



Guidance for Vapor Product Manufacturers, Wholesalers, Distributors, and Retailers Regarding New Shipping Restrictions

New restrictions on shipping of vapor products go into effect on July 1, 2020. This document is intended to provide a guide to compliance with the new law.

What has changed?

Public Health Law (PHL) § 1399-II currently prohibits the shipment and transport of cigarettes, except to certain specific individuals, including licensed or registered dealers, agents and wholesalers.

Effective July 1, 2020, the prohibition on shipping imposed by PHL § 1399-II will be extended to vapor products intended or reasonably expected to be used with or for the consumption of nicotine.

Why was the law changed?

The intent of these amendments is to prevent consumers, and particularly individuals under the age of 21, circumventing restrictions on vapor product sales by purchasing products online and via telephone.

What shipments are prohibited by these changes?

Beginning July 1, 2020, the following shipments of vapor products intended or reasonably expected to be used with or for the consumption of nicotine will be **prohibited**:

- All shipments to consumers at an address located within New York.
- All shipments to individuals or entities intending to provide such vapor products to a consumer within New York, at retail or otherwise, unless such individual or entity is registered as a vapor products dealer pursuant to Tax Law Article 28-C.

The following shipments of vapor products intended or reasonably expected to be used with or for the consumption of nicotine will continue to be **permitted**:

- All shipments between manufacturers, wholesalers, and distributors within New York. Such entities are not required to register as vapor products dealers to send or receive shipments of vapor products, unless otherwise required to register pursuant Tax Law Article 28-C.
- All shipments from a manufacturer, wholesaler, distributor, or retailer, to individuals or entities located in any state other than New York, provided that such shipments are in accordance with federal law and the recipient state's laws.

More information:

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