes, or smoking paraphernalia to anyone under the age of 21.</p> <p><b>Tip:</b> 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.</p> <p><b>Tip:</b> Customers must show proof of age with a driver’s license or other photo ID issued by a government entity.</p> <p><b>NYC Code §17-706; NYS PHL §1399-cc(2)</b></p>	<input type="checkbox"/> Yes

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Requirement		Do you meet this requirement?
<b>Flavored Tobacco</b>		
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.	<input type="checkbox"/> Yes
	<b>NYC Code §17-715(a)</b>	
<b>Sale by Minor</b>		
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.	<input type="checkbox"/> Yes
	<b>NYC Code §17-705</b>	
<b>Secure Display</b>		
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.	<input type="checkbox"/> Yes
	<b>PHL §1399-cc(7)</b>	
<b>Signage</b>		
7	The Age Restriction Sign must be clearly posted on white paper with bold red letters.	<input type="checkbox"/> Yes
	<b>Tip:</b> The letters on the sign must be at least one-half inch tall.	
	<b>Tip:</b> The sign can be downloaded and printed from <a href="http://nyc.gov/BusinessToolbox">nyc.gov/BusinessToolbox</a> .	
<b>NYC Code §17-706(c); 24 RCNY 13-06(a)</b>		
<b>Illegal Discounts</b>		
8	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.	<input type="checkbox"/> Yes
	<b>NYC Code §17-176.1(b)(1), NYC Code §17-176.1(c)(1)</b>	
9	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.	<input type="checkbox"/> Yes
	<b>NYC Code §17-176.1(b)(2), NYC Code §17-176.1(c)(2)</b>	
10	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.	<input type="checkbox"/> Yes
	<b>NYC Code §17-176.1(b)(3), NYC Code §17-176.1(c)(3)</b>	
11	It is illegal to sell or offer for sale tobacco products, which include cigarettes, for less than the listed price.	<input type="checkbox"/> Yes
	<b>NYC Code §17-176.1(b)(4), NYC Code §17-176.1(c)(4)</b>	
<b>Minimum Package Sizes</b>		
12	It is illegal to sell or offer for sale cigarettes in a package or other container of less than 20.	<input type="checkbox"/> Yes
	<b>NYS PHL §1399-gg(2)(a); NYC Code §17-704(a-1)</b>	

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Requirement		Do you meet this requirement?
13	It is illegal to sell or offer for sale little cigars unless they are in a pack of 20 or more.	<input type="checkbox"/> Yes
	<b>NYC Code §17-704(c)</b>	
14	It is illegal to sell or offer for sale prepackaged roll-your-own tobacco containing less than 6/10 of an ounce of tobacco.	<input type="checkbox"/> Yes
	<b>PHL §1399-gg(2)(b)</b>	
15	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.	<input type="checkbox"/> Yes
	<b>PHL §1399-gg(2)(c)</b>	
16	It is illegal to sell or offer for sale snus in a package that contains less than 0.32 ounces of snus.	<input type="checkbox"/> Yes
	<b>NYC Code §17-704(d)</b>	
17	It is illegal to sell or offer for sale smokeless tobacco in a package that contains less than 1.2 ounces of tobacco.	<input type="checkbox"/> Yes
	<b>NYC Code §17-704(d)</b>	
18	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.	<input type="checkbox"/> Yes
	<b>NYC Code §17-704(e)</b>	
19	It is illegal to sell or offer for sale loose tobacco in a package that contains less than 1.5 ounces of loose tobacco.	<input type="checkbox"/> Yes
	<b>NYC Code §17-704(f)</b>	
<b>Price Floors</b>		
Visit <a href="http://nyc.gov/health">nyc.gov/health</a> for additional information, including tables.		
20	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).	<input type="checkbox"/> Yes
	<b>NYC Code §17-176.1(d)(1)</b>	
21	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.	<input type="checkbox"/> Yes
	<b>24 RCNY §13-03(a)</b>	
22	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.	<input type="checkbox"/> Yes
	<b>24 RCNY §13-03(b)</b>	
23	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.	<input type="checkbox"/> Yes
	<b>24 RCNY §13-03(c)</b>	

