



Pharmacies and businesses containing a pharmacy are not eligible for an Electronic Cigarette Retail Dealer license.

Electronic Cigarette Retail Dealer Cap Exception Certification

Failure to complete this Certification and submit requested documents may result in denial of your license application.

You must submit your complete application and this Exception Certification with supporting documentation within 30 days of:

- Change in ownership or partnership OR
- Date you receive your new Newsstand license because:
 - You transferred the license from your name to your business name. OR
 - You were transferred the license due to the death or disability of the prior license holder.

You can email documents to TobaccoUnit@dcwp.nyc.gov.

Definitions and Resources

“Good standing” means the Electronic Cigarette Retail Dealer license holder did not violate New York City Administrative Code section 17-704.1(b) or 17-706(a-1) on more than one day in the **three years** before the change in ownership. For copies of the law, visit nyc.gov/dcwp.

Department of Consumer and Worker Protection (DCWP) violations issued to businesses within the last two years are available on NYC Open Data: <https://data.cityofnewyork.us/Business/Charges/5fn4-dr26>.

It is not sufficient that the current business has an active license with DCWP. If the business does not qualify as being in “good standing,” DCWP will deny the license application.

Name of New Business:	
Business Premises Address: (Building Number; Street Name; Unit, e.g., Floor, Suite; City; State; ZIP Code)	
Name of Current Business/License Holder:	
DCWP License Number Held by Current Business:	

Do you meet one of the following exceptions? (Choose one only.)

1. My business is a corporation with an Electronic Cigarette Retail Dealer license in good standing that added or subtracted an owner holding 10% or more of corporate stock. • Date of change in ownership: _____. • You must submit documents that show: (1) the date of change of ownership; and (2) corporate structure before and after the change.	☐
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2. My business is a partnership with an Electronic Cigarette Retail Dealer license in <u>good standing</u> that added or subtracted a partner. • Date of change in partnership: _____. • You must submit documents that show: (1) the date of change in partnership; and (2) partnership structure before and after the change.	☐
3. I purchased a business that had an Electronic Cigarette Retail Dealer license in <u>good standing</u> at the time of purchase, and I will operate my business at the same address. • Date of purchase: _____. • You must submit documents that show: (1) date of purchase; and (2) proof of purchase (bill of sale, lease of premises, receipts for merchandise).	☐
4. My business is located <u>within</u> one of the following areas: • JFK Airport, LaGuardia Airport, Flushing Meadows Park, Forest Park (Queens) • Van Cortlandt Park, Bronx Park, Pelham Bay Park (Bronx) • Prospect Park (Brooklyn) • Central Park (Manhattan) • Gateway National Recreation Area (Brooklyn, Queens, Staten Island)	☐
5. My business holds an Electronic Cigarette Retail Dealer license at a newsstand location that is now licensed by a business entity under Local Law 128 of 2021. I would like to convert my Electronic Cigarette Retail Dealer license to the same business name as my new Newsstand license. • DCWP Newsstand License Number: _____ (required). • Date you received your new Newsstand license in your business name from DCWP: _____. • You must submit this Certification within 30 days of receiving your new Newsstand license.	☐
6. I hold a Newsstand license that was transferred to me following the death or disability of the prior license holder. I would like to transfer the Electronic Cigarette Retail Dealer license in <u>good standing</u> at the newsstand location to my name. • DCWP Newsstand License Number: _____ (required). • Date you received your new Newsstand license in your name from DCWP: _____. • You must submit this Certification within 30 days of receiving your new Newsstand license.	☐

I certify that:

- I am authorized (e.g., owner, sole proprietor, general partner, director, corporate officer, member, or shareholder owning 10% or more of company stock) to complete and sign this Certification on behalf of the applicant.
- I will inform DCWP, in writing, of any changes to the information in this Certification.
- This Certification is true, correct, and complete.
- This Certification shall be deemed executed in the City and State of New York and shall be governed by and construed in accordance with the laws of the State of New York (notwithstanding New York choice of law or conflict of law principles) and the laws of the United States.

Signature

Print Name

Print Title/Position

Date