



Flavored Tobacco and E-Cigarette Guidance for Wholesalers and Distributors

In June 2024, the NYC Health Department amended the Rules of the City of New York to prohibit wholesalers and distributors located in NYC from selling flavored products to businesses located outside the city, consistent with Section 17-715 of the Administrative Code of the City of New York. **Now**, wholesalers and distributors are prohibited from selling flavored e-cigarettes and e-liquids to any business, whether located inside or outside the city, and from selling flavored tobacco products to any business other than a tobacco bar. See the updated rules below.

§ 28-02 Sale or Offer for Sale of Flavored Tobacco Products, Flavored Electronic Cigarettes, and Flavored E-Liquids Restricted.

- (a) Only the following entities may sell or offer for sale flavored tobacco products:
 - (1) Tobacco bars; and
 - (2) Tobacco wholesalers, but only where the sale or offer of sale is made to a tobacco bar.
- (b) The sale of flavored electronic cigarettes and flavored e-liquids is prohibited.
- (c) Tobacco products that do not impart a characterizing flavor other than menthol, mint, and wintergreen are not subject to the restriction on sale set forth in § 17-715 of the Administrative Code or these rules, and may lawfully be sold by any retail dealer or wholesale dealer licensed to sell tobacco products, regardless of whether such sale occurs to or in a tobacco bar.

Wholesalers and distributors play critical roles in ensuring that retailers comply with the law. Compliance helps wholesalers and distributors as well as retailers by minimizing returned shipments and avoiding legal responsibility for violations. This new rule will clarify and simplify enforcement.

Wholesalers and distributors are responsible for following NYC and New York State laws. They can expect enforcement action, including penalties, for selling flavored products, offering them for sale, or possessing them with intent to sell or offer them for sale in violation of Section 17-715 of the NYC Administrative Code.

For more information about:

- What is considered a flavored tobacco product or e-cigarette in NYC, visit on.nyc.gov/prohibited-smoking-products
- Other NYC tobacco and e-cigarette laws, visit nyc.gov/health and search for [tobacco laws](#) or call **311** and say that you are a tobacco or e-cigarette retailer