

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

Penalty Process

1. The New York City (NYC) Department of Consumer and Worker Protection (DCWP) and the NYC Department of Finance (DOF) regularly visit retailers to make sure they are following state and local laws.
2. If your business is found violating tobacco and related product laws during one of these visits, you will receive a notice of violation and will have to appear for a hearing with the Office of Administrative Trials and Hearings (OATH).
3. If you admit to the violation or are found guilty at your hearing, your business will receive penalties. The penalty schedule is available at nyc.gov/dcwppenalties.

Possible Penalties for Violations

	NYC Tobacco Product Regulation Act (TPRA) Violation		New York State (NYS) Adolescent Tobacco Use Prevention Act (ATUPA) Violation	
	First violation	Second and subsequent violations	First violation	Second and subsequent violations
Fines per violations	Up to \$1,000	Up to \$2,000	\$300 to \$1,500	\$500 to \$2,500
Fines per individual package of flavored vapor products	n/a	n/a	\$100	\$100
Surcharges per violation	n/a	n/a	\$250	\$250
Store closure	No	Yes	n/a	n/a
Loss of tobacco or e-cigarette license or registration	No	Yes	No	Yes
Loss of lottery license	n/a	n/a	No	Yes
Points on your tobacco or vapor registration or lottery license (See below for more on the NYS Points System.)	n/a	n/a	Two points per violation	Two points per violation

Note: Additional penalties may be applicable, including criminal penalties like misdemeanors, for certain violations like selling products without a license. You can get penalties for both NYC TPRA and NYS ATUPA laws for the same violation. Store closure or loss of different types of licenses may be permanent or temporary. More severe penalties may be applicable if a violation happens when your registration or licenses have already been revoked.

The NYS Points System: Violation for Sale to a Minor

Under NYS ATUPA law, there is a violation point system for businesses found selling tobacco products, herbal cigarettes or vapor products to anyone younger than 21 years old. For each sale to someone younger than 21 years old, two points are issued. (If the employee who made the sale completed an NYS tobacco sales training program, it will only be one point.) These points remain on the store's record **for three years** and can lead to penalties:

- **Any points:** 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 of your NYS lottery license. At the end of the suspension, three points will be removed.

For more information on NYS ATUPA laws and penalties, visit health.ny.gov and search for **A Guide for Retail Tobacco and Vapor Product Dealers**.