

# NYC's New Tobacco Laws Apply to YOU if You ...

- Have a pharmacy
- Sell or plan to sell *any* tobacco products
- Sell electronic cigarettes

The Department of Consumer Affairs (DCA) created this overview to help you understand how the new tobacco laws affect your business.

For more information, visit DCA's website at [nyc.gov/dca](http://nyc.gov/dca).



## What You Need to Know if You



## Have a pharmacy

NYC law prohibits pharmacies and businesses that contain pharmacies from obtaining licenses to sell tobacco products and electronic cigarettes in the city. As of August 28, 2017, DCA no longer accepts applications from pharmacies for *new* Cigarette Retail Dealer licenses. Pharmacies are not eligible to apply for Tobacco Retail Dealer or Electronic Cigarette Retail Dealer licenses. DCA will deny applications from businesses that are determined to be pharmacies or businesses that contain pharmacies. If DCA discovers that a pharmacy has unlawfully obtained a license, DCA will revoke the license.



### Key Dates for All Pharmacies

- ✓ **August 23, 2018:** Electronic cigarettes ban takes effect. It is illegal for pharmacies or businesses that contain pharmacies to sell electronic cigarettes in NYC.
- ✓ **January 1, 2019:** Tobacco ban takes effect. It is illegal for pharmacies or businesses that contain pharmacies to sell cigarettes or other tobacco products in NYC. It does not matter if you hold a valid New York State Tobacco Registration.



### Key Dates for Pharmacies with CURRENT Cigarette Retail Dealer Licenses

- ✓ **December 31, 2017:** Expiration date for odd-year licenses. You can renew the license for one (1) year. Your license renewal package will include details. The renewal fee is \$55 or \$100 depending on when you renew.
- ✓ **February 23, 2018:** Expiration date for your renewed Cigarette Retail Dealer license.
- ✓ **February 24, 2018:** Your Cigarette Retail Dealer license automatically becomes a Tobacco Retail Dealer license. Before your license expires, you will receive your **new Tobacco Retail Dealer license document, which you must post.**
- ✓ **February 28, 2018:** If you fail to submit your renewal application on or before this date, you cannot renew your current license, and **you cannot apply for a new license.**
- ✓ **December 31, 2018:** Permanent expiration date for your license to sell cigarettes or tobacco products in NYC.



## Sell or plan to sell *any* tobacco products

### If You Have a **CURRENT** Cigarette Retail Dealer License (Non-Pharmacy)



#### Key Dates for Licensees

- ✓ **December 31, 2017:** Expiration date for odd-year licenses. You can renew the license, which will expire on February 23, 2018. Your license renewal package will include details. The renewal fee is \$110 or \$200 depending on when you renew.
- ✓ **February 23, 2018:** Expiration date for your renewed Cigarette Retail Dealer license.
- ✓ **February 24, 2018:**
  - Your Cigarette Retail Dealer license automatically becomes a Tobacco Retail Dealer license. Before your license expires, you will receive your **new Tobacco Retail Dealer license document, which you must post**. The new license will show the appropriate full-term expiration date.
  - **The cap for Tobacco Retail Dealers becomes effective. See the section Community District Caps.**
- ✓ **February 28, 2018:** If you fail to submit your renewal application on or before this date, you cannot renew your current license, and **you cannot apply for a new Tobacco Retail Dealer License until licenses are available in your community district.**

### If You *Do Not* Have a Current Cigarette Retail Dealer License (Non-Pharmacy)

DCA strongly suggests that you submit a complete application for a Cigarette Retail Dealer license immediately. A “complete application” includes all required documents and information. You can get the application online at [nyc.gov/dca](http://nyc.gov/dca), by calling 311, or in person at the DCA Licensing Center or NYC Small Business Support Center.

