

ADOLESCENT TOBACCO USE PREVENTION ACT

The Adolescent Tobacco Use Prevention Act (ATUPA)

This law was enacted to help stop the sale of tobacco products and herbal cigarettes to anyone under 18 years of age. Tobacco products are cigarettes, cigars, bidis, chewing tobacco and powdered tobacco, or any other tobacco products. Herbal cigarettes are made primarily of an herb or combination of herbs and are intended to be used in the same manner as tobacco.

The Clinton County Health Department enforcement officer will routinely visit businesses that sell tobacco to determine if they are selling to anyone under 18 years old.

The visits may include one or more of the following:

- > Having an underage youth attempt to buy tobacco products or herbal cigarettes;
- > Checking the location of tobacco products (must be behind a counter or in a locked container);
- > Verify that the business has a current tobacco registration;
- > Checking that bidis are sold only at tobacco businesses; and
- > Looking for the proper sign(s).

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How to Comply With the Law

- 1.) Keep all tobacco products and herbal cigarettes behind a counter in an area accessible only to employees or in a locked container.

- 2.) Sell tobacco and herbal cigarettes only to people who are 18 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 driver's license or other photo ID that is issued by the government or an educational institution proving the person is 18 or older.

3.) Post a sign (these are available from your Clinton County enforcement officer) that your customers can easily see that reads: "SALE OF CIGARETTES, CIGARS, CHEWING TOBACCO, POWDERED TOBACCO, OR OTHER TOBACCO PRODUCTS, HERBAL CIGARETTES, ROLLING PAPERS OR PIPES TO PERSONS UNDER EIGHTEEN YEARS OF AGE IS PROHIBITED BY LAW".

4.) Do not sell single cigarettes, sometimes referred to as "loosies" or "singles". All cigarettes must be sold in the manufacturer's packaging.

5.) "Bidis" or "beedies" can be sold only at tobacco businesses. These businesses must post an additional sign (these are available from your Clinton County enforcement officer) that reads: "SALE OF BIDIS TO PERSONS UNDER EIGHTEEN YEARS OF AGE IS PROHIBITED BY LAW".

Penalties For Violating the ATUPA Law

If your business is found in violation of the law, the Clinton County enforcement officer will serve you a violation notice to appear for a hearing. Following the hearing or an agreement admitting to the violation(s), the enforcement officer will impose a fine and notify the Department of Taxation and Finance and, if you are a lottery agent, the New York Lottery that you were found in violation. Depending on previous violations, these departments will then suspend or revoke your registration or license according to the law.

What Are the Fines For Violating the Law?

First Violation: Fines from \$300 to \$1,000, local newspaper will publish violations.

Second Violation: Fines from \$500 to \$1,500, tobacco registration suspended for 6 months, lottery license suspended for 6 months, local newspaper will publish violations.

Third and Subsequent Violations: Fines from \$500 to \$1,500, tobacco registration revoked for 1 year, you must reapply after 1 year and pay the registration fee, lottery license permanently revoked, local newspaper will publish violations.

Contact Us

To receive more information, or file a complaint about an establishment selling tobacco products to minors, call or visit us at:

Clinton County Health Department
Environmental Unit
135 Margaret Street
Plattsburgh, NY 12901
Tel: (518) 565-4870