

# Overview of Major New York City and New York State Tobacco Laws

## Proof of Age

- Make sure that customers who ask for tobacco products, electronic cigarettes or non-tobacco smoking products, such as herbal cigarettes, non-tobacco shisha, pipes or rolling papers, are at least 21 years old. If a customer looks like they are younger than 30 years old, you must ask for acceptable proof of age.

## Registration and Licensing

- **To sell any tobacco products or herbal cigarettes, you will need** valid registration from the New York State (NYS) Department of Taxation and Finance.
- **To sell cigarettes or other tobacco products, you also need** a tobacco retail dealer license from the New York City (NYC) Department of Consumer Affairs (DCA). If you previously had a cigarette retail dealer license, it was relabeled a tobacco retail dealer license (effective Feb. 24th, 2018). If you did not have a cigarette retail dealer license, you must have applied for a tobacco retail dealer license. Also effective 2018, a system went into effect restricting the availability of new licenses, with some exceptions, until license reduction goals are met. More information is available at [nyc.gov/dca](http://nyc.gov/dca).
- **To sell electronic cigarettes, you must have applied to DCA for an electronic cigarette retail dealer license.** Effective 2018, a system went into effect restricting the availability of new licenses, with some exceptions, until license reduction goals are met.
- Effective Jan. 1, 2019, pharmacies will no longer be eligible for a tobacco retail dealer license. More information is available at [nyc.gov/dca](http://nyc.gov/dca). Pharmacies are not permitted to sell electronic cigarettes.

## 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 and tax stamp sign provided in this kit where your customers can easily see them.
- Businesses that sell “bidis” and/or “gutka” must post an additional sign.

## Products, Packaging and Pricing

- Effective fall 2018, new tobacco product minimum prices and taxes on other tobacco products went into effect.
- Only sell tobacco products in the manufacturer’s packaging consistent with minimum required pack sizes. Do not sell single cigarettes or single little cigars (“loosies”).
- 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,” “beedies” or “gutka” can be sold only at tobacco bars.

## 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 and present on the premises.

### New Price Minimum Examples

Product	Price floor	Other tobacco product (OTP) tax	Total minimum price
Cigarette (20-pack)	\$13	n/a	\$13*
Single cigar (no minimum pack size)	\$8	\$0.25 <sup>†</sup>	\$8 + \$0.25 = \$8.25**
Four-pack of cigars (no minimum pack size)	\$8 for the first cigar + [ $1.75 \times 3$ cigars (\$5.25)] = \$13.25	$\$0.25 \times 4$ cigars = \$1 <sup>†</sup>	$\$13.25 + \$1 = \$14.25$ **
Shisha (3.5 oz.)	\$17.00 per 3.5 oz.	\$1.70 per 3.5 oz.	$\$17.00 + \$1.70 = \$18.70$ **
Little cigars (20-pack)	\$10.95	\$1.09	\$12.04**

\*Includes sales tax.

\*\*Excludes sales tax. Sales tax (8.875%) should be calculated based on the total minimum price.

<sup>†</sup>OTP tax for cigars can also be calculated via an alternative method, based on the original size of the box from which the cigars were sold.

Visit [nyc.gov](http://nyc.gov) and search “tobacco laws” for more detailed information on new price, package and tax laws in NYC, including minimum prices for other products and package sizes.

DCA inspectors visit businesses that sell tobacco to make sure they are following 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 visit you to make sure that you and your employees are following the law.