



Legislation Text

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Int. No. 981-A

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A Local Law to amend the administrative code of the city of New York, in relation to reporting on enforcement of unlicensed sellers of cigarettes, electronic cigarettes, tobacco products and illicit cannabis

Be it enacted by the Council as follows:

Section 1. Section 7-517 of the administrative code of the city of New York, as amended by local law number 107 for the year 2023, is amended to read as follows:

§ 7-517 Report on enforcement against unlicensed [controlled substance and tobacco product sellers] sellers of cigarettes, electronic cigarettes, tobacco products and illicit cannabis.

a. Definitions. For the purposes of this section the following terms have the following meanings:

Cigarette. The term “cigarette” has the same meaning as set forth in section 20-201.

Electronic cigarette. The term “electronic cigarette” has the same meaning as set forth in section 20-560.

Illicit cannabis. The term “illicit cannabis” [has the same meaning as set forth in section 136 of the cannabis law] means cannabis or a cannabis product, as such terms are defined in section 3 of the cannabis law, or a product marketed or labeled as such, which is offered for sale by a person who does not have a registration, license, or permit to sell such cannabis or other product.

Illicit products. The term “illicit products” means illicit cannabis or cigarettes, electronic cigarettes, or tobacco products sold or held for sale in violation of sections chapter 5-A of title 7, chapter 13 of title 11, chapter 7 of title 17, or chapter 2 of title 20 of this code.

Inspection. The term “inspection” means an inspection conducted by employees of the office of the city

sheriff or the department of finance for the purposes of enforcement against the sale of illicit products.

Reporting period. The term “reporting period” means a 3-month period concluding on November 30, 2024 and each 3-month period thereafter.

Owner. The term “owner” means the owner or owners of a premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent, or any other person, firm, corporation, or other entity directly or indirectly in control of a premises.

Tobacco product. The term “tobacco product” has the same meaning as set forth in section 20-201.

Unlicensed seller. The term “unlicensed seller” means a retailer, distributor, or other seller of [cigarettes, electronic cigarettes, tobacco products, or illicit cannabis operating without a license to sell such cigarettes, electronic cigarettes, tobacco products, or illicit cannabis] illicit products.

b. [An agency designated by the mayor to compile the information detailed in this subdivision,] No later than 45 days after the end of any reporting period, the office of the city sheriff, in consultation with the police department, shall provide a [quarterly] report to the mayor and the speaker of the council, with respect to [enforcement relating to unlicensed sellers of cigarettes, electronic cigarettes, tobacco products and illicit cannabis in commercial locations in the previous year] inspections occurring during such reporting period. Such report shall include information on the following items for the reporting period:

1. The total number of [inspections in each borough during the period] locations where an inspection occurred;
2. The [number of inspections in each borough in which cigarettes, electronic cigarettes, tobacco products, or illicit cannabis were seized from an unlicensed seller] total number of locations where an inspection occurred and revealed the sale of illicit products, and the addresses of such locations;
3. The total number of civil summonses issued to unlicensed sellers, disaggregated by the specific violations cited in such summonses;
4. The total number of criminal summonses issued to unlicensed sellers, disaggregated by the specific

violations cited in such summonses;

5. The total number of arrests made during an inspection by a peace officer appointed pursuant to subdivisions 2 or 5 of section 2.10 of the criminal procedure law, disaggregated by top offenses charged;

6. Any agency that has been designated by the office of the city sheriff pursuant to subdivision e of section 7-552, and the duration of such designation;

7. The total number of written notices or civil summonses issued to owners of the commercial premises pursuant to section 10-186; [and

7] 8. The total number of owners found to have violated subdivision b of section 10-186 in each council district [during the period]; and

9. The total number of sealing orders issued pursuant to section 7-552.

c. [This section shall expire and be deemed repealed on December 31, 2024.] No later than 45 days after the end of any reporting period, the department of finance, in consultation with the office of administrative trials and hearings and any agency that has been designated by the office of the city sheriff pursuant to subdivision e of section 7-552, shall submit a report to the mayor and the speaker of the council indicating:

1. the total number of sealing orders issued pursuant to section 7-552 of this title for which the office of administrative trials and hearings issued a recommendation to the office of the city sheriff with respect to whether such order to seal was properly issued in accordance with the provisions of such section;

2. for each location that was issued a temporary closing order, the recommendation from the office of administrative trials and hearings on whether to uphold a sealing order;

3. the total dollar amount for civil penalties issued pursuant to 7-551 of this title;

4. the total dollar amount of penalties that resulted in a default judgment or for which such office found the respondent in violation; and

5. for all civil penalties issued pursuant to 7-551 of this title, since January 1, 2025, the total amount of such civil penalties that have been collected.

§ 2. Section 3 of local law number 107 for the year 2023 is amended to read as follows:

§ 3. This local law takes effect immediately and expires and is deemed repealed on January 15, 2026.

§ 3. This local law takes effect immediately, provided that the amendments to section 7-517 of the administrative code of the city of New York made by section one of this local law shall not affect the expiration of such section pursuant to section 3 of local law 107 for the year 2023, as amended by section two of this local law, and such amendments shall expire and be deemed repealed therewith.

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