

CHAPTER 13

CIGARETTE AND TOBACCO PRODUCT SALES

§13-01. Scope and applicability.

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§13-01. Scope and applicability.

This chapter applies to sales of cigarettes and tobacco products in the City of New York pursuant to section 17-176.1 and Chapter 7 of Title 17 of the Administrative Code of the City of New York (“Administrative Code”).

§13-02. Prohibition on the sale of cigarettes or tobacco products for less than the listed price.

- (a) “Cigar,” “little cigar,” “loose tobacco,” “non-tobacco shisha,” “shisha,” “smokeless tobacco,” “snus,” and “tobacco product” are defined in the same manner as those terms are defined in §17-176.1 of the Administrative Code.
- (b) “Price floor” means the price floor described in subdivision (d) of §17-176.1 of the Administrative Code.

§13-03. Price floor for other tobacco products.

- (a) No person may sell or offer for sale to a consumer a package of 20 little cigars, for less than the little cigar price floor of \$10.95, excluding OTP tax and sales tax.
- (b) No person may sell or offer for sale to a consumer a package of cigars for less than the cigar price floor, excluding OTP tax and sales tax.
 - (1) The cigar price floor is \$8.00 for the first cigar, plus \$1.75 for each additional cigar.
 - (2) The table below shows the price floors for some cigar package sizes. Price floors for package sizes not listed below must be calculated according to paragraph one of this subdivision.

Cigar Pack Size	Price Floor
Single cigar	\$8.00
2-pack	\$9.75

3-pack	\$11.50
4-pack	\$13.25
5-pack	\$15.00
8-pack	\$20.25
10-pack	\$23.75
20-pack	\$41.25

- (c) No person may sell or offer for sale to a consumer a package of smokeless tobacco for less than the smokeless tobacco price floor, excluding OTP tax and sales tax.
- (1) The smokeless tobacco price floor is \$8.00 for the first 1.2 ounces, plus \$2.00 for each additional 0.3 ounces or any fraction thereof.
 - (2) The table below shows the price floors for some smokeless tobacco package sizes. Price floors for package sizes not listed below must be calculated according to paragraph one of this subdivision.

Smokeless Tobacco Pack Size	Price Floor
1.2 ounces (minimum size)	\$8.00
Greater than 1.2 ounces but less than or equal to 1.5 ounces	\$10.00
Greater than 1.5 ounces but less than or equal to 1.8 ounces	\$12.00
Greater than 1.8 ounces but less than or equal to 2.1 ounces	\$14.00
Greater than 2.1 ounces but less than or equal to 2.4 ounces	\$16.00
<u>Greater than 2.4 ounces but less than or equal to 2.7 ounces</u>	<u>\$18.00</u>
<u>Greater than 2.7 ounces but less than or equal to 3.0 ounces</u>	<u>\$20.00</u>

- (d) No person may sell or offer for sale to a consumer a package of snus for less than the snus price floor, excluding OTP tax and sales tax.

- (1) The snus price floor is \$8.00 for the first 0.32 ounces, plus \$2.00 for each additional 0.08 ounces or any fraction thereof.
- (2) The below table shows the price floors, for some snus package sizes. Price floors for package sizes not listed below shall be calculated in accordance with paragraph one of this subdivision.

Snus Pack Size	Price Floor
0.32 ounces (minimum size)	\$8.00
Greater than 0.32 ounces but less than or equal to 0.40 ounces	\$10.00
Greater than 0.40 ounces but less than or equal to 0.48 ounces	\$12.00
Greater than 0.48 ounces but less than or equal to 0.56 ounces	\$14.00
Greater than 0.56 ounces but less than or equal to 0.64 ounces	\$16.00

(e) No person may sell or offer for sale to a consumer a package of shisha for less than the shisha price floor, excluding OTP tax and sales tax.

- (1) The price floor for a package of shisha is \$17.00 for 3.5 ounces, plus \$3.40 for each 0.7 ounces or any fraction thereof in excess of 3.5 ounces.
- (2) The table below shows the price floors for some shisha package sizes. Price floors shall be calculated in accordance with paragraph one of this subdivision.

