

NYS Adolescent Tobacco Use Prevention Act (ATUPA)

UC REDUCING YOUTH EXPOSURE TO TOBACCO LAW

Purpose: To stop sale of tobacco products to minors (< 18).

To reduce youth smoking rates by reducing exposure to intensive tobacco marketing at the Point Of Sale/ retail level.

Tobacco Products Included: Includes cigarettes, cigars, bidis, gutka, chewing tobacco, powdered tobacco, nicotine water, herbal cigarettes, shisha, electronic cigarettes, and smoking paraphernalia.

Any manufactured product containing tobacco or nicotine.

How: Tobacco products must be in a locked container OR behind the counter, accessible to store employees only.

Customer must show valid photo ID indicating 18 + years of age or older.

Retailers can use an electronic device to read information on state-issued ID cards.

A designated, age qualified to purchase, warning sign must be prominently displayed.

Businesses that sell tobacco products must charge and cannot offer free promotions or distribute coupons.

Exceptions include: private functions, exclusive tobacco shops, bars, distribution at conventions/trade shows, with 5 days notice, accessible to 18 + age attendees, tobacco company events, tobacco manufacturing establishments and construction sites.

All retailers must have UC license, valid for applicant at a specific and fixed permanent location. Each location must have a separate license.

Licenses valid for 1 year. May be suspended for cause.

No NEW licenses to establishment within 1000' of the nearest school (public/private K-12) property line.

Existing businesses to submit application 30 days prior to 01/01/16. Subsequent applications > 30 days prior to expiration.

New businesses prior to 01/01/16 must submit 30 days prior to opening.

All forms and applications may be subject to signing and verification by applicant or authorized agent.

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Other Req: All cigarettes to be sold in manufacturer's packaging with required health warnings. Cannot sell in packages with < 20 cigarettes.

Vending machines only in establishments with full liquor licenses or establishments w/employees 18 and over *
Must be in full view and under supervision.

Cigarette retailers may not ship cigarettes into NYS except to licensed retailers, export warehouses, or government officials.

Boxes containing cigarettes must be clearly marked. Criminal penalties apply.

* allowed if an insignificant # of employees < 18 years of age.

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UCDOH Commissioner will send existing retailers a copy of the law + application 45 days prior to 01/01/16.

Existing tobacco retailers may dispute 1000' inclusion in writing, with evidence, 15 days after receiving notice.
UCDOH Commissioner has final authority.

Application may be denied for incomplete, false information; lack of valid NYS registration; if in 1000' of school; previous license was revoked: violation of state, federal or local laws with respect to tobacco sales; other criteria issued by UCDOH in support of this law.

A new applicant who purchases an existing retail business within 1000' of a school may apply for a license, if: previous owner had a current and valid license AND if it's at the same exact location and within same scope.

Penalties:

Can be issued in person or by mail.

First time: \$300 - \$500 fine + \$50 surcharge per violation

Subsequent: \$500-\$1500 + \$50 surcharge per violation

Selling to minors = 2 points. If NYS certified training = 1 point.
Points remain for 3 years.

3+ points = 6 month suspension (tobacco + lottery)

4 violations within 3 years = 1 year suspension (tobacco + lottery)

If violated while under suspension = permanent suspension
(tobacco + lottery).

Penalties:

Any existing retailer who violates this law or any federal, state, or local law pertaining to the sale or display of tobacco products, or tobacco health warnings:

First Offense = up to 3 month suspension + up to \$250

Second Offense (within 2 yrs.) = up to 6 months suspension + up to \$500

Third Offense (within 2 years) = possible revocation of license and may be required to take NYS certified training program.

**For questions, please call the Ulster County Department of Health at:
845.334.5527**