



Legislation Text

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Int. No. 729

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A Local Law to amend the administrative code of the city of New York, in relation to requiring pharmacies and food retail stores to staff self-service checkout areas and impose a 15-item maximum for self-service checkout purchases to help combat retail theft

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-187 to read as follows:

a. Definitions. For the purposes of this section, the following terms have the following meanings:

Pharmacy. The term “pharmacy” means “pharmacy” as defined in subdivision 1 of section 6802 of the education law, and any retail store that contains a pharmacy.

Commissioner. The term “commissioner” means the commissioner of the department of consumer and worker protection.

Customer. The term “customer” means an individual who purchases consumer goods from a pharmacy or food retail store.

Department. The term “department” means the department of consumer and worker protection.

Employee. The term “employee” means a worker employed directly by a hiring entity at a pharmacy or food retail store, and does not include managers, supervisors, or confidential employees.

Food retail store. The term “food retail store” means a retail store that is (i) over 15,000 square feet in size and sells primarily household foodstuff for offsite consumption, including fresh produce, meats, poultry, fish, deli products, dairy products, canned foods, dry foods, beverages, baked foods, or prepared foods, and in

which the sale of other household supplies or products are secondary to the primary purpose of foodstuff sales, (ii) over 85,000 square feet and with a minimum of 10 percent of their sales floor area dedicated to the sale of merchandise including the sale of fresh produce, meats, poultry, fish, deli products, dairy products, canned foods, dry foods, beverages, baked foods, or prepared foods.

Inspector. The term “inspector” means the commissioner or his or her designee.

Retail store. The term “retail store” means any place that, in the regular course of business, sells or rents goods directly to the public.

Self-service checkout. The term “self-service checkout” means any automated process that enables a customer to scan, bag, and pay for their purchases at an in-store checkout kiosk and without human assistance.

Self-service checkout kiosk. The term “self-service checkout kiosk” means any machine at a fixed location within a pharmacy or food retail store at which a customer can use self-service checkout for the customer’s purchases.

b. A pharmacy or food retail store that provides self-service checkout shall assign at least 1 employee to supervise the self-service checkout area at all times that the self-service checkout is in operation during business hours. The assigned employee shall have no other work responsibilities that would interfere with their ability to maintain direct visual inspection and surveillance of the self-service checkout area.

c. A pharmacy or food retail store that operates 4 or more self-service checkout kiosks in a self-service checkout area shall maintain a staffing ratio of at least 1 employee for every 3 self-service checkout kiosks in the self-service checkout area.

d. A pharmacy or food retail store that provides self-service checkout shall establish, implement, and advertise a 15-item maximum for self-service checkout purchases.

e. A pharmacy or food retail store that violates the provisions of subdivisions b, c, or d of this section, or any rules promulgated pursuant to this section, shall be liable for a civil penalty enforceable by the commissioner.

1. The penalty for any violation of this section by a pharmacy or food retail store is \$100 per employee at the pharmacy branch location or food retail store branch location at the time of the violation of this section. Each day that such violation is not cured the penalty shall increase by an additional \$100 per employee at such location at the time of the original violation, up to \$1,000 per employee at such location at the time of the original violation, for each day in which the violation remains uncured.

g. No pharmacy or food retail store shall prevent an inspector from accessing any areas of the pharmacy or food retail store necessary to conduct an assessment of the self-service checkout area at the pharmacy or food retail store.

h. No pharmacy or food retail store shall terminate, reduce compensation, or otherwise retaliate against any employee seeking to enforce the law under this section by any lawful means.

i. No later than March 1, 2027, the commissioner shall develop and post on the website of the department educational outreach materials about this section, including information on the civil violation scheme under this section, and outlining ways for pharmacies and food retail stores to comply with this section and to remedy potential violations.

§ 2. This local law takes effect 1 year after it becomes law, except that the commissioner shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules and educational outreach, before such date.

MH/LJB
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