

New York City and State Penalties for Selling Tobacco Products or Electronic Cigarettes to Underage Customers

Fines and Surcharges

If your business violates tobacco laws, you will receive a notice of violation and will have to appear for a hearing. If you admit to the violation or are found guilty at your hearing:

- You will have to pay a fine for each **New York City (NYC) Tobacco Product Regulation Act (TPRA)** violation. Under TPRA, businesses that sell tobacco products or electronic cigarettes to anyone under 21 years old will be fined up to \$1,000 for the first violation and \$2,000 for each subsequent violation.
- You will have to pay a surcharge for each **New York State (NYS) Adolescent Tobacco Use Prevention Act (ATUPA)** law violation, if the violation involved a tobacco product, electronic cigarette, pipe, rolling paper or shisha sale to anyone under 18 years old. Additionally, you must pay fines from \$300 to \$1,000 for the first violation and \$500 to \$1,500 for each subsequent violation. If you receive a violation while your registration is suspended or revoked you will be fined \$2,500.

Loss of Your NYC Cigarette License

If you are found guilty of **ANY two violations of the NYC law within a three-year period**, your NYC license to sell cigarettes will be revoked. If you are found guilty of **ANY three violations**, your store will be closed for up to 60 days.

Loss of Your NYS Tobacco Registration and Lottery License

If you are found guilty of **ANY four violations of the NYS law within a three-year period**, you will lose your NYS registration to sell tobacco and your NYS lottery license for one year.

The NYS Points System: Violation for Sale to a Minor

Under NYS law, there is a violation point system for businesses found selling tobacco products or herbal cigarettes to anyone under 18 years old. For each sale to someone under 18 years old, **two points** (or one point, if the employee who made the sale completed a NYS tobacco sales training program) are issued. These points remain on your record for three years and can lead to penalties:

- **One point:** At least two re-inspections conducted every year that your business has points on record.
- **Three or more points:** Six-month suspension of NYS registration to sell tobacco and of NYS lottery license. At the end of the suspension, three points will be removed.

Additional Penalties

If you are selling cigarettes without a valid NYC cigarette license, you will be fined, and your cigarettes will be seized. If you sell cigarettes without a valid NYC cigarette license **two times within three years**, your entire store will be temporarily shut down. If you purchase cigarettes from any person other than a manufacturer or licensed wholesale dealer, you will be fined.

If you are selling tobacco without a valid NYS tobacco registration, your name and address will be reported to the Commissioner of the NYS Department of Taxation and Finance for investigation.

Penalties for Violating NYS ATUPA and NYC TPRA

	Violations	
NYC TPRA	First violation: <ul style="list-style-type: none">• Fines of up to \$1,000 per violation	Second and subsequent violations within a 3-year period: <ul style="list-style-type: none">• Fines of up to \$2,000 per violation• Mandatory revocation of NYC cigarette license• Closing the store for up to 60 days
AND		
NYS ATUPA	First violation: <ul style="list-style-type: none">• Fines from \$300 to \$1,000• \$50 surcharge• 2 points	Second and subsequent violations: <ul style="list-style-type: none">• Fines from \$500 to \$1,500• \$50 surcharge• 2 points

Note: Additional violations may be applicable if you violate any of these laws while your license is suspended or revoked.