



## NOTICE OF A TOBACCO PROMOTION PUBLIC EVENT

### THE FOLLOWING IS A DESCRIPTION OF A TOBACCO PROMOTION PUBLIC EVENT AND THE FORM THAT MUST BE USED TO NOTIFY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE (DOHMH) OF SUCH EVENTS

Tobacco Promotion Public Events must comply with New York State Public Health Law §§ 1399-bb, 1399-cc, and 1399-gg and New York City Administrative Code §§ 17-505(h), 17-176, 17-704 and 20-202.

#### **A TOBACCO PROMOTION PUBLIC EVENT IS:**

- A function where the public is invited for the primary purpose of promoting and sampling tobacco products, with incidental service of food and drink.
- Held in an enclosed room in restaurants, bars, catering halls, convention halls, motel and hotel conference rooms, and similar facilities so that during these times the enclosed areas or rooms are being used exclusively for a tobacco promotion public event.
- A notice of the event must be filed with the DOHMH at least two weeks before the scheduled date of the event.
- Only two tobacco promotion public events may be held in any single facility (building or other premises) in any calendar year. See Public Health Law §1399-q (7).
- Appropriate required signs are posted in the enclosed room and at the entrance to the facility as follows:

“SALE OF CIGARETTES, CIGARS, CHEWING TOBACCO, POWDERED TOBACCO, OR OTHER TOBACCO PRODUCTS, HERBAL CIGARETTES, ROLLING PAPERS OR PIPES, TO PERSONS UNDER EIGHTEEN YEARS OF AGE IS PROHIBITED BY LAW”

and

“SMOKING PERMITTED AT THIS EVENT. NOTICE OF THIS EVENT HAS BEEN FILED WITH THE NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE IN ACCORDANCE WITH THE SMOKE-FREE AIR ACT”

and

“WARNING: TOBACCO SMOKE CAUSES CANCER, HEART DISEASE, LUNG DISEASE AND CAN HARM YOUR BABY”

- The entity at which the event is held and the promoter or sponsor of the event must have all applicable licenses to receive, sell and distribute tobacco products.

**PROHIBITIONS: There may be no**

- Distribution of tobacco products to the general public at less than basic cost in a public place and at a public event. Less than basic cost means free of charge, a nominal or discount price or any other price less than the distributor's cost (see New York City Administrative Code §17-176).
- Out of package sale of herbal cigarettes and cigarettes.
- Distribution of tobacco products and herbal cigarettes to persons less than eighteen years of age.
- Sale or distribution of flavored tobacco products.
- Preparation or service of "**potentially hazardous food**"\* in the enclosed room where the tobacco promotion public event is being held.

**\*Potentially hazardous food is any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, cooked potato, cooked rice, cooked pasta or other ingredients, including synthetic ingredients, capable of supporting pathogens (bacteria that may make a person ill if consumed). See New York City Health Code §81.03 (ee).**

**Section A: How to Notify the DOHMH**

*The following submission guidelines and documentation requirements are applicable to all sponsors or promoters of tobacco promotion public events:*

- All information provided as part of the notification package must be either typed or printed clearly in ink.
- The name of the sponsor or promoter of the tobacco promotion public event must be the same on all supporting documentation submitted.
- The full name of the business, DBA, and address of the facility where the event is to be held must be the same on all documentation submitted.
- The "Notice" form must be complete, and signed by the applicant where indicated.
- If the sponsor or promoter is not applying in person, the person applying on the sponsor's behalf must present a power of attorney on either a standard legal form or an affidavit provided by the DOHMH.
- The person holding power of attorney must present one acceptable form of his/her photo identification.
- Submit a copy of the Department of Consumer Affairs (DCA) Cigarette Retail Dealer License for the entity owning, operating, leasing or in control of the facility in which the event is being held. Licenses are only required for the sale of cigarettes, as defined in New York City Administrative Code §20-201(b).
- Submit a copy of the New York State Department of Taxation and Finance Retail Dealer Certificate of Registration for Cigarettes and Tobacco Products for each entity planning to sell tobacco products at the event (event promoter or any distributors) for the entity owning, operating, leasing or in control of the facility in which the event is being held.

