

Inspection Checklist: Cigarette Retail Dealers

Do you sell retail cigarettes to consumers?

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.

| Requirement | | Do you meet this requirement? |
|-------------------------|---|-------------------------------|
| Licenses | | |
| 1 | If you sell retail cigarettes directly to consumers, you must have a valid DCA Cigarette Retail Dealer license. If your business has multiple locations, each location must have its own separate license. | <input type="checkbox"/> Yes |
| 2 | DCA's new combined license and complaint sign must be posted where all customers can see it. Note: DCA combined the license and the complaint sign, previously separate documents, into one consolidated sign. New licensees and licensees that renew after October 15, 2013 will receive the new sign. Renewing licensees must remove the old license document and complaint sign that DCA previously provided and post the new combined sign. For more information about this regulation, go to nyc.gov/consumers . | <input type="checkbox"/> Yes |
| Flavored Tobacco | | |
| 3 | It is illegal to sell tobacco products that have or produce a taste or aroma relating to any of the following: 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, tobacco. Tip: For more information, read Inspection Checklist: Flavored Tobacco available online at nyc.gov/BusinessToolbox . | <input type="checkbox"/> Yes |
| Loose Cigarettes | | |
| 4 | It is illegal to sell loose cigarettes ("loosies"). | <input type="checkbox"/> Yes |
| Sale to Minors | | |
| 5 | Effective May 18, it is illegal to sell tobacco products to anyone under the age of 21. Tip: Products prohibited for sale to anyone under 21 include cigarettes, cigars, chewing tobacco, powdered tobacco or other tobacco products (bidis and gutka), or electronic cigarettes. Tip: Products prohibited for sale to anyone under 18 include non-tobacco shisha, herbal cigarettes, pipes, rolling papers or smoking paraphernalia. Tip: Individuals must show proof of age with a driver's license or other photo ID issued by a government entity or educational institution. | <input type="checkbox"/> Yes |
| 6 | It is illegal to sell electronic cigarettes to anyone under the age of 21. | <input type="checkbox"/> Yes |
| 7 | Employees who are younger than 18 cannot sell or handle tobacco products, unless the employee is under the supervision of someone who is 18 or older. | <input type="checkbox"/> Yes |
| 8 | Tobacco products should not be displayed where they are easily accessible by the public. They should be stored behind a counter, or in a locked container. | <input type="checkbox"/> Yes |

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|----------------|--|-------------------------------|
| Signage | | |
| 9 | <p>The New York State Public Health sign must be clearly posted on white paper with red letters.</p> <p>Tip: The sign must be 11 inches wide by 8.5 inches tall.</p> <p>Tip: The sign can be downloaded and printed from nyc.gov/BusinessToolbox.</p> <p>Important: Under Local Law 94 of 2013 (Tobacco 21), which takes effect May 18, you must post a new Age Restriction Sign. New signage will be available after Rules are promulgated.</p> | <input type="checkbox"/> Yes |



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**Department of
Consumer Affairs**

Julie Menin
Commissioner

Visit nyc.gov and
search "Business
Toolbox"

Contact 311
(212) NEW-YORK
(Outside NYC)

New York City businesses must comply with all relevant federal, State, and City laws and rules, which are available in DCA's Business Toolbox. 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:

| Requirement | | Do you meet this requirement? |
|-------------|--|-------------------------------|
| | Price Lists for Services | |
| 1 | A price list with the types of services and the prices of those services must be displayed. | <input type="checkbox"/> Yes |
| 2 | The price list must be clearly posted or clearly displayed near the cash register and/or at the place(s) where orders are placed. | <input type="checkbox"/> Yes |
| 3 | If the price list states a minimum charge (e.g., “from \$. . .”) or states a price “and up,” it must state the reason for the different prices and include the range of prices. | <input type="checkbox"/> Yes |
| 4 | If there is a sale or promotion, the pre-sale prices must also be posted for comparison. | <input type="checkbox"/> Yes |
| 5 | <p>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; the difference must be described in a gender neutral way. (Example: Above the shoulder hair = \$15; Below the shoulder hair = \$30)</p> <p>Tip: Instead of listing prices for shirts and blouses, the price must be described based on physical differences between the shirts. (Example: sequins, ruffles, fancy buttons)</p> | <input type="checkbox"/> Yes |
| | Pricing for Goods | |
| 6 | All items offered for sale must have a clearly visible price. | <input type="checkbox"/> Yes |
| 7 | For most items, the price must be attached to the item or on a sign where the item is displayed. | <input type="checkbox"/> Yes |
| 8 | If your store’s annual revenue is more than \$2 million or you are a chain store, you must individually price most food products, as well as paper products, detergents, soaps, nonprescription drugs, and health and beauty aids. | <input type="checkbox"/> Yes |
| 9 | Milk; eggs; fresh produce; snack foods that are less than 5 ounces; frozen foods; jars of baby food; and items that are less than 3 cubic inches, under 3 ounces and under \$1 do not have to be individually priced, but must have shelf prices. | <input type="checkbox"/> Yes |

