

STATE OF NEW YORK

8376

2023-2024 Regular Sessions

IN ASSEMBLY

December 13, 2023

Introduced by M. of A. GRAY -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to establishing a physical premises license for businesses retailing certain smoking products and paraphernalia

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "retail
2 smoke shop physical premises licensing act".

3 § 2. The tax law is amended by adding a new article 19-A to read as
4 follows:

ARTICLE 19-A

REGULATION OF PREMISES RETAILING SMOKING PRODUCTS AND PARAPHERNALIA

Section 460. Definitions.

461. License.

§ 460. Definitions. For the purposes of this article:

10 1. "Smoking paraphernalia" and "smoking products" shall mean any sili-
11 cone or glass pipe, water pipe, hookah, rolling papers, bowls, vape
12 pens, dab pen, electric rig, vaporizer or any other device, equipment or
13 apparatus designed for the inhalation of tobacco or cannabis products.

14 2. "Smoke shop" shall mean any business that exclusively retails smok-
15 ing products or smoking paraphernalia, but shall not include a premises
16 licensed to sell cigarettes or tobacco products under article twenty of
17 this chapter.

18 § 461. License. 1. (a) On and after January first, two thousand twen-
19 ty-five, every retail dealer shall publicly display a premises license
20 from the department in each place of business in this state which is
21 operated as a smoke shop as defined in this article. Applications for
22 licenses shall be made on forms prescribed by the commissioner.

23 (b) Licenses shall be valid for a calendar year period upon payment of
24 the fee in an amount determined by the commissioner and must be renewed

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD13744-01-3

1 each year upon payment of such fee. A license shall not be assignable or
2 transferable.

3 2. The commissioner shall establish regulations for the issuance of
4 the premises license required by this article, including but not limited
5 to requirements concerning the location and operation of the licensed
6 premises, proximity to sensitive areas, such as school zones, etc. and
7 any related health and safety considerations.

8 (a) A premises licensed under this article shall be located on a
9 public thoroughfare which is zoned for commercial premises.

10 (b) Any entrance for non-proprietor use of the licensed premises shall
11 be on street level.

12 (c) Any licensed premises, at any point on the perimeter, shall not be
13 within five hundred feet of the boundary line of a school, daycare,
14 hospital, nursing home, substance rehabilitation facility, substance
15 treatment centers, detox or recovery homes or centers, support services
16 locations or church, synagogue or other place of worship.

17 (d) A licensed premises may only operate between the hours of nine
18 o'clock a.m. and ten o'clock p.m.

19 (e) No screens, blinds, curtains, or partitions shall be permitted in
20 the interior of the premises which obstruct either views or movements of
21 non-proprietors.

22 3. No person who has been convicted of any offense involving a
23 controlled substance under the penal law, or any violation of the canna-
24 bis law, shall be granted a license under this section. A licensee who
25 is convicted of a controlled substance offense or a cannabis offense
26 shall have his or her license revoked.

27 4. The department shall have the authority to inspect any retail prem-
28 ises to determine compliance with the provisions of this article.

29 5. Revenues generated from the license fees collected under this
30 section shall be deposited in the general fund of the state.

31 § 3. This act shall take effect on the first of January next succeed-
32 ing the date on which it shall have become a law. Effective immediately,
33 the addition, amendment and/or repeal of any rule or regulation neces-
34 sary for the implementation of this act on its effective date are
35 authorized to be made and completed on or before such effective date.