Overview of Major New York City E-Cigarette and Tobacco Laws

E-Cigarette Definition
• An electronic cigarette, or e-cigarette, is defined as a battery-operated device that heats a liquid, gel, herb or other substance and delivers aerosol for inhalation. This includes any refill, cartridge and any other component of an e-cigarette.

Proof of Age
• Make sure that customers who ask for e-cigarettes, tobacco products 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 e-cigarettes, you must have a New York City (NYC) electronic cigarette retail dealer license from the Department of Consumer Affairs (DCA).
• To sell any tobacco products or herbal cigarettes, you 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 DCA. If you previously had a cigarette retail dealer license, it was relabeled a tobacco retail dealer license (effective Feb. 24, 2018). If you did not have a cigarette retail dealer license, you must have applied for a tobacco retail dealer license.
• Effective 2018, a new system now restricts the availability of new licenses, with some exceptions, until license reduction goals are met. More information is available at nyc.gov/dca.
• Effective Aug. 23, 2018, pharmacies are not permitted to sell e-cigarettes. Effective Jan. 1, 2019, pharmacies are not permitted to sell tobacco products.

Restrictions on Public Access to E-cigarettes and Tobacco Products
• Keep all e-cigarettes, tobacco products, shisha and herbal 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.

DCA inspectors visit businesses that sell e-cigarettes and tobacco products to make sure they are following NYC laws. Undercover officers and inspectors will visit you to make sure that you and your employees are following the law.

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

Updated spring 2019