STATE OF NEW YORK

10547

IN ASSEMBLY

March 13, 2026

Introduced by M. of A. HYNDMAN -- read once and referred to the Committee on Economic Development

AN ACT to amend the general business law, in relation to certain requirements for new tobacco business locations

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

Section 1. The general business law is amended by adding a new section 396-aaaa to read as follows:

§ 396-aaaa. New tobacco business locations. 1. For purposes of this section, the following terms shall have the following meanings:

(a) "Retail dealer" means a person licensed by the commissioner of taxation and finance to sell cigarettes, tobacco products, tobacco accessories or vapor products in the state of New York.

(b) "Tobacco business" shall have the same meaning as such term is defined in subdivision eight of section thirteen hundred ninety-nine-aa of the public health law.

(c) "Tobacco products" means one or more cigarettes or cigars, bidis, chewing tobacco, powdered tobacco, nicotine water or any other tobacco products.

(d) "Tobacco accessories" means products, equipment or paraphernalia including, but not limited to, pipes, water pipes, herb grinders, vaporizers, hookahs, bongs, rolling papers or any other device, equipment or apparatus designed for the inhalation of tobacco and/or nicotine.

(e) "Vapor product" means any vapor product, as defined by section thirteen hundred ninety-nine-aa of the public health law, intended or reasonably expected to be used with or for the consumption of nicotine.

2. (a) No retail dealer shall open a tobacco business in a city, town or village having a population of twenty thousand or more within five hundred feet of any existing licensed tobacco business.

(b) The measurement in paragraph (a) of this subdivision shall be taken in a straight line from the center of the nearest entrance of the premises sought to be established to the center of the nearest entrance of such existing premises licensed and operating as a tobacco business.

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

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3. Notwithstanding the provisions of paragraph (a) of subdivision two of this section, a retail dealer shall be permitted to open a new tobacco business which shall be within five hundred feet of an existing licensed tobacco business if, after consultation with the local municipality or community board, such municipality or community board determines that permitting such new tobacco business to locate within five hundred feet of an existing licensed tobacco business would be in the public interest. The municipality or community board may conduct a hearing or public meeting in connection with any request to locate a tobacco business within five hundred feet of an existing licensed tobacco business and shall provide notice to the retail dealer at least fifteen days in advance of any scheduled hearing or public meeting.

§ 2. This act shall take effect immediately.