



Frequently Asked Questions from New Tobacco Laws Training

In July 2014, the Department of Consumer Affairs (DCA) held trainings for businesses to help them understand and comply with the new tobacco laws: [Local Law 94 of 2013](#) (Tobacco 21) and [Local Law 97 of 2013](#) (Sensible Tobacco Enforcement). Below are frequently asked questions from the training.

How can I find out if my wholesaler is licensed?

Visit nyc.gov/finance, select "Business," then "Vendors," then "Wholesale Cigarettes."

What should I do if a cigarette or tobacco product has a special price or discount on the packaging or if the packaging says that the price is less than the required minimum price?

If you currently have inventory with illegal prices or discounts printed on the packaging, you should cover or correct the price or discount and clearly communicate to your customers that you may not offer that price by law. You should also advise your wholesaler that you will not accept products in packaging that does not comply with New York City law. Manufacturers and wholesalers know about the new laws, and should only send you products in packaging that complies with the law. The fact that a wholesaler or manufacturer sent you tobacco products with an illegal price printed on them is not a defense to a violation. As the retailer, you are responsible for complying with the packaging and pricing laws.

What is the minimum price for a package of four cigars?

There is no minimum price for a package of four cigars.

What is the minimum price for e-cigarettes, rolling papers, or chewing tobacco?

The minimum price requirements only apply to cigarettes, little cigars, and cigars that are not sold in a package of at least four cigars. However, the laws prohibiting coupons and other discounts apply to all cigarettes and tobacco products.

If I have cigars that are wrapped as single cigars from the manufacturer, can I bundle them and sell them as a package of four cigars?

No. Creating your own packaging may violate labeling requirements.

What is the minimum age to sell tobacco for someone who is being supervised by someone over 18?

There is no stated minimum age, but you must comply with all relevant laws regarding employment of minors.

What if my employees mistakenly sell tobacco products to someone who uses a fake ID or someone else's ID?

It is your responsibility to make certain that your employees are trained and know how to check IDs, so that they do not mistakenly sell tobacco products to someone with a fake ID. Your employees should only accept photo IDs, which should prevent customers from using someone else's ID. There are two things you can do to avoid mistakenly selling tobacco products to underage people:

1. Have your employees complete a New York State certified tobacco sales training program. A list of certified training providers can be found at https://www.health.ny.gov/prevention/tobacco_control/certlist.htm.
2. Use a transaction scan device such as a bar code reader to check IDs. See, New York Public Health Law § 1399-cc.

Where can we get "We Card Under 30" stickers?

Visit wecard.org.

Can we comply with the law by asking everyone for ID?

You are legally permitted to ask anyone to produce ID in order to purchase cigarettes, regardless of the person's appearance.

Can I give matches to my customers who purchase cigarettes?

It is currently not DCA's policy to issue violations for giving a single book of matches to a consumer who legally buys cigarettes or tobacco products.

If I sell discount/gift cards for purchases from my store, can I accept the gift card toward the purchase of tobacco products or cigarettes?

You may accept a gift card for the purchase of tobacco products or cigarettes if the gift card was purchased for full value—for example, a \$10 gift card that was purchased for \$10. If your store sold the gift card for less than its face value or you gave it to a customer as a gift or reward, accepting the gift card for the purchase of cigarettes or tobacco products would be the same as accepting a coupon, which is prohibited. See, NYC Administrative Code §§ 176.1(b)(1) and (c)(1).

Can I accept a coupon toward the purchase of electronic cigarettes?

There is currently no prohibition on discounts or coupons for electronic cigarettes.

For how long can a business be sealed?

A business may be sealed for up to 60 days for certain repeat violations.

Can my business be sealed if the past violations were committed by a different business at the same premises address?

If you can prove that your business is not related to the business that received the violations, your business will not be sealed based on those violations.

How can I find out if a particular tobacco product is a banned flavored tobacco product?

A flavored tobacco product is any tobacco that has a distinguishable taste or aroma of any flavor other than tobacco, menthol, mint, or wintergreen. If a tobacco product advertises that it has a specific flavor, it is a flavored tobacco product for purposes of the law. If a product has an image that represents a flavor, such as a picture of fruit, it is a flavored tobacco product.

Read [Inspection Checklist: Flavored Tobacco](#) at nyc.gov/BusinessToolbox for more information.

Do I need a license to sell e-cigarettes?

No, but businesses that sell e-cigarettes must post the [Age Restriction Sign](#) and may only sell e-cigarettes to people 21 or older.

Is it illegal to sell flavored e-cigarettes and e-hookah?

There is currently no law prohibiting the sale of these products.

Questions?

[Read the new tobacco laws, Frequently Asked Questions, and DCA's Inspection Checklists](#)

Email legalinterp@dca.nyc.gov with questions about a law that DCA enforces.