

PHILADELPHIA COMMISSION ON HUMAN RELATIONS

REGULATION NO. 8

CASH PAYMENTS IN RETAIL ESTABLISHMENTS

- 8.0. Scope.** This Regulation, promulgated by the Commission pursuant to its authority under Sections 4-700 and 4-701 of the Home Rule Charter and Sections 9-1111 and 9-1132(4) of the Fair Practices Ordinance, sets forth additional definitions and directions pertaining to the Cashless Retail Prohibition Ordinance, Section 9-1132.
- 8.1. Consumer Goods defined.** Items bought or acquired by individuals for personal, family or household consumption or use.
- 8.2. Consumer Services defined.** Any kind of services offered to individuals primarily for personal, family or household purposes which have intangible value with no physical form, *i.e.*, an experience, result or process.
- 8.3. Accommodations defined.** “Accommodations” for purposes of Section 9-1132 means residential premises, hotels, inns, bed and breakfast establishments, and other limited lodging rentals.
- 8.4. At Retail.** Section 9-1132(1) prohibits “a person selling or offering for sale consumer goods or services at retail” from refusing to accept cash as a form of payment. Subject to the exclusions set forth in this Section 8.4 and in Section 8.5, a transaction is “at retail” if it involves a payment for the acquisition of a consumer good or service, for a purpose other than resale. The following transactions are excluded from coverage under this Ordinance:
- a. Transactions conducted by telephone, mail, or internet;
 - b. Payments at parking lots and parking garages;
 - c. All transactions, including membership fees, at wholesale clubs that sell consumer goods and services through a membership model;
 - d. All transactions, including membership fees, at retail stores that sell consumer goods exclusively through a membership model requiring payment by means of an affiliated mobile device application or online application. This exclusion does not apply to memberships at service providers such as fitness clubs.
 - e. Transactions for the rental of consumer goods, services, or accommodations for which posting of collateral or security is typically required;
 - f. Consumer goods or services provided exclusively to employees; and consumer goods or services provided at a facility whose overwhelmingly predominant purpose is to provide such goods or services to employees, and where the possibility of purchases by non-employees is at most incidental to that predominant purpose.

8.4.1. “At Retail,” per its definition, contemplates a retail sales transaction conducted in person in the City of Philadelphia and therefore shall not include transactions conducted through automated or other non-person payment processes, including:

- The purchase of items from vending machines;
- The purchase of services through machine vending or kiosk vending, such as massage chairs;
- A prearranged payment for a prearranged rideshare service which is conducted exclusively through the use of a mobile application.

8.4.2. (a) A transaction initiated by means of the telephone or internet but completed in person at the seller’s location (for example, a food order over the telephone or internet which the purchaser picks up), is a retail transaction subject to the requirement to accept cash.

(b) A transaction initiated by means of the telephone or internet but completed in person off premises (for example, a food order over the telephone or internet which the purchaser has delivered to a home or office), is not a retail transaction subject to the requirement to accept cash.

(c) A transaction initiated by means of the telephone or internet, where payment is made by the customer from off the premises, by telephone or internet, is not a retail transaction subject to the requirement to accept cash.

8.4.3. A transaction with City government for a consumer service that is conducted in person, including payments for City services, City fines, or fees for City licenses and permits, is not subject to the requirement to accept cash, so long as the City maintains at least one convenient location where cash is accepted for such transactions.

8.5 Cash Conversion. A seller of consumer goods or services who does not accept cash payments but directly provides its customers with ready access to a means of converting cash to an all-purpose pre-paid card, such as through a cash-to-card kiosk machine, is not in violation of the Ordinance, provided that:

- The conversion machine is operational and easily accessible at the point of purchase; and
- The conversion is free and no additional cost is added to the purchase.

8.6 No discounts or penalties. No retail dealer shall offer a discount for payment by means other than cash; and no retail dealer shall impose a penalty or any additional charges for payment with cash.