



New York Association of Convenience Stores
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Tobacco Coupon Ban, Tougher Penalties for Underage Sales in Effect as of 7/1/20

Under the new state budget approved back in April, a number of new tobacco retailing restrictions have taken effect July 1, 2020, including a ban on tobacco and vaping product price reduction instruments.

Buydowns – Buydowns are still legal, according to a legal opinion from NYACS' law firm Steptoe & Johnson. It remains to be seen which manufacturers will continue to offer them.

50-Cent-Off Product – Pre-priced/stickered product is still legal, according to Steptoe & Johnson.

Multi-Pack Discounts – Multi-pack discounts are no longer permitted.

Tougher Penalties for Underage Sales

Effective July 1, 2020, the State of New York is sharply increasing penalties for retailers who sell tobacco or vaping products to minors effective July 1, 2020.

These penalties are imposed on the owner of the store – not the employee who makes the sale. The penalties apply only to that location, not to all stores operated by owner.

Here are the new penalties:

Fine for first offense

Was - \$300 to \$1,000

Now - \$300 to \$1,500

Fine for second or subsequent offense

Was - \$500 to \$1,500

Now - \$1,000 to \$2,500

Surcharge on each fine

Was - \$50

Now - \$250

**Suspension of tobacco and lottery licenses if you accumulate
3 points on tobacco enforcement record in any 36-month period**

Was - 6 months

Now - 1 year

The tobacco enforcement point system is otherwise unchanged. The store is assessed two points on its enforcement record for an underage sale unless the employee had been previously received state-certified tobacco sales training, in which case the store only gets one point. That one point can make the difference between keeping or losing your tobacco and lottery license, because if you accumulate three points or more within any three-year period, your tobacco and lottery licenses are suspended.

With these higher fines and longer license suspensions looming, making sure all sales personnel are trained and certified is now more important than ever. Your business cannot afford to allow an untrained, uncertified employee behind the counter.

If your chain is a Health Department-approved provider of state-certified tobacco sales training, make sure you have updated your training curriculum to reflect these changes. The Health Department should have previously sent you a notice advising of the curriculum changes. If you need assistance, call Jim Calvin at NYACS, 528-432-1400.

If you are not a Health Department-approved provider of state-certified tobacco sales training, make sure you have a dependable outside source of such training for your store employees. One such source is NYACS. We offer state-approved online training on our web site. [Click here](#) to go to our online training portal. Cost is \$30 per person, but there is a 50% discount for NYACS members.

Signage Ban Near Schools

As of July 1, stores within 1,500 feet of a school (or 500 feet in New York City) must remove any outward facing tobacco or vaping product signage from exterior walls, doors or windows. You can continue to display them inside your store.

This includes any sign containing “words, pictures, photographs, symbols, graphics or visual images of any kind, or any combination thereof, which bear a health warning required by federal statute, the purpose or effect of which is to identify a brand of a tobacco product, electronic cigarette, or vapor product” or a trademark or trade name associated with any tobacco or vaping product.