

PENALTIES

Any violation of Article 25 of the Dutchess County sanitary Code or ATUPA law carries penalties. Penalties include the following, depending on previous violations:

- Fines ranging from \$300 to \$2500.
- Local newspaper will publish violations.
- Suspension of Dutchess County Tobacco Permit.

The ATUPA law requires that violations be reported to the Department of Taxation and Finance and the New York Lottery. These departments will then suspend or revoke your registration or license according to the law.

VENDING MACHINES

Location

- Bars or bar area of restaurants. (Must have full liquor license)
- Private clubs
- Tobacco businesses
- Places of employment, as long as a significant portion of the workforce is over 18, and the machine is not accessible to the general public.

The vending machine must be in plain view and under direct supervision of the owner/operator or a designee. Vestibules and entranceways are not considered to be areas under direct supervision.

Permits

The Dutchess County Permit is required in addition to the State Registration. The owner/operator of the facility where the machine is located is responsible for obtaining the Permit. Private clubs are exempt from the Dutchess County Permit.

UNDER 18



No ifs, ands, or BUTTS!

Dutchess County Department Of Health Tobacco Enforcement Program

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Dutchess County Department of Health

*Helping you understand
and comply with New York State
and local laws that affect your
business.*

Guide to Responsible Tobacco Vending in Dutchess County

- Article 25 of the Dutchess County Sanitary Code
- Article 13-F of New York State's Public Health Law, also known as the Adolescent Tobacco Use Prevention Act (ATUPA)

APPLICABLE LAWS

Article 13-F of New York State's Public Health Law, also known as the Adolescent Tobacco Use Prevention Act (ATUPA) was enacted to prevent the sale of tobacco products and herbal cigarettes to anyone under 18 years of age.

Article 25 of the Dutchess County Sanitary Code requires tobacco vendors to obtain a Dutchess County Permit in order to sell tobacco products.

COMPLIANCE CHECKS

A compliance check is a routine visit to a business by the enforcement officer to determine adherence to the law. The following items may be checked during a visit:

- A business must not sell tobacco or herbal cigarettes to **ANYONE** under the age of 18!
- Anyone who appears to be under the age of 25 must be asked for acceptable identification.
- Bidis may only be sold at a tobacco business.
- Out of package sales are prohibited.
- The location of all tobacco products must be in compliance with the law.
- All applicable signs must be posted.
- The New York State Department of Taxation and Finance Tobacco Registration AND the Dutchess County Tobacco Permit must be displayed.

SELF-SERVICE BAN

Effective January 1, 2002, Tobacco products and herbal cigarettes cannot be sold, offered for sale or displayed for sale unless they are behind a counter in a place accessible only to the store personnel, or in a locked cabinet. Overhead racks and under the counter displays are not compliant with the law unless they are locked.

These restrictions do not apply to tobacco businesses, or to places where persons under eighteen years of age are not admitted.

A violation of the self service restriction carries the same penalties as a sale to a minor.

SIGNS REQUIRED

The ATUPA law requires that the sign pictured below be posted in each facility where it can be easily seen. A tobacco business that sells Bidis must post an additional required sign. Signs are available from your local enforcement officer. Failure to post any required signs may result in a fine.

SALE
of: cigarettes, cigars,
chewing tobacco,
powdered tobacco, or
other tobacco products,
herbal cigarettes,
rolling papers or pipes,
to persons UNDER 18 YEARS of age
is PROHIBITED BY LAW.
New York State Public Health Law, Article 13F
New York State Department of Health

PERMITS

All tobacco vendors in New York State are required to obtain a **Retail Dealer Certificate of Registration for Cigarettes and/or Tobacco Products** from the New York State Department of Taxation and Finance (DTF). This registration must be kept current and posted in the facility.

Additionally all tobacco vendors in Dutchess County are required to obtain a **Dutchess County Permit to sell or distribute tobacco products**. Vendors must possess a valid DTF registration to apply for the permit. Vendors are responsible for the posting of and renewal of the permit. Private clubs are exempt from the Dutchess County permit. Applications are available on the Dutchess County website or from your local enforcement officer.

COUNTY OF DUTCHESS
DEPARTMENT OF HEALTH

PERMIT
To sell or distribute tobacco products

Legal Name of _____
Name of Business _____
at _____
in the (T) (C) of _____

_____ is granted permission to sell or distribute tobacco products in compliance with the provisions of the New York State and Dutchess County Sanitary Codes.

This permit is granted subject to any and all applicable State, Local and Municipal laws, ordinances, rules, and regulations.

Tobacco Use Harms You and Loved Ones Now. It may Kill You Later.

Dutchess County Department of Health
357 Main Street
Poughkeepsie, New York 12601

Date of Issue: _____
This Permit Expires: _____
and may be revoked or suspended for cause.

Permit must be posted and is Non-Transferable