

The Tobacco Retailers License Program, Hayward Municipal Code (HMC) Section 10-1.2780, is aimed to eliminate the illegal sale of tobacco products to minors within the City. As part of the program, Code Enforcement staff conducts annual inspections of tobacco retailer establishments, responds to complaints, and partners with local, state and federal law enforcement agencies to address laws pertaining to the sale of tobacco to minors and tobacco related business activity. This checklist is intended to provide retailers a general understanding of what is reviewed during the inspection.

PERMITS AND LICENSE REQUIREMENTS

City of Hayward Business License?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Is Business License Visible?	<input type="checkbox"/> Yes <input type="checkbox"/> No
City of Hayward Tobacco Retailer Permit (TRL)?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Is Hayward TRL Permit Visible?	<input type="checkbox"/> Yes <input type="checkbox"/> No
California Cigarette & Tobacco Products License?	<input type="checkbox"/> Yes <input type="checkbox"/> No	California TR License Visible?	<input type="checkbox"/> Yes <input type="checkbox"/> No
California Seller's Permit?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Seller's Permit Visible?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Conditional Use Permit? (If Applicable)	<input type="checkbox"/> Yes <input type="checkbox"/> No		

SIGNAGE AND DISPLAYS

☐ **Yes** ☐ **No - SIGN POSTING REQUIREMENT MET?** Every store that sells tobacco 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); & HMC Section 10-1.2783.a.1.]

☐ **Yes** ☐ **No - ARE THERE SELF-SERVICE SALES?** It is unlawful to sell, offer for sale, or display any tobacco product or 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 22960, 22962 (STAKE Act); & HMC 10-1.2783.8]

☐ **Yes** ☐ **No - ARE THERE VENDING MACHINES?** Tobacco products may not be sold, offered for sale, or distributed from vending machines. [CA Business & Professions Code 22960, 22958, 22957 (STAKE Act); & HMC 10-1.2783.8]

☐ **Yes** ☐ **No - IS STOREFRONT ADVERTISING IN COMPLIANCE?** No more than 25% of the square footage of windows and clear glass doors of a business establishment may be covered. [HMC 10-7 & 10-7.5; CA Business & Professions Code Sections 25612]

☐ **Yes** ☐ **No - IS THERE BLUNT WRAP ADVERTISING DISPLAY?**
☐ **Yes** ☐ **No - DOES IT MEET MINIMUM REQUIREMENTS?** No person or business may place advertising for blunt wraps lower than four (4) feet above the floor. No person or business offering blunt wraps for sale may place blunt wrap advertising within two (2) feet of a candy, snack, or nonalcoholic beverage display. [CA Penal Code Section 308; CA Business & Professions Code Section 22962 (STAKE Act)]

MERCHANDISE

☐ **Yes** ☐ **No - IS DRUG PARAPHERNALIA KEPT, DISPLAYED, OR OFFERED IN ANY MANNER?** "Drug paraphernalia" means all equipment, products, and materials of any kind which are intended for use or designed for use in planting, propagating, cultivating, growing, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, storing, concealing, injecting, ingesting, inhaling, or introducing into the human body a controlled substance as defined in Section 11364.5(d) of the California Health and Safety Code or by determination of Local Law Enforcement.

Example of these items may include but are not limited to:

- ☐ Kits for planting or manufacturing
- ☐ Testing equipment to analyze strength
- ☐ Scales/balances to weigh or measure
- ☐ Diluents and adulterants (quinine hydrochloride, mannitol, dextrose)
- ☐ Gins and sifters to remove twigs and seeds
- ☐ Capsules, balloons envelopes
- ☐ Objects or containers meant to conceal

- ☐ Blenders, metal, wooden acrylic, glass, stone etc. pipes or bowls
- ☐ Carburetion tubes and devices
- ☐ Masks, roach clips, chamber pipes, electric pipes, chillums, bongs

☐ **Yes** ☐ **No - ARE FLAVORED CIGARETTES PRESENT?** Cigarettes or their component parts may not be distributed, sold, or offered for sale that contain artificial or natural characterizing flavors (e.g., strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee), other than tobacco or menthol. [\[Federal Food, Drug, and Cosmetic Act Section 907.a.1.A.\]](#)

☐ **Yes** ☐ **No - ARE BIDIS PRESENT?** It is unlawful to sell, offer to sell, distribute, or import bidis, defined as products containing tobacco wrapped in temburni leaf or tendu leaf unless establishment prohibits presence of anyone under the age of 18. [CA Penal Code Sections 308.1]

☐ **Yes** ☐ **No - ARE SINGLE CIGARETTES PRESENT?** No person shall sell one or more cigarette 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. [CA Penal Code Sections 308.2; 21CFR 1140.14]

☐ **Yes** ☐ **No - DO PACKS MEET MINIMUM PACK SIZE?** Cigarettes may not be distributed, sold, or offered for sale 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 - DOES THE SMOKELESS TOBACCO MEETS MINIMUM PACKAGE SIZE REQUIREMENT?** Unpackaged or packages of smokeless tobacco may not be distributed, sold, or offered for sale in packages that are smaller than those distributed by the manufacturer for individual use. [21 CFR 1140.14]

TRANSACTIONS

☐ **Yes** ☐ **No - SALES TO MINORS (CLERK/STORE)** 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\(a\)\]](#) [STAKE ACT: CA Business & Professions Code Sections 22958, 22952, 22957; CA Code of Regulations, Title 17, Section 6903]

☐ **Yes** ☐ **No - ID CHECK REQUIREMENT** Retailers must examine photo identification bearing the person's birth date to verify that any person purchasing cigarettes or smokeless tobacco is at least 18 years old. Age verification is required for purchasers who are under the age of 26. [\[CA Penal Code Section 308\(a\)\]](#), [CA Business & Professions Code Section 22956](#) - STAKE Act); Title 21 CFR - Code Of Federal Regulations 1140.14]