

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 illegal 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. [CA Penal Code Section 308(a) , CA Business & Professions Code Section 22956 - STAKE Act); Title 21, Code of Federal Regulations (CFR) 1140.14]

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

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 AND PRODUCT PLACEMENT

Yes No – ARE FLAVORED TOBACCO PRODUCTS PRESENT?

It is illegal to sell, distribute, possess with the intent to sell or offer to sell tobacco products, components, 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 such as menthol cigarettes, chewing tobacco, snuff, little cigars, e-cigarettes and roll your own tobacco. [CA Health & Safety Code 104559.5]

Yes No – ARE ELECTRONIC SMOKING DEVICES PRESENT?

It is illegal 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 illegal 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; Title 21, Code of Federal Regulations (CFR) 1140.14]

Yes No - ARE SINGLE CIGARETTES PRESENT?

It is illegal 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 Section 308.2; Title 21, Code of Federal Regulations (CFR) 1140.14]

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

REQUIREMENTS? It is illegal 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 Code Section 308.2; Title 21, Code of Federal Regulations (CFR) 1140.14(d)]

Yes No - ARE THERE SELF-SERVICE DISPLAYS?

It is illegal to sell, offer for sale, or display any tobacco product and paraphernalia through 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 22962 (STAKE Act); San Luis Obispo County Code 8.23.180(e)]

Yes No - ARE BLUNT WRAP DISPLAYS

LOCATED TO ATTRACT CHILDREN? Blunt wrap advertising displays may not be placed within two feet of candy, snack, or non-alcoholic beverage displays or lower than 4 feet above the floor. [CA Business & Professions Code 22962; CA Penal Code 308]

Contact the County of San Luis Obispo Tobacco Control Program for retailer training and additional education regarding tobacco retail laws:

COUNTY OF SAN LUIS OBISPO - TOBACCO CONTROL PROGRAM
2180 Johnson Ave,
San Luis Obispo CA 93401
Phone: (805) 781-5540

Further information on tobacco retail laws available at:

Tobacco 21: <https://cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/Pages/Tobacco21.aspx>

California Attorney General's Office: <http://oag.ca.gov/tobacco/litigation>

California Department of Tax and Fee Administration: <http://cdtfa.ca.gov/>

California Department of Public Health: <https://cdph.ca.gov/Programs/CEH/DFDCS/Pages/FoodandDrugBranch.aspx>

NOTES:

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