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:

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

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

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

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

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

(b) Licenses shall be valid for a calendar year period upon payment of 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.

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

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

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

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

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

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

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

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

4. The department shall have the authority to inspect any retail premises to determine compliance with the provisions of this article.

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

§ 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.