



**Orange County Department of Health
Community Health Outreach
ATUPA Vendor Training**

Steven M. Neuhaus
County Executive
Eli N. Avila, MD, JD, MPH, FCLM
Commissioner of Health

ATUPA Fines and Penalties

Violation of Sale of Tobacco products, herbal cigarettes, liquid nicotine, electronic cigarettes, rolling papers or smoking paraphernalia to a minor

First Violation: If found guilty

- Fines from \$300 to \$1000.
- For a sale to a minor, two points are assigned by NYS (or one point, if the retailer proves the seller is certified as a result of successfully completing a state certified tobacco sales training program).
- The local department shall publish the violation in a local newspaper.
- A \$50 surcharge for each violation.

Subsequent Violations: If found guilty

- Fines from \$500 to \$1,500.
- Points assigned as above.
- The accumulation of 3 points will result in a **6 month suspension of the facility's tobacco registration by NYS DTF and Lottery license by NYS Lottery.**
- The local department shall publish in a local newspaper.
- A \$50 surcharge for each violation.

Violation while tobacco registration is suspended or revoked: If found guilty

- Fine of \$2,500.
- Tobacco registration **permanently** revoked and you will not be allowed to obtain a new registration to sell tobacco.
- The department shall publish the violation in a local newspaper.

Other Violations:

- The facility's tobacco registration and the lotto license will be suspended for 1-year if the facility incurs any 4 violations and are found guilty, within a 3 year period. (Other Violations include: self-service violations, out of package sales, lack of proper signage, and sale of bidis and/or gutka from a non-tobacco specialty business.
- The sale of gutka and bidis is prohibited with the exception of tobacco businesses. Violations of this and other provisions above subject vendor to fines of \$300-\$1,000.
- For each subsequent violation, a \$500-\$1,500 fine will be imposed.