§ 1399-ff. Enforcement. 1. Where a civil penalty for a particular incident has not been imposed or an enforcement action regarding an alleged violation for a particular incident is not pending under section thirteen hundred ninety-nine-ee of this article, a parent or guardian of a person under twenty-one years of age to whom tobacco products, herbal cigarettes or electronic cigarettes are sold or distributed in violation of this article may submit a complaint to an enforcement officer setting forth the name and address of the alleged violator, the date of the alleged violation, the name and address of the complainant and the person under twenty-one years of age, and a brief statement describing the alleged violation. The enforcement officer shall notify the alleged violator by certified or registered mail, return receipt requested, that a complaint has been submitted, and shall set a date, at least fifteen days after the mailing of such notice, for a hearing on the complaint. Such notice shall contain the information submitted by the complainant.

2. With respect to any penalty imposed with respect to a complaint under this section, an enforcement officer other than the department shall use fifty percent of such penalty collected for educational efforts administered by the board or a local school district for the purposes of preventing adolescent tobacco use.

3. The enforcement officer shall promptly notify the commissioner of taxation and finance and the director of the division of the lottery of any determination, made after a hearing, that a violation of this article has occurred together with a direction to such commissioner and director with respect to any action to be taken concerning registration under section four hundred eighty-a of the tax law and licensing under section sixteen hundred seven of the tax law.