Proof of Age

- Make sure that customers who ask for tobacco products or electronic cigarettes are at least 21 years old. If a customer looks like they are under 30 years old, you must ask for acceptable proof of age.

- Make sure that customers who ask for herbal cigarettes, pipes, rolling papers or non-tobacco shisha are at least 18 years old. If a customer looks like they are under 25 years old, you must ask for proof of age.

Registration and Licensing

- Sell tobacco products or herbal cigarettes only if you have the appropriate New York State (NYS) registration and New York City (NYC) license. To sell any tobacco product or herbal cigarettes, you will need a valid registration from the NYS Department of Taxation and Finance. To sell cigarettes, you will also need a Cigarette Retail dealer license from the NYC Department of Consumer Affairs.

- Do not sell tobacco products while your NYS tobacco retailer registration or NYC license is suspended or revoked.

Restrictions on Public Access to Tobacco Products

- Keep all tobacco products, shisha, herbal cigarettes and electronic cigarettes behind a counter (in an area available only to employees) or in a locked cabinet.

- Do not have a vending machine in any location other than at a tavern or other legally permitted location. Vending machines must be located in places not accessible to the general public.

Signage

- Post the “proof of age” sign provided in this kit where your customers can easily see it.

- Businesses that sell “bidis” and/or “gutka” must post an additional sign.

Products, Packaging and Pricing

- Only sell tobacco products in the manufacturer’s packaging. Do not sell single cigarettes or single little cigars, sometimes referred to as “loosies” or “singles.”

- Do not manufacture, sell or distribute any package or other container of cigarettes containing fewer than 20 cigarettes; any package or other container of little cigars containing fewer than 20 little cigars; any package of roll-your-own tobacco containing less than 0.6 ounces of tobacco; or any package of cigarette wrapping papers, wrapping leaves or tubes containing fewer than 20 sheets, leaves or tubes.

- Cigars that cost less than $3 must be in packages of at least four cigars. Individually wrapped cigars must be sold for more than $3 each.

- Do not sell, offer to sell, or transport any pack of cigarettes that does not have a valid NYC/NYS tax stamp.

- Retailers can purchase cigarettes and other tobacco products only from a manufacturer or licensed wholesale dealer.

- “Bidis” or “beedies” and/or “gutka” can be sold only at tobacco businesses.¹

Additional Regulation

- Employees younger than 18 years old cannot sell, dispense or handle a tobacco product without direct supervision of someone who is at least 18 years old.

NYC Department of Consumer Affairs inspectors visit businesses that sell tobacco to make sure they are following these NYC and NYS tobacco laws. The NYC Department of Finance regularly inspects businesses to ensure that tobacco taxes have been paid. Undercover officers and inspectors will make sure that you and your employees are following the law by going to your business.

¹ “Tobacco business” is defined in the State law as one “in which the primary activity is the sale, manufacture or promotion of tobacco, tobacco products and accessories, either at wholesale or retail, and in which the sale, manufacture or promotion of other products is incidental.”

For more information call 311 or visit nyc.gov and search “tobacco laws.”