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| Requirement | | Do you meet this requirement? |
|-------------|---|-------------------------------|
| | Signs | |
| 10 | <p>Sale signs that advertise a percent discount—example: 20-50% off—must state the minimum percent discount.</p> <p>Tip: Both the minimum and maximum numbers must be of equal size.</p> <div>   </div> | <input type="checkbox"/> Yes |
| 11 | <p>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” | <input type="checkbox"/> Yes |
| 12 | <p>Businesses that sell goods and services must post a refund policy.</p> <p>Tip: A refund policy must be posted at each register, point of sale, or at each entrance.</p> <p>Tip: Even if the policy is not to give refunds, a sign must be posted stating “No Refunds.”</p> | <input type="checkbox"/> Yes |
| 13 | <p>The refund policy must state any and all conditions or limitations to getting a refund. For example:</p> <ul style="list-style-type: none"> ■ Businesses must disclose any fees charged for refunds, such as “restocking fees.” ■ If a business will not provide refunds for “as is” items, it must disclose that. ■ Businesses must also disclose whether the refund will be in cash, credit, or store credit only. ■ If proof of purchase is required for a refund, the sign must say so. ■ A business that chooses not to offer refunds must post a sign that states, “No Refund,” or words to that effect. ■ The sign must state that a written copy of the store’s refund policy is available on request. | <input type="checkbox"/> Yes |

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| Requirement | | Do you meet this requirement? |
|-------------|--|-------------------------------|
| 14 | If there are limitations on using credit cards, such as minimum purchase amounts, the policy must be clearly posted near the register and the entrance. | <input type="checkbox"/> Yes |
| | Receipts | |
| 15 | 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. | <input type="checkbox"/> Yes |
| 16 | The receipt must include each of the following: <ul style="list-style-type: none"> ■ Date of purchase ■ Amount paid for each item ■ Total amount paid ■ Separate statement of tax ■ Name and address of store | <input type="checkbox"/> Yes |
| 17 | Receipts for electronics that cost more than \$100 must also include the make and model number of the item. | <input type="checkbox"/> Yes |
| | Price Accuracy | |
| 18 | When items are scanned, the price must match the lowest item price, shelf price, sale price, or advertised price. | <input type="checkbox"/> Yes |
| 19 | If no scanners are used, the price at checkout must still match the lowest item price, shelf price, sale price, or advertised price. | <input type="checkbox"/> Yes |
| 20 | Tax cannot be charged on tax-exempt items. Tip: Check with the <u>New York State Department of Taxation and Finance</u> for a complete list of which items are exempt. | <input type="checkbox"/> Yes |

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|-------------|---|-------------------------------|
| | Layaway Plans | |
| 21 | <p>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:</p> <ul style="list-style-type: none"> ■ Description of the item, including name, brand, color, and model number ■ Total cost of the item including tax ■ Charge to use layaway and any cancellation fee ■ Duration of the layaway plan ■ Payment schedule and any consequences of missed payments ■ Refund policy ■ Notice of whether or not the item won't be removed from inventory until a certain number of payments have been 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> | <input type="checkbox"/> Yes |
| | Expired Over-the-counter Medication | |
| 22 | It is illegal to sell over-the-counter medication after the expiration date on the label. | <input type="checkbox"/> Yes |