- Submit a copy of the New York State Department of Taxation and Finance Certificate of Appointment of Distributor of Tobacco Products for each additional entity planning to sell tobacco products at the event.
- Attach a check or money order for \$25.00 payable to the “New York City Department of Health and Mental Hygiene” to each notice form.

**THE EVENT MUST BE HELD IN AN ENCLOSED ROOM.**

- The room must be completely enclosed on all sides by solid floor to ceiling walls and windows, or solid floor to ceiling partitions, and it must comply with all NYC Building Code and Fire Code requirements.
- Windows in such rooms shall remain closed while people are smoking in the room unless the windows open to the exterior
- Any doors shall remain closed while people are smoking in the room except to the extent necessary to enter and leave the room.
- The room shall be ventilated to prevent second-hand smoke from drifting into non-smoking rooms and areas.

**SUBMITTING THE NOTICE FOR A TOBACCO PROMOTION PUBLIC EVENT:**

Submit the completed Notification form and supporting documents, on-line, in person, or by mail to the New York City Department of Health, Bureau of Food Safety and Community Sanitation, Office of Smoking Enforcement, 253 Broadway, 4<sup>th</sup> Floor, CN59A, New York, New York, 10007, at least two weeks before the event. The Notification will be reviewed to ensure that the form has been fully completed and all necessary information provided. Include an e-mail address or telephone number where you can be contacted by DOHMH staff regarding the Notification.



NEW YORK CITY DEPARTMENT OF  
HEALTH AND MENTAL HYGIENE  
Thomas Farley, MD, MPH  
Commissioner

**Section B. Notification Form for a Tobacco Promotion Public Event**

**Scheduled Date of the Tobacco Promotion Event:**

\_\_\_\_ / \_\_\_\_ / \_\_\_\_

**Hours of the Tobacco Promotion Event:**

**Beginning at:** \_\_\_\_\_

**Ending at:** \_\_\_\_\_

**Part 1: Sponsor or Promoter** (Please type or print legibly in blue or black ink.)

**Name of Sponsor/Promoter:**

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Last Name:	First Name:	Title:	Social Security No.
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Building Number:	Street:

City:	State:	Zip Code:	Telephone:
			( )

**Sponsor/Promoter DOHMH or DCA CAMIS No., if applicable:**

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**Sponsor/Promoter DOHMH or DCA Permit No., if applicable**

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**Tobacco Products to be Distributed:**

Identify type of product (i.e., cigar, cigarette, etc.), brand name of each product, and the cost to attendee for each product. If needed, you may provide a separate sheet listing the products.

Type of Product	Brand Name	Cost to Attendee

**Part 2: Location for the Event** List all information regarding the location where the event is to be held, including the business owner or permittee, DBA or trade name, full address, phone number, and the person who will be managing the business at the time of the event.

**Name of Business/Owner/Permittee:**

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**DBA/Trade Name:**

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**Name of Business Manager:**

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**Building Number:                      Street:**

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**City:                                      State:                                      Zip Code:                                      Telephone:**

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**Event Location DOHMH CAMIS No., if applicable:**

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**Event Location DOHMH Permit No., if applicable:**

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**Identify exact location of, and describe the enclosed room(s) in the location, in which smoking will be permitted for this event. Attach a separate sheet with additional details if necessary.**

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**Please describe the nature of the event. What is the purpose of the event? How will attendees of the event be notified about the event?**

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**Please describe the food that will be served in the enclosed room and/or during the event.**

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**Signature of Applicant**

**Title**

**Date**

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## Acknowledgement and Certification

I, \_\_\_\_\_, state that I am the \_\_\_\_\_ of  
(Name) (Title)

\_\_\_\_\_, am authorized to complete the above notification of a tobacco  
(Sponsor/Promoter of Event)

promotion public event, and that the statements made therein and the documents submitted are truthful to the best of my knowledge. I swear or affirm that the event shall be held in accordance with applicable law as outlined above.

I further acknowledge that I and the persons I represent are fully aware of the consequences, including the forfeitures and civil and criminal penalties, which may result if any statement and document provided is determined to be false.

Dated: \_\_\_\_\_

Signature: \_\_\_\_\_

Sworn to before me

this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

[Social Security numbers are being requested for the purpose of identification and verification of the facts alleged herein, and shall be maintained with the confidentiality required by, and shall not be further disclosed except in accordance with, applicable law.]