



New Laws and Rules for Establishments that Serve Hookah: What Non-Tobacco Hookah Establishments Need to Know

A new amendment to the Smoke-Free Air Act prohibits all establishments from serving non-tobacco shisha unless they have a permit to operate as a non-tobacco hookah establishment. The information below describes how operators can obtain a permit and the requirements for operating a non-tobacco hookah establishment.

General Information

Why is the New York City Health Department regulating non-tobacco hookah establishments?

The Health Department is regulating non-tobacco hookah establishments because it is required to do so under the Smoke-Free Air Act. This law protects the health of all New Yorkers. Under the Smoke-Free Air Act, serving or smoking shisha containing tobacco was already prohibited in New York City restaurants and bars. A recent amendment to this law now bans establishments from serving non-tobacco shisha *unless* they have obtained a permit to operate as a non-tobacco hookah establishment. Smoke from burning charcoal and either tobacco or non-tobacco shisha contains dangerous chemicals. These chemicals can increase the risk of heart and lung disease, cancer and early death, both for smokers and nonsmokers.

What does my establishment need to do to serve non-tobacco shisha?

To operate a non-tobacco hookah establishment, you must apply for and receive a permit from the Health Department. After you receive a permit, you must:

- Only serve non-tobacco shisha. You must not serve shisha containing tobacco unless you are an operating tobacco bar, as described below.
- Post warning signs provided by the Health Department that describe the health risks of smoking hookah.
- Only allow customers 21 years of age and older into your establishment.

Getting a Permit

Is my establishment eligible for a permit?

Your establishment may be eligible if:

- You were in business on October 16, 2017.
- You earned at least half of your gross revenue from the on-site sale of non-tobacco smoking products as of October 16, 2017.
- You have not expanded the size of your establishment or changed its location since October 16, 2017.
- You do not owe a penalty for any violations of the Smoke-Free Air Act occurring at your establishment.

- Your food service establishment has never had its permit revoked for violating the Smoke-Free Air Act or for selling flavored tobacco products.

If at any time during the permit application period (April 16, 2018, to October 22, 2018), you are found to serve shisha that contains tobacco or nicotine, you will not be able to obtain a permit.

How can I apply for a permit for my establishment?

The permit application and a list of supporting documentation can be found at nyc.gov/healthpermits.

Between April 16, 2018, and June 30, 2018:

- Complete a [permit application](#), and submit a printed copy in person to:
New York City Health Department Permits Office
125 Worth Street, Third Floor, Room 338
New York, NY 10013
Monday to Friday, 10 a.m. to 4 p.m.
- Provide [supporting documentation](#), including photo identification and proof of address, with your application.
- If you meet the legal requirements, you will need to pay a \$25 permit fee. The Health Department will then mail you a permit.

Between July 1, 2018 and October 22, 2018:

- Submit the permit application in person or online.
- To submit in person, complete the [application](#) and bring a printed copy, the \$25 permit fee and [supporting documentation](#) to:

New York City Licensing Center	OR	Small Business Support Center
42 Broadway, Lobby		90-27 Sutphin Blvd, Fourth Floor
New York, NY 10004		Jamaica (Queens), NY 11435
Monday to Friday, 9 a.m. to 5 p.m.		Monday to Friday, 9 a.m. to 5 p.m.
- To submit online, visit nyc.gov/healthpermits.

Do I need to provide financial paperwork to show that 50 percent of my sales come from non-tobacco smoking products?

- Yes. The permit application includes a certification section. You will need to certify that 50 percent or more of your establishment's total annual gross sales for the calendar year come from the on-site sale of non-tobacco smoking products. The owner and a certified public accountant who has reviewed your sales data must complete and sign this certification.
- The Health Department may request additional documents supporting the sales information you provide.

If I have a permit as a food service establishment, do I need a permit to operate a non-tobacco hookah establishment?

Yes. Even if your food service establishment permit indicates that you serve hookah, you need to get a separate permit to operate as a non-tobacco hookah establishment.

If I run a tobacco bar, do I need a permit?

No. If you are currently registered with the Health Department as a tobacco bar, you do not need a permit to operate a non-tobacco hookah establishment, even if you serve hookah. Under the Local Law, the Department no longer accepts new tobacco bar applications.

Warning Signs**Do I need to post warning signs about the health risks related to hookah smoke?**

Yes. The Health Department will provide warning signs that you must post inside and at the entrance to your establishment. These signs describe the health risks related to smoking non-tobacco shisha and exposure to secondhand hookah smoke.

Where can I get the hookah warning signs?

Once you receive a permit, you must call 311 and request signs for your establishment.

How many warning signs do I need and where do I have to post them?

The warning signs come in two sizes and you will need to post at least one of each size. The signs must be clearly visible and meet the following posting requirements:

- You must post the smaller sign above, next to or on each entrance door. If there is more than one entrance, a small sign is needed at each entrance.
- You must post the larger signs in each room or area, indoor and outdoor, where smoking hookah is allowed.

Can I design my own warning signs?

No. You must use the Health Department's warning signs.

Age Restriction for Customers of Non-Tobacco Hookah Establishments**Am I required to check the identification of all customers?**

- You are required to check the identification of all customers who reasonably appear to be younger than 30 years old.
- Valid forms of identification include a valid driver's license or other photo ID issued by the government or an educational institution, stating that the person is at least 21 years old.

Sanitizing Hookah Pipes**What are the requirements for cleaning and handling hookah equipment?**

- You must clean and sanitize all hookah pipes before use.
- You must provide an individually wrapped mouthpiece tip to each customer, for use by that customer only. Each tip must be thrown away after use.

Effective Dates and Enforcement**When does the new rule go into effect?**

- You can submit an application from April 16, 2018, to October 22, 2018.
- After the application period ends, no new permits will be issued.
- Once a permit is issued, you must comply with all parts of the law.

How does the Health Department enforce this rule?

The Health Department will enforce this rule by monitoring compliance with the Smoke-Free Air Act. An establishment not in compliance may be issued violations subject to fines. As part of an inspection, Health Department staff may request shisha samples to test for tobacco.

If you have further questions, please email infobfscs@health.nyc.gov.