

385--A

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

---

Introduced by Sens. KRUEGER, HASSELL-THOMPSON, HUNTLEY, PARKER, SERRANO, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to requiring cigarette manufacturers to disclose the chemical substances used in the manufacture of cigarettes

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Legislative findings. It has been the policy of the state  
2     to guarantee and facilitate the public right to know concerning health  
3     risks that may be encountered from manufactured products and at the  
4     workplace. The legislature finds that literally thousands of chemical  
5     substances are routinely utilized in the manufacture of cigarettes as  
6     burn retardants, preservatives, flavor enhancers and for other aesthetic  
7     purposes and that such chemicals may have toxic effects for both smokers  
8     and nonsmokers. Therefore, the legislature further finds that the public  
9     has a right to know the chemical substances used in the manufacture of  
10    cigarettes and what toxic effects, if any, these additives have been  
11    found to have or are suspected of having.

12    S 2. Article 13-F of the public health law is amended by adding a new  
13    section 1399-mm-1 to read as follows:

14    S 1399-MM-1. DISCLOSURE BY MANUFACTURERS OF TOBACCO PRODUCTS. 1. FOR  
15    THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, ANY MANUFACTURER OF CIGA-  
16    RETTES, SNUFF OR CHEWING TOBACCO SOLD IN THIS STATE SHALL PROVIDE THE  
17    DEPARTMENT WITH AN ANNUAL REPORT, IN A FORM AND AT A TIME SPECIFIED BY  
18    THE DEPARTMENT, WHICH LISTS FOR EACH BRAND OF SUCH PRODUCT SOLD THE  
19    FOLLOWING INFORMATION:

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD01731-02-1

1 (A) THE IDENTITY OF ANY ADDED CONSTITUENT OTHER THAN TOBACCO OR WATER  
2 INCLUDING RECONSTITUTED TOBACCO SHEET MADE WHOLLY FROM TOBACCO, TO BE  
3 LISTED IN DESCENDING ORDER ACCORDING TO WEIGHT, MEASURE, OR NUMERICAL  
4 COUNT;

5 (B) THE NICOTINE YIELD RATINGS, WHICH SHALL ACCURATELY PREDICT NICO-  
6 TINE INTAKE FOR AVERAGE CONSUMERS, BASED ON STANDARDS TO BE ESTABLISHED  
7 BY THE DEPARTMENT; AND

8 (C) THE IDENTITY AND WEIGHT OF TOXIC CONSTITUENTS IN THE WHOLE TOBAC-  
9 CO, AND FOR CIGARETTES THE IDENTITY AND WEIGHT OF TOXIC CONSTITUENTS IN  
10 THE MAINSTREAM SMOKE AND SIDESTREAM SMOKE AND A TOXICITY YIELD RATING  
11 BASED ON STANDARDS TO BE ESTABLISHED BY THE DEPARTMENT.

12 THE DEPARTMENT SHALL INVESTIGATE HEALTH RISKS ASSOCIATED WITH EXPOSURE  
13 TO ADDED CONSTITUENTS, TOXIC CONSTITUENTS AND NICOTINE AND SHALL DEVELOP  
14 STANDARDS FOR MANUFACTURERS TO REDUCE RISKS ASSOCIATED WITH EXPOSURE TO  
15 ADDED CONSTITUENTS, TOXIC CONSTITUENTS, AND NICOTINE.

16 2. THE NICOTINE YIELD RATINGS SO PROVIDED, AND ANY OTHER SUCH INFORMA-  
17 TION IN THE ANNUAL REPORTS WITH RESPECT TO WHICH THE DEPARTMENT DETER-  
18 MINES THAT THERE IS REASONABLE SCIENTIFIC BASIS FOR CONCLUDING THAT THE  
19 AVAILABILITY OF SUCH INFORMATION COULD REDUCE RISKS TO PUBLIC HEALTH,  
20 SHALL BE PUBLIC RECORDS AND AVAILABLE TO THE PUBLIC PURSUANT TO THE  
21 PROVISIONS OF ARTICLE SIX OF THE PUBLIC OFFICERS LAW.

22 3. ON AND AFTER JANUARY FIRST, TWO THOUSAND FOURTEEN, NO PERSON, FIRM,  
23 OR CORPORATION ENGAGED IN THE MANUFACTURE OF CIGARETTES SHALL SELL OR  
24 OFFER FOR SALE IN THIS STATE ANY CIGARETTES, SNUFF OR CHEWING TOBACCO  
25 FOR WHICH THE INFORMATION REQUIRED BY SUBDIVISION ONE OF THIS SECTION  
26 HAS NOT BEEN PROVIDED PURSUANT THERETO.

27 4. WHERE A VIOLATION OF THIS ARTICLE IS ALLEGED TO HAVE OCCURRED, THE  
28 ATTORNEY GENERAL MAY APPLY IN THE NAME OF THE PEOPLE OF THE STATE OF NEW  
29 YORK TO THE SUPREME COURT OF NEW YORK ON NOTICE OF FIVE DAYS, FOR AN  
30 ORDER COMPELLING COMPLIANCE WITH THIS ARTICLE. IN ANY SUCH PROCEEDING  
31 THE COURT MAY IMPOSE A CIVIL PENALTY IN AN AMOUNT NOT TO EXCEED TEN  
32 THOUSAND DOLLARS FOR EACH VIOLATION.

33 5. THE COMMISSIONER SHALL ANNUALLY PREPARE AND PUBLISH A REPORT BASED  
34 UPON THE INFORMATION RECEIVED BY THE DEPARTMENT PURSUANT TO THIS  
35 SECTION, INDICATING THE RELATIVE LEVELS OF ADDED CONSTITUENTS AND RELA-  
36 TIVE NICOTINE YIELD RATINGS OF BRANDS OF CIGARETTES, SNUFF OR CHEWING  
37 TOBACCO SOLD IN THIS STATE. SUCH REPORT SHALL ALSO INDICATE WHICH OF  
38 SUCH CONSTITUENTS ARE KNOWN TO BE TOXIC, DESCRIPTIONS OF THE TOXIC  
39 EFFECTS, AND THE CIRCUMSTANCES UNDER WHICH SUCH EFFECTS ARE PRODUCED.

40 S 3. This act shall take effect on the first of January next succeed-  
41 ing the date on which it shall have become a law.