



Legislation Details (With Text)

File #: Int 0965-2018 **Version:** A **Name:** Applications for retail dealer licenses for sale of cigarettes or tobacco products.

Type: Introduction **Status:** Enacted

In control: Committee on Consumer Affairs and Business Licensing

On agenda: 6/7/2018

Enactment date: 9/8/2018 **Enactment #:** 2018/161

Title: A Local Law in relation to applications for retail dealer licenses for sale of cigarettes or tobacco products

Sponsors: Rafael L. Espinal, Jr., Alicka Ampry-Samuel, Karen Koslowitz, Joseph C. Borelli

Indexes: Sunset Date Applies

Attachments: 1. Summary of Int. No. 965, 2. Int. No. 965, 3. Committee Report 6/21/18, 4. Hearing Testimony 6/21/18, 5. Hearing Transcript 6/21/18, 6. June 7, 2018 - Stated Meeting Agenda with Links to Files, 7. Hearing Transcript - Stated Meeting 6-7-18, 8. Minutes of the Stated Meeting - June 7, 2018, 9. Proposed Int. No. 965-A - 8/6/18, 10. Committee Report 8/7/18, 11. Hearing Transcript 8/7/18, 12. August 8, 2018 - Stated Meeting Agenda with Links to Files, 13. Hearing Transcript - Stated Meeting 8-8-18, 14. Minutes of the Stated Meeting - August 8, 2018, 15. Int. No. 965-A (FINAL), 16. Fiscal Impact Statement, 17. Legislative Documents - Letter to the Mayor, 18. Local Law 161

Date	Ver.	Action By	Action	Result
6/7/2018	*	City Council	Introduced by Council	
6/7/2018	*	City Council	Referred to Comm by Council	
6/21/2018	*	Committee on Consumer Affairs and Business Licensing	Laid Over by Committee	
6/21/2018	*	Committee on Consumer Affairs and Business Licensing	Hearing Held by Committee	
8/7/2018	*	Committee on Consumer Affairs and Business Licensing	Hearing Held by Committee	
8/7/2018	*	Committee on Consumer Affairs and Business Licensing	Amendment Proposed by Comm	
8/7/2018	*	Committee on Consumer Affairs and Business Licensing	Amended by Committee	
8/7/2018	A	Committee on Consumer Affairs and Business Licensing	Approved by Committee	Pass
8/8/2018	A	City Council	Approved by Council	Pass
8/8/2018	A	City Council	Sent to Mayor by Council	
9/8/2018	A	Administration	City Charter Rule Adopted	
9/12/2018	A	City Council	Returned Unsigned by Mayor	

Int. No. 965-A

By Council Members Espinal, Ampry-Samuel, Koslowitz and Borelli

A Local Law in relation to applications for retail dealer licenses for sale of cigarettes or tobacco products

Be it enacted by the Council as follows:

Section 1. For 60 days following the effective date of this local law, subparagraph (D) of paragraph 1 of subdivision d of section 20-202 of the administrative code of the city of New York shall not apply to any applicant for a retail dealer license that (i) held a valid and current certificate of registration pursuant to paragraph (a) of subdivision 1 of section 480-a of the tax law on February 24, 2018 for use at the same address as the premises address provided by the applicant on its retail dealer license application, (ii) has not engaged in the retail sale of cigarettes at any time after February 24, 2015, and (iii) had not applied for a retail dealer license pursuant to subdivision a of section 20-202 of the administrative code of the city of New York at any time after February 24, 2015 and before February 24, 2018. For the purposes of this local law, any applicant that, after February 24, 2015, held a retail dealer license pursuant to subdivision a of section 20-202 of the administrative code of the city of New York or was found to have engaged in the retail sale of cigarettes without such license shall be deemed to have engaged in the retail sale of cigarettes.

§ 2. For any violation of subdivision a of section 20-202 of the administrative code of the city of New York issued on or after the effective date of local law 146 for the year 2017 and before 90 days after the effective date of this local law, it shall be an affirmative defense that the person issued the violation (i) applied for a retail dealer license after such effective date, (ii) has not engaged in the retail sale of cigarettes as described in section one of this local law at any time after February 24, 2015, (iii) held a valid and current certificate of registration pursuant to paragraph (a) of subdivision 1 of section 480-a of the tax law on February 24, 2018 for use at the same address at which the violation was issued, and (iv) had not applied for a retail dealer license pursuant to subdivision a of section 20-202 of the administrative code of the city of New York at any time after February 24, 2015 and before February 24, 2018. This section shall not apply to a person issued a tobacco retail dealer license pursuant to paragraph 4 of subdivision e of section 20-202 of the administrative code of the city of New York. This section shall not apply to a person whose retail dealer license application was denied after having been submitted pursuant to section one of this local law, for any violation issued after

such denial. A determination by the office of administrative trials and hearings that a person meets the affirmative defense in this section shall not affect any determination of whether an applicant meets the criteria in section one of this local law or any other criteria related to an application for a retail dealer license.

§ 3. A license issued pursuant to section one of this local law shall not affect the calculation of the initial community district retail dealer cap determined by the department of consumer affairs pursuant to paragraph 1 of subdivision e of section 20-202 of the administrative code of the city of New York, or any recommendations by the department of health and mental hygiene to further reduce the community district retail dealer cap pursuant to paragraph 2 of such subdivision.

§ 4. This local law takes effect 30 days after it becomes law.

NB/RC
LS #6948
7-25-18