

New York City and State Penalties for Selling Tobacco, Vaping or Non-Tobacco Smoking Products to Underage Customers

Fines and Surcharges Related to Underage Sales

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, e-cigarettes or vaping products, or non-tobacco smoking products such as herbal cigarettes, non-tobacco shisha, pipes or rolling papers to anyone under 21 years old will be fined up to \$1,000 for the first violation and \$2,000 for each subsequent violation within a three-year period.
- You will have to pay a \$250 surcharge for each **New York State (NYS) Adolescent Tobacco Use Prevention Act (ATUPA)** law violation if the violation involved a tobacco product, e-cigarette or vaping product, pipe, rolling paper or shisha sale to anyone under 21 years old. Additionally, you must pay fines from \$300 to \$1,500 for the first violation and \$500 to \$2,500 for each subsequent violation. If you receive a violation while your registration is suspended or revoked you will be fined \$2,500 – this will result in permanent revocation of your registration.

Loss of Your NYC Tobacco or E-cigarette License Related to Underage Sales

If you are found guilty of **ANY TWO violations of the NYC law related to underage sales within a three-year period**, your license will be revoked.

Loss of Your NYS 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. There may be additional penalties for those who have registered with NYS to sell vapor products. Visit tax.ny.gov/bus/vpt for more information.

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, herbal cigarettes, or vapor products to anyone under 21 years old. For each sale to someone under 21 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 reinspections conducted every year that your business has points on record.
- **Three or more points:** One-year suspension of NYS registrations to sell tobacco and vapor products, as well as your NYS lottery license. At the end of the suspension, three points will be removed.

Other Tobacco-Related Violations and Penalties

Selling tobacco products or e-cigarettes without a valid NYC license is a misdemeanor, and may also subject you to civil penalties. If you sell tobacco products or e-cigarettes without a valid NYC license, your store may be temporarily closed. Purchasing cigarettes or tobacco products from any person other than a manufacturer or licensed wholesale dealer is a misdemeanor, and may also subject you to civil penalties, including license revocation. Selling, offering for sale, possessing and transporting untaxed cigarettes is a crime that may also result in civil penalties, including license revocation.

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 three-year period: <ul style="list-style-type: none">• Fines of up to \$2,000 per violation• Possible revocation of NYC tobacco license• Possible, temporary store closure
AND	
NYS ATUPA	First violation: <ul style="list-style-type: none">• Fines from \$300 to \$1,500• \$250 surcharge• Two points Second and subsequent violations: <ul style="list-style-type: none">• Permanent revocation of your license• Fines from \$500 to \$2,500• \$250 surcharge• Two points

Note: Additional violations may be applicable once new laws go into effect and if you violate any of these laws while your license is suspended or revoked.