

Law Prohibiting Sale of Cigarettes, Tobacco Products, Non-Tobacco Shisha and Electronic Cigarettes to People Under Age 21 in New York City **What You Need to Know**

What is the law?

This law prohibits retailers from selling cigarettes, cigars, chewing tobacco, powdered tobacco, non-tobacco shisha, herbal cigarettes, pipes, rolling papers, smoking paraphernalia, other tobacco products or electronic cigarettes to customers under age 21.

Why did New York City pass this law?

In New York City, 80 percent of smokers start smoking before age 21. Among young people who try tobacco, the transition from experimental to regular smoking occurs around age 20. Because the minimum legal sales age is 21, more New Yorkers will reach adulthood without experimenting with or becoming addicted to nicotine.

What products does this law apply to?

This law applies to cigarettes, other tobacco products (such as cigars, cigarillos, smokeless tobacco, snus and tobacco-containing shisha), non-tobacco shisha, herbal cigarettes, pipes, rolling papers, smoking paraphernalia, as well as electronic cigarettes and their component parts (including refills and cartridges).

What are electronic cigarettes?

Electronic cigarettes are battery-operated devices that heat a liquid, gel, herb or other substance and deliver vapor for inhalation. They may be sold as “e-cigs,” “e-cigarettes,” “vapes,” “e-hookahs” or under other names. Common brands include JUUL, Blu, NJOY and Logic, although there are many others. Electronic cigarettes, as defined in the law, include refills, cartridges and other component parts. Refills are sometimes called “e-liquid” or “e-juice.”

Do all New York City stores need signage?

Yes. All retailers that sell cigarettes, other tobacco products, non-tobacco shisha, electronic cigarettes, herbal cigarettes, shisha, pipes, rolling papers or smoking paraphernalia are required to post—in a place highly visible to customers—a sign that complies with New York City law on informing customers of the minimum sales age for these items. Retailers can get signs by visiting nyc.gov/health and searching for “tobacco laws,” or by calling 311.

When did this law go into effect?

This law first went into effect on May 18, 2014 for cigarettes and other tobacco products. Age restrictions for non-tobacco shisha, herbal cigarettes, pipes, rolling papers and smoking paraphernalia were added on April 14, 2018.

How should retailers verify a customer’s age?

Retailers must verify that customers who ask for cigarettes, other tobacco products, electronic cigarettes, herbal cigarettes, shisha, pipes, rolling papers or smoking paraphernalia are at least 21 years old. If a customer looks like he/she is under 30 years old, retailers must ask for proof of age. Any of these documents constitutes acceptable proof of age:

- A valid photo driver’s license or non-driver ID card issued by a state or other U.S. or Canadian government agency.

New York State driver’s licenses have a vertical format only for those under 21, clearly stating “Under 21” at the top, making it easier for retailers to identify customers who are younger than 21.

- A valid passport.
- A photo ID issued by the armed forces of the United States.

ID cards issued by employers, schools or colleges are **not** acceptable forms of ID.

What are the penalties for a violation?

Failure to post required signage can result in fines of up to \$500. Sales of cigarettes, other tobacco products, electronic cigarettes, herbal cigarettes, shisha, pipes, rolling papers or smoking paraphernalia to people under age 21 can result in New York City fines of up to \$1,000 for the first violation and any other violation found that same day, and up to \$2,000 for the second violation and any subsequent violation within three years. A second violation may result in revocation of the tobacco and/or e-cigarette retail dealer license. New York State may impose additional fines and penalties for sales of these products to people under age 18. For more information, visit nyc.gov/health/tobaccocontrol.

How will this law be enforced?

It will be enforced by the New York City Department of Consumer Affairs.

How can I read this fact sheet in other languages or see the actual law?

Visit nyc.gov and search “tobacco laws,” or call 311 and ask for information about Tobacco 21.

What if I have questions or need more information?

Call 311 and ask for information about Tobacco 21.