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Requirement		Do you meet this requirement?
24	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.	<input type="checkbox"/> Yes
	<b>24 RCNY §13-03(d)</b>	
25	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.	<input type="checkbox"/> Yes
	<b>24 RCNY §13-03(e)</b>	
26	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.	<input type="checkbox"/> Yes
	<b>24 RCNY §13-03(f)</b>	
27	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.	<input type="checkbox"/> Yes
	<b>24 RCNY §13-03(g)</b>	
<b>Bidis and Gutka</b>		
28	It is illegal to sell bidis and gutka unless you are a business that primarily sells, manufactures, or promotes tobacco, tobacco products, and accessories.	<input type="checkbox"/> Yes
	<b>PHL §1399-II(1), PHL §1399-mm(1)</b>	
<b>Loose Tobacco Products and Smokeless Tobacco</b>		
29	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.	<input type="checkbox"/> Yes
	<b>NYC Code §17-704(a); PHL §1399-gg(1)</b>	
<b>State Registration Suspended or Revoked</b>		
30	It is illegal to sell tobacco products or herbal cigarettes with a suspended or revoked New York State Tobacco Registration.	<input type="checkbox"/> Yes
	<b>NYS PHL §1399-ee(2)</b>	



**Consumer Affairs**

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Visit [nyc.gov](http://nyc.gov) and search "Business Toolbox"

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.

<b>KEY</b>
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Requirement	Do you meet this requirement?
<b>Price Lists for Services</b>	
<b>1</b> A price list must be displayed and include the following: <ul style="list-style-type: none"> <li>List of the type of services</li> <li>Minimum price for each service</li> <li>Conditions or variations of service that change the minimum price</li> <li>Range of additional charges caused by conditions or variations</li> <li>(if the price is based on an hourly labor rate) Rate as dollars per hour</li> </ul> <b>Tip:</b> 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.	<input type="checkbox"/> Yes
<b>6 RCNY §5-70(a)</b>	
<b>2</b> 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.	<input type="checkbox"/> Yes
<b>6 RCNY §5-70(a)</b>	
<b>3</b> If there is a sale or promotion, the pre-sale prices must also be posted for comparison.	<input type="checkbox"/> Yes
<b>NYC Code §20-750(b)</b>	
<b>4</b> Prices for services cannot be based on gender. <b>Tip:</b> Words like “men’s,” “women’s,” and “ladies” cannot be used to describe the price.	<input type="checkbox"/> Yes
<b>NYC Code §20-750(c)</b>	
<b>Pricing for Goods</b>	
<b>5</b> All items offered for sale must show a price, exclusive of tax, as follows: <ul style="list-style-type: none"> <li>The price must be attached to the item by a stamp, tag, or label. OR</li> <li>The price must be stated on a sign that is plainly visible where the item is displayed.</li> </ul>	<input type="checkbox"/> Yes
<b>NYC Code §20-708, NYC Code §20-708.1</b>	

# Inspection Checklist: General Retail

Requirement	Do you meet this requirement?
<p><b>6</b> 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"> <li>• Milk</li> <li>• Items that are under 3 cubic inches in size, weigh less than 3 ounces, and cost under 1 dollar</li> <li>• Eggs</li> <li>• Fresh produce not packaged for retail sale</li> <li>• Products sold through a vending machine</li> <li>• Food sold for consumption on the premises</li> <li>• Snack foods offered for sale in single packages that weigh 5 ounces or less, e.g., cakes, gum, candies, chips, and nuts</li> <li>• Cigarettes, cigars, tobacco, and tobacco products</li> <li>• Food offered for sale in bulk</li> <li>• Frozen juice</li> <li>• Ice cream</li> <li>• Frozen foods packaged for final retail sale in plastic bags</li> <li>• 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</li> <li>• Jars of baby food</li> </ul> <p><b>NYC Code §20-708.1(b), NYC Code §20-708.1(c)</b></p>	<input type="checkbox"/> Yes
<b>Signs</b>	
<p><b>7</b> 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: space-around; align-items: center; margin: 20px 0;"> <div style="border: 2px solid green; padding: 10px; text-align: center;"> <p><b>20–50%</b>  <b>OFF</b></p> </div> <div style="border: 2px solid red; padding: 10px; text-align: center;"> <p><del><b>20–50%</b></del> <del><b>OFF</b></del></p> </div> </div> <p><b>6 RCNY §5-94(a)(1)</b></p>	<input type="checkbox"/> Yes

