



New York Association of Convenience Stores
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Convenience Store-Specific Coronavirus Response Guidance by Category

As of March 30, 2020

Age Verification

By Executive Order, Governor Cuomo has temporarily extended the validity of all New York State driver's licenses and non-driver ID cards that expire on or after March 1, 2020. This means that a New York State driver's license or non-driver ID that, in all other respects, shows the person to be at least 21 years old but is past the expiration date (assuming exp date of 3/1/20 or after), it is considered a valid ID, and you can rely on it for purposes of verifying the age of a tobacco or beer customer.

Alcoholic Beverages

Licensing Policies - The State Liquor Authority says that for March and April license renewals, any renewal paperwork must be sent to the SLA on time, but if there is a financial hardship, payment may be delayed until June 1. Anyone with a Temporary Permit application may send it to the Albany Office or by email. The SLA has granted extensions on fingerprinting requirements for applicants. It has posted FAQs on its web site explaining all the licensing policies they have adopted during this emergency period. [Read the FAQs](#)

Home Delivery – The SLA says convenience stores can deliver beer to homes under the following conditions: "If you are an off-premises licensee, you can deliver alcoholic beverages to your customers using either a delivery service that has a trucking permit issued by the SLA, or in one of your own vehicles. If you are using your own vehicle, it must be a vehicle owned or leased, and operated by the entity that is named on the license certificate. You cannot deliver alcoholic beverages using an employee's vehicle. Keep a copy of the license certificate in the vehicle while deliveries are being made."

Bottle Redemption

The state Department of Environmental Conservation considers redemption of Bottle Bill containers is an "essential service," but it says it "will not actively enforce violations at facilities unable to fulfill redemption operations due to resource restrictions during the ongoing COVID-19 response efforts." [Read the DEC Bottle Bill advisory here](#)

Consumer Protection

Since New York is in a state of emergency, the state's anti-price gouging law, which prohibits businesses from charging unconscionably excessive prices for essential goods and services, is in effect. The main focus has been on hand sanitizers and disinfectant sprays, and some businesses have already been fined for excessively pricing those products. Motor fuel – usually in the crosshairs of price gouging oversight – has not come into play, since prices are generally trending lower. However, extreme volatility in the oil markets caused by the plunge in demand and the emerging

Saudi-Russian crude oil price war could potentially trigger wide swings in pump prices, attracting the attention of regulators. Proportionately passing along a wholesale price increase is lawful. "Unconscionable" price increases and deceptive practices are not. The key is to document changes in your wholesale and retail prices in order to demonstrate that you acted responsibly in case the Attorney General should question your pricing later on.

Essential Businesses

Convenience stores and gas stations remain on New York State's list of officially designated "essential businesses" that are exempt from most of his emergency executive orders, including restrictions on the number or percentage of employees you can have on premises. [See official list of essential businesses](#)

Food

The state Department of Agriculture and Markets has issued [guidance for food manufacturers, distributors and retail stores regarding cleaning and disinfecting procedures](#). They assure that there is no evidence that the coronavirus can contaminate food.

In response to persistent questions about the adequacy and safety of the food supply, state Agriculture Commissioner Richard Ball and FDA Deputy Commissioner Frank Yiannas each issued reassuring messages concerning the food industry. [Read Commissioner Ball's message here.](#) [Read Commissioner Yiannas's message here.](#)

The Department of Agriculture and Markets reiterated the importance of everyone in the food supply chain to adhere to guidance issued by the state Health Department. [Download "Stop the Spread" poster to display](#) at your entrance, breakroom, and bathrooms.

Human Resources

Paid Sick Leave - The state Legislature passed, and Governor Cuomo signed, a new law providing guaranteed access to sick leave for workers impacted by coronavirus. [View 1-page summary for employers here](#); [See state Labor Department FAQs](#)

Older Workers - The Department of Agriculture and Markets advises that "there is no prohibition of people over 70 working in essential businesses" like convenience stores. Rather, in a list of recommendations that he named "Matilda's Law" after his mother, Governor Cuomo urged workers over 70 with underlying medical conditions to stay home.

Layoff Regulations - If layoffs become necessary, employers have notification requirements under state law. You must provide written notice to any employee who goes off the payroll temporarily or permanently, no matter the reason. Use this [Use this Record of Employment \(IA 12.3\)](#). If you have 50 or more full-time workers, [you have obligations under the WARN Act](#) if laying off workers.

If An Employee Tests Positive

The state Department of Agriculture and Markets gave these instructions to follow should a store employee tests positive for coronavirus. "If a laboratory confirmed case of COVID-19 works in your facility or was known to be present in your facility, notify your local health department, and [perform cleaning and disinfection of all surfaces throughout the area immediately](#). Your local health department will be involved in monitoring the affected individual while symptomatic (and therefore isolated) until their recovery. If it's an employee, the local health department will also be involved in clearing the individual from their isolation after their full recovery, thereby clearing them before returning to work. Cleaning and disinfection should be conducted by individuals who have been trained to use products in a safe and effective manner. Training should be ongoing to ensure procedures for safe and effective use of all products are followed. Training assures that individuals are reminded to read and follow use and safety instructions on product labels. It should also identify the location of all personal protective equipment (e.g., gloves) that should be used."

Motor Fuel

RVP Waivers - The state Department of Agriculture and Markets notified motor fuel terminals and distributors that it is "exercising enforcement discretion" by allowing a [temporary waiver](#) from the scheduled changeover from winter to summer blends of gasoline in New York until May 1, 2020. In addition, the state Department of Environmental Conservation [issued its own RVP waiver](#) covering May 1 through May 31, 2020.

EMV Postponement? - Acting on requests from NYACS and its counterpart in Florida, the National Association of Convenience Stores and four other trade groups have asked Visa, MasterCard, American Express, and Discover to [delay the October 1, 2020 EMV liability shift deadline for automated fuel dispensers](#) given the extreme circumstances retailers are facing.

Plastic/Reusable Bags

The statewide plastic bag ban law that took effect March 1, 2020 remains in effect, although the state Department of Environmental Conservation has agreed to not enforce it until May. Meanwhile, Massachusetts Gov. Charlie Baker issued an [order banning the use of reusable bags](#) in grocery stores and pharmacies, and lifted their plastic bag ban. There is no such order in New York.

Taxes

The state Tax Department will waive penalties and interest for late sales tax payments by businesses. [Read the guidance document here](#)

The Tax Department also has posted answers to frequently asked questions about revised tax filing dates and other taxpayer relief initiatives related to the coronavirus emergency. [Read Tax Dept. FAQs here](#)

The IRS [pushed back the federal income tax filing deadline](#) from April 15 to July 15. New York State followed suit.