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LOCAL LAW NO. 6-1999

A LOCAL LAW IN RELATION TO THE SELF SERVICE SALE OF TOBACCO PRODUCTS

Section 1. Legislative finding. Cigarette smoking has been proven to be harmful to the public health. It is further found that the great majority of all smokers begin smoking by their teenage years, and that the most frequent ages for beginning smoking are under the age of eighteen.

Section 2. Purpose. It is the purpose of this local law to aid in the enforcement of laws prohibiting the sale of tobacco to minors, and to reduce minors access to tobacco by requiring tobacco sales to be made by personal transactions.

Section 3. Definitions. For the purposes of this local law, the following terms shall have the following meanings:

a. Person shall mean any individual, partnership, corporation, association, or any combination of individuals and corporations, by whatever means organized;

b. Retailer shall mean any person who operates a store, shop, booth, stand , concession, or any other place where tobacco is sold to purchasers for consumption or use;

c. Tobacco means any cigarette, cigar, pipe tobacco, loose tobacco, chewing tobacco, smokeless tobacco, snuff, or any other form of tobacco which may be smoked, inhaled, chewed, or in any other manner ingested.

Section 4. Self service sales prohibited. No retailer shall display or store tobacco in any manner which permits direct customer access or customer self service, whether by shelf display, counter display, kiosk, vending machine or other means of open display of tobacco. This provision shall not apply to the sale of tobacco products in vending machines located in a bar as defined in subdivision two of Section 1399-n of the Public Health Law.

Section 5. Penalties and enforcement. A violation of section four of this local law shall be a violation punishable by a fine not to exceed five hundred dollars. Every police officer, deputy sheriff, and person designated by the Onondaga County Commissioner of Health, with the County of Onondaga, is authorized to issue to any person found in violation of this local law, an appearance ticket to appear before a hearing officer designated by the Onondaga County Commissioner of Health. The Onondaga County Commissioner of Health is authorized to enforce this local law by administrative proceedings held in accordance with the provisions of Article I-B of the Onondaga County Sanitary Code.

Section 6. This Local Law shall take effect on the first day of the sixth month following its adoption by this Legislature.

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