



Tobacco and Vape Vendor Requirements to Protect Minors

The New York State Tobacco Control Law (New York State Public Health Law Article 13-F) prohibits:

- The sale of flavored nicotine-containing vapor products to anyone.
- The sale of tobacco and vapor products to anyone under age 21.

Products include:

- Cigarettes, herbal cigarettes, cigars, chewing tobacco, powdered tobacco, bidis, gutka, shisha, and any other tobacco products
- Smoking paraphernalia including rolling papers and pipes.
- Any vape products regardless of the presence of nicotine, including any refill cartridges or other components

Requirements

- Vendors must have valid certificates of registration(s) from the New York State Department of Taxation and Finance to sell tobacco and vapor products.
- Do not sell tobacco or vape products to anyone under age 21.
- Request valid proof of age from anyone who looks under age 25. Proof of age must be a valid driver's license or a non-driver ID issued by a state or other government agency, a U.S. military ID, or a valid passport. ID cards issued by colleges are not acceptable.
- Do not sell flavored vape products.
- Keep all tobacco and vape products behind a counter accessible only to employees, or in a locked container.
- Only smoke shops and other tobacco businesses that primarily sell tobacco products may sell bidis and gutka.
- Post a sign that your customers can easily see that reads:

"SALE OF THESE ITEMS TO PEOPLE UNDER AGE 21 IS PROHIBITED BY LAW: CIGARETTES, CIGARS, CHEWING TOBACCO, POWDERED TOBACCO, SHISHA, OR OTHER TOBACCO PRODUCTS, HERBAL CIGARETTES, LIQUID NICOTINE, ELECTRONIC CIGARETTES, ROLLING PAPERS OR SMOKING PARAPHERNALIA."

• Businesses that sell bidis and gutka must also post a sign that reads:

"SALE OF BIDIS TO PEOPLE UNDER AGE IS PROHIBITED BY LAW." and "SALE OF GUTKA TO PERSONS UNDER AGE IS PROHIBITED BY LAW."

• All cigarettes must be sold in the manufacturer's original packaging.
- You may not sell:

- ◊ Single cigarettes, loosies or singles.
- ◊ Packages containing fewer than 20 cigarettes.
- ◊ Packages of roll-your-own tobacco containing less than 0.6 ounces of tobacco.
- ◊ Packages of cigarette wrapping papers, wrapping leaves, or tubes containing fewer than 20 items.
- Do not display tobacco and vape product paraphernalia or advertisements on storefront that are within 1,500 feet of a school (500 feet in New York City).
- Do not distribute tobacco or vape products free of charge.
- Do not use or accept coupons, vouchers, rebates, or other methods charging less than a tobacco or vape product's listed price.
- Pharmacies and stores containing a pharmacy are prohibited from selling tobacco and vape products.
- Businesses must comply with all local laws regulating the sale of tobacco, vape, and other restricted products. These laws must be at least as strict as New York State laws.

Enforcement

An enforcement officer will inspect businesses that sell tobacco and vape products. Inspections may include:

- Having an underage person attempt to buy tobacco, vape, or other age-restricted product
- Confirming that appropriate proof-of-age is checked when someone who looks younger than age 25 tries to buy products
- Attempting to buy out-of-package (loose) cigarettes
- Checking minimum package size requirements
- Checking that tobacco, vape, and other age-restricted products are behind a counter or in a locked container
- Verifying that flavored vapor products are not available
- Verifying that the business has current tobacco and vape registration(s) from the State Department of Taxation and Finance
- Verifying that a business with a suspended or revoked registration is not selling tobacco or vape products
- Checking that bidis or gutka are sold only at registered tobacco businesses
- Verifying that valid signs are visibly posted
- Verifying that businesses within 1,500 feet of a school (500 feet in New York City) have no paraphernalia or advertisements for tobacco/vape products in storefronts

Penalties, Fines and Violations

- Businesses out of compliance with regulations will be fined
- Businesses will also be given points for the sale of restricted products to anyone under age 21
- Businesses with three points will have their registration(s) to sell tobacco and vape products and lottery license (if applicable) suspended for one year.

- Businesses with four violations of the tobacco control law within three years will have their registration(s) to sell tobacco and vapor products and lottery license (if applicable) revoked for one year
- All violations will be published
- Businesses that sell tobacco and vape products without appropriate registration(s) will be reported for investigation to the Commissioner of the New York State Department of Taxation and Finance
- At least two re-inspections will be conducted each year until all points are removed
- Up to three points are removed after three years, or after a one-year suspension of a business' certificate of registration

Violations

- First violation: \$300 to \$1,500
- After the first violation: \$1,000 to \$2,500
- **One point** for selling products to anyone under age 21, when the seller has a valid certificate of tobacco sale training at the time of the sale
- **Two points** for selling products to anyone under age 21, when the seller lacks a valid certificate of tobacco sale training at the time of sale

Other penalties and charges:

- \$250 surcharge for each violation
- Up to \$500 for the sale of bidis or gutka in a non-tobacco business
- Up to \$100 for each individual package of flavored vape products
- Permanent loss of your registration(s) and \$2,500 violation for selling with a suspended or revoked registration

More Information

New York Public Health Law Article 13-F: www.nysenate.gov/legislation/laws/PBH/A13-F

New York Tax and Finance: www.tax.ny.gov/bus/cig/cigidx.htm

Signage: www.health.ny.gov/prevention/tobacco_control/educational_materials.htm

Tax: tax.ny.gov

Questions about Public Health Law Article 13-F

New York State Department of Health

Email: TobaccoEnforcement@health.ny.gov or ph: (518) 402-7600

Questions about Tobacco and Vape Registration Requirements

New York State Department of Taxation and Finance

Tax.ny.gov or (518) 457-5735