

***PART 31. PLACEMENT OF TOBACCO PRODUCTS, ROLLING PAPERS AND PIPES.***

31.1 Placement of Tobacco Products, Rolling Papers and Pipes

- 31.1.1 No retailer or vendor shall display or store products containing tobacco, rolling papers or pipes in a manner which allows direct access to the product by the customer prior to purchase.
- 31.1.2 No vendor shall allow vending machines containing tobacco products to be placed in any location accessible to persons under the age of 18.
- 31.1.3 Upon annual written request, each vending company shall provide an updated listing of locations where the vending company has placed tobacco vending machines within Cattaraugus County.
- 31.1.4 This Part shall not apply to tobacco businesses, as defined in Article 13-E of the New York State Public Health Law.

31.2 Waiver

- 31.2.1 The Cattaraugus County Public Health Director, or designee, the person specifically designated to grant waivers pursuant to this Part, may grant a waiver from the application of a specific provision of this Part, provided that prior to the granting of such a waiver, the applicant for a waiver shall: 1) establish that compliance would create undo financial hardship, 2) establish that the physical layout would render compliance unreasonable, or that other factors exist which would render strict compliance unreasonable.
- 31.2.2 Waivers granted pursuant to this Part shall be valid for a period of not more than twenty-four (24) months and may be renewed upon application.
- 31.2.3 Applications for renewal shall be reviewed in the same manner as provided for applications for waiver.