



Jonathan Mintz
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September 15, 2010

Via Electronic Mail

Re: License requirements for selling nicotine delivery system on the street

Dear [REDACTED]

This letter responds to your inquiry whether an individual who is selling a “nicotine delivery system” or “Green Smoke” system on the street in New York would be required to have a retail cigarette dealer license issued by the Department of Consumer Affairs.

Under the New York City Code Title 20, Chapter 2, §20-201(b), a cigarette is defined as “(1) any roll for smoking made wholly or in part of tobacco or any other substance wrapped in paper or in any other substance not containing tobacco. . . .” Under this definition, the nicotine delivery system is not considered a cigarette. Therefore, a retail cigarette dealer license is not necessary to sell the “Green Smoke” system.

Your correspondence also indicated that you wanted to know if street vendors could sell this product. Licensed general vendors are allowed to sell goods in public spaces, so long as they comply with the laws and rules governing general vendors. I am attaching a copy of these laws and rules for your perusal. Please note that currently only honorably discharged veterans are eligible for a general vendor license.

Please feel free to contact me with any questions.

Very truly yours,

[REDACTED]