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RANSOM E. MOORE III
Assistant Commissioner of Finance and
Administration

Dear Business Owner,

Public Health Law 13-F, better known as the Adolescent Tobacco Use Prevention Act (ATUPA), is a New York State law designed to address the dangers of tobacco use and support community efforts to reduce smoking and vaping among youth. This law represents a proactive step in safeguarding public health by targeting tobacco usage and vaping, particularly among individuals under 21 years of age.

In addition to its core regulations, the program is allocating additional resources to strengthen the enforcement of ATUPA. The law explicitly prohibits the sale of tobacco products, herbal cigarettes, electronic cigarettes, liquid nicotine, rolling papers, vape products, and other smoking paraphernalia to individuals under twenty-one (21) years of age. Under the law, "tobacco products" encompass items such as cigarettes, cigars, chewing tobacco, powdered tobacco, bidis, gutka, shisha, vapes, and any other products derived from or containing tobacco.

It is also important to note that New York State has banned the sale of flavored electronic cigarettes and vaping products, with the exception of tobacco and menthol flavors. This measure was implemented to reduce the appeal of vaping products to youth, as flavored options have been shown to attract younger users. Businesses must ensure they do not sell flavored vape products, as violating this prohibition may result in significant penalties, including fines and potential loss of licensure.

As a business licensed by New York State to sell tobacco products in Albany County, it is essential to ensure compliance with ATUPA regulations. To assist in meeting these requirements, please refer to the Compliance Checklist provided below, which outlines the necessary steps to maintain adherence to NYS regulations at your facility.

For the most up-to-date information regarding New York State's tobacco control regulations, including the Clean Indoor Air Act, ATUPA, and vaping laws, visit the **NYS Tobacco Control Law** website at https://www.health.ny.gov/prevention/tobacco_control/program_components.htm.

We appreciate your commitment to complying with these important regulations. If you have questions or need additional guidance, please contact the Albany County Department of Health at **518-447-4620**.



Albany County Department of Health is nationally accredited and meets rigorous public health standards set forth to best meet the needs of our community.

Sincerely,



Maxwell Ferris, P.E.
Director of Environmental Health
Albany County Department of Health



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Compliance Checklist

- Do not sell tobacco products or herbal cigarettes unless you possess a valid Certificate of Registration to sell cigarettes or tobacco from the State Department of Taxation and Finance.
- Do not sell vapor products unless you possess a valid Certificate of Registration to sell vapor products from the State Department of Taxation and Finance.
- Only sell the age restricted products listed above to people who are twenty-one (21) years old or older. If you are not sure of the person's age and he or she appears to be under 25 years old, you must request and review proof of age. This can be a valid driver's license or non-driver's ID issued by a state or other accepted government agency, a valid passport, or an ID issued by the armed forces of the United States, that indicates that the person is twenty-one (21) or older. **ID cards issued by colleges are not acceptable.**
- Do not sell vapor products intended or reasonably expected to be used with or for the consumption of nicotine with a characterizing flavor, with the exception of tobacco flavor, imparted either prior to or during consumption, (effective May 18, 2020).
- Keep **ALL** tobacco products, herbal cigarettes, shisha, electronic cigarettes, and liquid nicotine and other vapor products behind a counter, accessible only to employees or in a locked container.
- Post a sign that your customers can easily see that reads: **"SALE OF CIGARETTES, CIGARS, CHEWING TOBACCO, POWDERED TOBACCO, SHISHA OR OTHER TOBACCO PRODUCTS, HERBAL CIGARETTES, LIQUID NICOTINE, ELECTRONIC CIGARETTES, ROLLING PAPERS OR SMOKING PARAPHERNALIA TO PERSONS UNDER 21 YEARS OF AGE IS PROHIBITED BY LAW."**
- Do not sell single cigarettes, sometimes referred to as "loosies" or "singles." All cigarettes must be sold in the manufacturer's packaging.
- Minimum package size requirements prohibit the manufacture, sale or distribution of any package or other container of cigarettes containing fewer than 20 cigarettes; any package of roll-your-own-tobacco containing less than 0.6 ounces of tobacco; or any package of cigarettes wrapping papers, wrapping leaves or tubes containing fewer than 20 sheets, leaves or tubes.
- "Bidis" or "Beedies" and/or gutka can be sold only at tobacco businesses (primary activity is the sale of tobacco products and accessories). These businesses must post an additional sign that reads: **"SALE OF BIDIS TO PERSONS UNDER TWENTY-ONE YEARS OF AGE IS PROHIBITED BY LAW"** and/or **"SALE OF GUTKA TO PERSONS UNDER TWENTY-ONE YEARS OF AGE IS PROHIBITED BY LAW."**
- Do not post advertisements related to tobacco and vapor products, electronic cigarettes, and paraphernalia on store fronts and exterior doors and windows on stores located within 1,500 feet of a school (500 feet in New York City), effective July 1, 2020.
- Do not distribute tobacco or vapor products, intended or reasonably expected to be used with or for the consumption of nicotine, without charge.
- Do not use or accept "price reduction instruments" (i.e. the acceptance of coupons, vouchers, rebates and other means of charging less than a tobacco or vapor product's listed price).
- Pharmacies and stores containing pharmacies are **PROHIBITED** from selling tobacco products, herbal cigarettes or vapor products, effective May 18, 2020.



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