

TOBACCO RETAILER COMPLIANCE CHECKLIST

The County of San Luis Obispo Tobacco Control Program and local law enforcement officers conduct regular compliance checks. This checklist is a compliance tool; tobacco retailers may use it as an educational tool. It is up to the store owner and employees to know and follow federal, state, and local laws.



LICENSE REQUIREMENTS

Business Name:	Local TRL #:	Inspection Date:
TRL Location:	On-site Representative:	

SIGNAGE

Yes No – ARE 1-800-5 ASK-4-ID SIGNS POSTED

AT EACH POINT OF SALE? Tobacco retailers must post a boldly printed, contrasting-color sign in a conspicuous place at each point of purchase saying that tobacco products may not be sold to minors. The sign must include 1-800-5ASK- 4-ID (STAKE Act signs). [CA Business & Professions Code Sections 22952, 22956 (STAKE Act); CA Code of Regulations, Title 17, Section 6902(a); CA Penal Code Section 308(c)]

Yes No - IS RETAILER DISPLAYING TOBACCO RETAIL LICENSE(S)?

It is unlawful to sell, distribute, or offer to sell one or more cigarettes other than in the sealed and properly labeled package of the manufacturer or importer which conforms to Federal labeling requirements, including the Federal warning labeling. [California Cigarette and Tobacco Products Licensing Act of 2003]

County Yes No

State Yes No

SALES

Yes No – DOES RETAILER CHECK PURCHASER

ID? Retailers must examine photo identification bearing the person's birth date to verify that any person purchasing cigarettes or smokeless tobacco is at least 21 years old. Age verification is required for purchasers who are under the age of 30. It is unlawful for any person, firm, or corporation to sell, give, or in any way furnish to a minor any tobacco product or paraphernalia if that person knows or has grounds to know that the recipient is a minor. [CA Penal Code Section 308(a) , CA Business & Professions Code Section 22956 - STAKE Act); Title 21 CFR – Code Of Federal Regulations 1140.14]

Yes No – ARE CLERKS SELLING TOBACCO AT LEAST 21 YEARS OF AGE?

(Only applicable to unincorporated areas) Minimum Age for Persons Selling Tobacco. No person who is younger than the minimum age established by state law for the purchase or possession of tobacco products shall engage in tobacco retailing. [San Luis Obispo County Code 8.23.180]

MERCHANDISE

Yes No – ARE FLAVORED TOBACCO PRODUCTS PRESENT?

It is unlawful to sell, distribute, or offer to sell tobacco products, tobacco component parts, or tobacco flavor enhancers, that contain artificial or natural characterizing flavors (e.g., menthol, strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee). This covers products including menthol cigarettes, chewing tobacco, snuff, little cigars, e-cigarettes and roll your own tobacco. [Health & Safety Code 104559.5]

Yes No - ARE SINGLE CIGARETTES PRESENT?

It is unlawful to sell, distribute, or offer to sell one or more cigarettes other than in the sealed and properly labeled package of the manufacturer or importer [CA Penal Code Sections 308.2; 21CFR 1140.14]

Yes No – ARE ELECTRONIC SMOKING DEVICES PRESENT?

It is unlawful to sell, distribute, or offer to sell electronic smoking devices, containing nicotine or any other substance, lacking Food and Drug Administration premarket order of approval. [San Luis Obispo County Code 8.23.180(f)]

Yes No - DO PACKS MEET MINIMUM PACK SIZE?

It is unlawful to sell, distribute, or offer to sell cigarettes in packages of fewer than 20 cigarettes. Roll-your-own tobacco may not be distributed, sold, or offered for sale in a package containing less than 0.60 ounces of tobacco. [CA Penal Code Sections 308.3; 21CFR 1140.14]

Yes No – ARE TOBACCO PRODUCTS SEALED AND LABELED TO MEET FEDERAL LABELING

REQUIREMENTS? It is unlawful to sell, distribute, or offer to sell cigarettes other than in the original packaging or sanitary wrapping of the manufacturer or importer which conforms to federal labeling requirements, including the federal warning label. [CA Penal 308.2; 21CFR 1140.14(d)]

Yes No - ARE THERE SELF-SERVICE DISPLAYS?

It is unlawful to sell, offer for sale, or display any tobacco product a self-service display, which is accessible to the public without the assistance of the clerk. Displays accessible to the public must be locked. [CA Business & Professions Code Section 22960, 22962 (STAKE Act); & San Luis Obispo County Code Chapter 8.23.180(e)]

Blunt wrap products may not be placed lower than 4 feet above the floor, nor less than two feet away from any candy, snack, or nonalcoholic beverage display [CA Penal Code 308; Ca Business & Professions Code 22962]