Shisha Container Size	Price Floor
3.5 ounces (minimum size)	\$17.00
Greater than 3.5 ounces but less than or equal to 4.2 ounces	\$20.40
Greater than 4.2 ounces but less than or equal to 4.9 ounces	\$23.80

Greater than 4.9 ounces but less than or equal to 5.6 ounces	\$27.20
Greater than 5.6 ounces but less than or equal to 6.3 ounces	\$30.60
Greater than 6.3 ounces but less than or equal to 7 ounces	\$34.00
Greater than 7 ounces but less than or equal to 7.7 ounces	\$37.40
Greater than 7.7 ounces but less than or equal to 8.4 ounces	\$40.80
Greater than 8.4 ounces but less than or equal to 9.1	\$44.20
35 ounces	\$170.00

- (f) No person may sell or offer for sale to a consumer a package of non-tobacco shisha for less than the non-tobacco shisha price floor. The non-tobacco shisha price floor is the same as the shisha price floor.
- (g) No person may sell or offer for sale to a consumer a package of loose tobacco for less than the loose tobacco price floor, excluding OTP tax and sales tax.
- (1) The price floor for a package of loose tobacco is \$2.55 for 1.5 ounces, plus \$0.51 for each 0.3 ounces or any fraction thereof in excess of 1.5 ounces.
- (2) The table below shows the price floors for some loose tobacco package sizes. Price floors for package sizes not listed below must be calculated according to the paragraph one of this subdivision.

Loose Tobacco Size	Price Floor
1.5 ounces (minimum size)	\$2.55
Greater than 1.5 ounces but less than or equal to 1.8 ounces	\$3.06
Greater than 1.8 ounces but less than or equal to 2.1 ounces	\$3.57

Greater than 2.1 ounces but less than or equal to 2.4 ounces	\$4.08
Greater than 2.4 ounces but less than or equal to 2.7 ounces	\$4.59
Greater than 2.7 ounces but less than or equal to 3 ounces	\$5.10
Greater than 3 ounces but less than or equal to 3.3 ounces	\$5.61
Greater than 3.3 ounces but less than or equal to 3.6 ounces	\$6.12
Greater than 3.6 ounces but less than or equal to 3.9 ounces	\$6.63
Greater than 3.9 ounces but less than or equal to 4.2 ounces	\$7.14
Greater than 4.2 ounces but less than or equal to 4.5 ounces	\$7.65
Greater than 4.5 ounces but less than or equal to 4.8 ounces	\$8.16
Greater than 4.8 ounces but less than or equal to 5.1 ounces	\$8.67
Greater than 5.1 ounces but less than or equal to 5.4 ounces	\$9.18
Greater than 5.4 ounces but less than or equal to 5.7 ounces	\$9.69
Greater than 5.7 ounces but less than or equal to 6 ounces	\$10.20
Greater than 6 ounces but less than or equal to 6.3 ounces	\$10.71
Greater than 6.3 ounces but less than or equal to 6.6 ounces	\$11.22
Greater than 6.6 ounces but less than or equal to 6.9 ounces	\$11.73
Greater than 6.9 ounces but less than or equal to 7.2 ounces	\$12.24
Greater than 7.2 ounces but less than or equal to 7.5 ounces	\$12.75

Greater than 7.5 ounces but less than or equal to 7.8 ounces	\$13.26
Greater than 7.8 ounces but less than or equal to 8.1 ounces	\$13.77
Greater than 8.1 ounces but less than or equal to 8.4 ounces	\$14.28
Greater than 8.4 ounces but less than or equal to 8.7 ounces	\$14.79
Greater than 8.7 ounces but less than or equal to 9 ounces	\$15.30
Greater than 9 ounces but less than or equal to 9.3 ounces	\$15.81
Greater than 9.3 ounces but less than or equal to 9.6 ounces	\$16.32
Greater than 9.6 ounces but less than or equal to 9.9 ounces	\$16.83
Greater than 9.9 ounces but less than or equal to 10.2 ounces	\$17.34

§13-04. Signage.

(a) *Age restriction sign.* Pursuant to subdivision (c) of §17-706 of the Administrative Code, any person operating a place of business where cigarettes, tobacco products, liquid nicotine, electronic cigarettes or non-tobacco smoking products are sold or offered for sale must post in a conspicuous place a sign, printed on a white card in bold red letters that are at least one-half inch in height and capitalized as indicated below, which states:

**“PROHIBITED for SALE to persons UNDER 21:
Cigarettes, cigars, smokeless tobacco, other tobacco products,
electronic cigarettes and component parts, liquid nicotine,
non-tobacco shisha, herbal cigarettes,
pipes, rolling papers, or smoking paraphernalia”**

(b) *Cigarette tax stamp sign.* Pursuant to §17-703.1 of the Administrative Code, a retail dealer must post, in a conspicuous place at the point of sale of cigarettes or at the place where cigarettes are displayed or offered for sale, a sign that complies with the requirements of this subdivision. The sign must be printed on a white card in bold red letters that are at

least one-half inch in height and capitalized as indicated below. The sign must include images of the current New York City and New York State tax stamp and a pack of cigarettes with a New York City and New York State tax stamp on the bottom of the pack, and must state:

**“ALL CIGARETTES MUST HAVE
A NEW YORK CITY AND
NEW YORK STATE TAX STAMP”**

The sign must also include the contact number for the Sheriff’s hotline for reporting potential violations, available on the New York City Department of Consumer Affairs website.