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Requirement	Do you meet this requirement?
<p><b>8</b> Advertising, including sale signs, cannot contain any of the following phrases:</p> <ul style="list-style-type: none"> <li>• “Our list price”</li> <li>• Below “manufacturer’s wholesale cost”</li> <li>• “Manufacturer’s cost”</li> </ul> <p><b>6 RCNY §5-101</b></p>	<input type="checkbox"/> Yes
<p><b>9</b> Businesses that sell goods and services must post a refund policy sign.</p> <p><b>Tip:</b> A refund policy sign must be posted at each register, point of sale, or entrance, or attached to each item.</p> <p><b>Tip:</b> Even if the policy is not to give refunds, a sign must be posted stating “No Refunds.”</p> <p><b>Tip:</b> The sign must state that a written copy of the store’s refund policy is available on request.</p> <p><b>6 RCNY §5-37</b></p>	
<p><b>10</b> 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"> <li>• Any fees charged for refunds, such as “restocking fees”</li> <li>• If a refund will not be provided for “as is” or “sale” items</li> <li>• Whether the refund will be in cash, credit, or store credit only</li> <li>• If proof of purchase is required for a refund</li> <li>• If a refund will be provided at any time or within a specific period of time</li> </ul> <p><b>6 RCNY §5-37</b></p>	<input type="checkbox"/> Yes
<p><b>11</b> 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><b>6 RCNY §5-24(b)</b></p>	
<p><b>Receipts</b></p>	
<p><b>12</b> Receipts must be given to customers for purchases over \$20 and upon request for purchases between \$5 and \$20.</p> <p><b>Tip:</b> This does not apply to food and drink that is meant to be consumed on the premises.</p> <p><b>6 RCNY §5-32(b)(2)</b></p>	<input type="checkbox"/> Yes
<p><b>13</b> The receipt must include each of the following:</p> <ul style="list-style-type: none"> <li>• Date of purchase</li> <li>• Amount paid for each item</li> <li>• Total amount paid</li> <li>• Separate statement of tax</li> <li>• Business name and address</li> </ul> <p><b>6 RCNY §5-32(c)</b></p>	

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Requirement		Do you meet this requirement?
14	Receipts for audio, photographic, and video equipment that cost more than \$100 must also include the make and model number of the item.	<input type="checkbox"/> Yes
	<b>6 RCNY §5-32(c)(5)</b>	
<b>Price Accuracy</b>		
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.	<input type="checkbox"/> Yes
	<b>NYC Code §20-708.1(d), NYC Code §20-708.1(e)</b>	
16	Tax cannot be charged on tax-exempt items.  <b>Tip:</b> 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.  <b>Tip:</b> Check with the <a href="#">New York State Department of Taxation and Finance</a> for a complete list of which items are exempt.	<input type="checkbox"/> Yes
	<b>6 RCNY §5-41</b>	
<b>Layaway Plans</b>		
17	If layaway is offered, each of the following written disclosures must be provided to consumers prior to accepting any payments over \$50 in 4 installments or more: <ul style="list-style-type: none"> <li>• Description of the item, including name of manufacturer, brand name, color, size, style, and model number</li> <li>• Total cost of the item, including tax, installation, delivery, or freight charges</li> <li>• Any charge to use layaway, including any service charge, carrying charge, and cancellation fee</li> <li>• Duration of the layaway plan</li> <li>• Payment schedule and any consequences of missed payments</li> <li>• Refund policy</li> <li>• 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:</li> </ul> <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>	<input type="checkbox"/> Yes
	<b>6 RCNY §5-23</b>	



# Inspection Checklist: General Retail

Requirement	Do you meet this requirement?
<b>Expired Over-the-counter Medication</b>	
<b>18</b>	<p data-bbox="183 485 1292 520">It is illegal to sell over-the-counter medication after the expiration date on the label.</p> <p data-bbox="183 520 1292 564"><b>NYC Code §20-822(a)</b></p> <p data-bbox="1300 485 1524 564"><input type="checkbox"/> Yes</p>



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