If you do not obtain a Cigarette Retail Dealer license, you will not be able to obtain a Tobacco Retail Dealer license to sell tobacco products after February 24, 2018 when community district caps will be in place for Tobacco Retail Dealers. As of February 24, 2018, it will be illegal to sell any tobacco products, such as cigarettes, cigars, chewing tobacco, pipe tobacco, roll-your-own tobacco, snus, bidi, snuff, shisha, or dissolvable tobacco, in NYC without a Tobacco Retail Dealer license. **Be mindful of the Key Dates below, or you risk not being able to obtain a Tobacco Retail Dealer license.**



#### Key Dates for Applicants

- ✓ **January 12, 2018:**
  - DCA will not accept incomplete in-person applications.
  - **You will no longer be able to submit an application online.**
  - The cap on the number of Tobacco Retail Dealer licenses takes effect on February 24, 2018. You are advised to submit your complete application by January 12, 2018. DCA will review **COMPLETE APPLICATIONS** in the order received.
- ✓ **February 24, 2018:**
  - DCA will no longer accept applications for a Cigarette Retail Dealer license.
  - If DCA has not issued a license by this date, you will not receive a Tobacco Retail Dealer license.
  - It is illegal to sell tobacco products in NYC without a Tobacco Retail Dealer license.

## What You Need to Know if You



# Sell electronic cigarettes

As of August 23, 2018, all stores that sell electronic cigarettes in NYC must have an Electronic Cigarette Retail Dealer license. The license term is two (2) years. The license fee is \$200. **To obtain an Electronic Cigarette Retail Dealer license, you must certify that you were selling electronic cigarettes on or before August 28, 2017.** You may be asked to submit proof of sales as of this date.

It is illegal to sell electronic cigarettes or liquid nicotine to anyone under 21. Penalties:

- If you sell electronic cigarettes to anyone under 21 or deliver electronic cigarettes to anyone twice within a three-year period, your Electronic Cigarette Retail Dealer license will be revoked.
- Businesses that sell electronic cigarettes without a DCA license will be subject to a fine of \$100 per day from the inspection date through the hearing date.



### **Key Dates for Applicants** *(must have been selling electronic cigarettes on or before August 28, 2017 to apply)*

- ✓ **January 25, 2018 through April 25, 2018:** Initial Application Period. DCA will begin accepting applications on January 25, 2018. DCA will stop accepting applications on April 25, 2018.
- ✓ **January 25, 2018:** It is illegal to deliver electronic cigarettes to customers. You can sell electronic cigarettes only in your store.
- ✓ **August 23, 2018:** It is illegal to sell electronic cigarettes in NYC without an Electronic Cigarette Retail Dealer license. New applications will be subject to Community District Caps (see next page).
- ✓ **November 30, 2019:** Expiration date for licenses issued during the initial application period. In 2019, all holders of active licenses that are in good standing will receive a renewal package regardless of the cap. The license will expire on November 30 of odd-numbered years.

**Community District Caps** on next page >

## Community District Caps

By law, DCA will set caps (limits) on the number of Tobacco Retail Dealer and Electronic Cigarette Retail Dealer licenses in each community district established under Chapter 69 of the New York City Charter.

The caps will be:

- 50% of the number of active Tobacco Retail Dealer licenses on February 24, 2018
- 50% of the number of licenses issued for Electronic Cigarette Retail Dealers after the initial application period

Once the caps are set:

- DCA **will not accept** applications for Electronic Cigarette Retail Dealer or Tobacco Retail Dealer licenses until the number of licenses in a community district is below the cap for that category.
- Regardless of the cap, **DCA will accept a new application** in the following situations only as long as there is a current, active license in good standing of the same category at the address AND *the new business applies for a new license within 30 days of the sale.*
  - New application from a person or business whose license becomes void due to *change of ownership* of the corporation, partnership, or LLC.
  - New application from a person or business whose license becomes void due to a *change in corporate structure*—for example, a sole proprietor that becomes a corporation or LLC.
- Regardless of the cap, DCA **will accept renewal applications** from Tobacco Retail Dealers and Electronic Cigarette Retail Dealers.

## Licensing Center Locations



### DCA Licensing Center

42 Broadway, Lobby  
New York, NY 10004  
Monday to Friday: 9:00 a.m. – 5:00 p.m.  
Wednesday: 8:30 a.m.-5:00 p.m.



### NYC Small Business Support Center

90-27 Sutphin Blvd, 4th Floor  
Jamaica, NY 11435  
Monday to Friday: 9:00 a.m. – 5:00 p.m.



**Consumer  
Affairs**

Lorelei Salas  
Commissioner

*The NYC Department of Consumer Affairs (DCA) protects and enhances the daily economic lives of New Yorkers to create thriving communities.*