

In accordance with HMC Section 10-1.2780, Tobacco Retail License (TRL) inspections are conducted by staff from the Code Enforcement Division and Hayward Police Department throughout the year to verify compliance with Federal, State, and Local tobacco related laws. The following checklist is intended as a guideline (not limited to) of the Tobacco Ordinance requirements that are typically reviewed during an inspection.

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

PERMITS AND LICENSE REQUIREMENTS

City Hayward Business License <input type="checkbox"/> Yes <input type="checkbox"/> No	California Seller’s Permit <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
City of Hayward Tobacco Retailer Permit <input type="checkbox"/> Yes <input type="checkbox"/> No	California Tobacco License <input type="checkbox"/> Yes <input type="checkbox"/> No
Conditional Use Permit (if applicable) <input type="checkbox"/> Yes <input type="checkbox"/> No	Alameda County Health Permit <input type="checkbox"/> Yes <input type="checkbox"/> No

SIGNAGE AND DISPLAYS

STATE STAKE SIGN POSTING REQUIREMENT MET? Yes No
 Boldly printed signs of contrasting-colors prohibiting the sale of tobacco products to minors under the age of 21 and listing the 1-800-5ASK-4-ID phone must be visibly posted at each point of purchase. [STAKE Act Signs; HMC 10-1.2783.a.1; CA Business & Professions Code Sections 22952, 22956; CA Code of Regulations, Title 17, Section 6902(a); CA Penal Code 308.(a)(1)]

IS THE BUSINESS STORE FRONT ADVERTISING IN COMPLIANCE?
 Yes No - No more than 25% of the square footage of clear windows and doors of a business establishment may be covered. Business signage must in compliance with the City’s Sign Ordinance. [HMC 10-7 & 10-7.800; CA Business & Professions Code 25612]

ARE THERE ANY TOBACCO PRODUCT SELF-SERVICE DISPLAYS OR TOBACCO VENDING MACHINES? Yes No - It is unlawful to sell, offer for sale, or display any tobacco product or paraphernalia through a self-service display accessible to the public without the assistance of the clerk; or through a vending machine. [CA Business & Professions Code Sections 22957, 22958, 22960, 22962 (STAKE Act); & HMC 10-1.2783.8].

Blunt wraps products may not be placed lower than four (4) feet above the floor, nor less than two (2) feet from any candy, snack, or nonalcoholic beverage display. [CA Penal Code 308; CA Business & Professions Code 22962]

MERCHANDISE/TOBACCO PRODUCTS (Not Limited To)

ARE ANY OF THE FOLLOWING ITEMS/PRODUCTS OFFERED FOR SALE:

- FLAVORED CIGARETTES, CIGARS, TOBACCO OR VAPING PRODUCTS?** Yes No – The sale of tobacco products that contain artificial or natural characterizing flavors other than tobacco (i.e., fruit, chocolate, honey, candy, menthol, mint, wintergreen, sugar, herb, spice) prohibited. [HMC -10-1.2782, 10-1.2783, & 10-1.2783.c.; Federal Food, Drug, & Cosmetic Section 907.a.1.A.]
- ELECTRONIC SMOKING DEVICES, ELECTRONIC NICOTINE DELIVERY SYSTEMS (E-CIGARETTES), OR OTHER VAPING PRODUCTS, PARTS, OR INGREDIENTS?** Yes No The sale of electronic smoking devices, electronic nicotine delivery systems (E-cigarettes), vaping devices, parts, components, products, or ingredients prohibited. [HMC -10-1.2782 & 10-1.2783.c.]
- VAPING ITEMS, DEVICES PARTS OR PARAPHERNALIA?**
 Yes No – The sale of vaping items or devices (non-electronic or electronic), parts, products, ingredients, bong, waterpipes, hookahs, vaporizers, or vaping paraphernalia prohibited. [HMC -10-1.2782 & 10-1.2783.c.]
- IMITATION TOBACCO OR CANNABIS PRODUCTS?** Yes No
 The sale of imitation tobacco products or imitation products that resemble cannabis or any drug or illegal substance prohibited. [HMC -10-1.2783.a.9]
- BIDIS/BEEIDIES PRODUCTS?** Yes No – Sales of “bidis” or “beedies” products (tobacco products wrapped in temburni or tendu leaves) prohibited [HMC -10-1.2783.c.2]

- SINGLE CIGARETTES OR TOBACCO PRODUCTS WHICH DO NOT MEET ESTABLISHED MINIMUM PRODUCT PACKAGE?**
 Yes No - The sale of single cigarettes or cigarettes packages of less than twenty cigarettes, or packages of less than five cigars or units are prohibited. [HMC 10-1.2783.b] Roll-your-own tobacco may not be distributed or offered for sale in packages containing less than 0.60 ounces of tobacco. Smokeless tobacco may not be distributed in packages smaller than the manufacturer’s size for individual use. [CA Penal Code 308.3; 21CFR 1140.14]
- CIGARETTE PACKAGES OR TOBACCO PRODUCTS NOT SEALED OR LABELED PER FEDERAL LABELING REQUIREMENTS?** Yes No
 Cigarettes or tobacco products must be sealed and properly labeled in the manufacturer’s package in conformance to the Federal labeling requirements. [CA Penal 308.2; 21CFR 1140.14(d)]
- CIGARETTE PACKAGES OR TOBACCO PRODUCT PACKAGES WITH A RETAIL PRICE OF LESS THAN THE CURRENT ESTABLISHED MINIMUM RETAIL PRICE (\$8 including sales tax)?** Yes No
 The sale of cigarette packages or tobacco product packages for a retail price of less than the current established minimum retail price (\$8) is prohibited.
- FREE OR DISCOUNTED TOBACCO PRODUCTS BY HONORING OR REDEEMING DISCOUNTS OR COUPONS?** The sale of tobacco products by honoring or redeeming discounts or coupons is prohibited. [HMC 10-1.2783.b]
- CIGARETTE PACKAGES WITHOUT A VALID CALIFORNIA CIGARETTE TAX STAMP?** Yes No – All cigarette packages must have a valid affixed tax stamp or metered impression prior to the sale or distribution. [Rev. & Tax Code 30161-30165.2; 30163(a)(5)(A)]

TRANSACTIONS OR OTHER

ARE TOBACCO PRODUCTS BEING SOLD TO MINORS (CLERK/STORE)
 Yes No - It is unlawful for any person, firm, or corporation to sell, give or in any way furnish any tobacco product/paraphernalia to a person under the age of 21. [CA Penal Code 308(a)] [STAKE ACT: CA Business & Professions Code Sections 22958, 22952, 22957; CA Code of Regulations, Title 17, Section 6903]

I.D. CHECKED FOR PURCHASERS UNDER THE AGE OF 27?
 Yes No - Tobacco retailers must examine photo identification for purchasers under the age of 27 bearing the person’s birth date to verify that the person purchasing cigarettes/tobacco products is 21 years or older. [CA Penal Code 308(a), CA Business & Professions 22956; Title 21 CFR Code of Federal Regulations 1140.14]

DOES THE ESTABLISHMENT INCLUDE A VAPOR BAR/LOUNGE, ELECTRONIC SMOKING OR HOOKAH BAR OR LOUNGE AREA?
 Yes No - Vapor bars/lounges, or smoking device, electronic smoking, or hookah bars or lounges are prohibited. [HMC 10-1.2789]

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