

6704--A

I N S E N A T E

March 3, 2014

Introduced by Sens. FLANAGAN, LAVALLE, MARTINS -- 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 the ban of electronic cigarettes on school grounds

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

1 Section 1. Subdivision 3 of section 1399-o of the public health law,
2 as added by chapter 449 of the laws of 2012, is amended to read as
3 follows:
4 3. (A) Smoking, WHICH FOR PURPOSES OF THIS SUBDIVISION SHALL ALSO
5 INCLUDE THE SMOKING OF ELECTRONIC CIGARETTES, shall not be permitted and
6 no person shall smoke within one hundred feet of the entrances, exits or
7 outdoor areas of any public or private elementary or secondary schools;
8 provided, however, that the provisions of this subdivision shall not
9 apply to smoking in a residence, or within the real property boundary
10 lines of such residential real property. The provisions of section thir-
11 teen hundred ninety-nine-p of this article shall not apply to this
12 subdivision.
13 (B) FOR PURPOSES OF THIS SUBDIVISION, "ELECTRONIC CIGARETTES" SHALL
14 INCLUDE ANY DEVICE THAT SIMULATES THE ACT OF SMOKING BUT PRODUCES WATER
15 VAPOR INSTEAD OF SMOKE. SUCH ELECTRONIC CIGARETTES SHALL INCLUDE, BUT
16 NOT BE LIMITED TO, E-CIGARETTES, HOOKAH PENS, OR VAPING PENS. IT SHALL
17 NOT BE NECESSARY THAT AN ELECTRONIC CIGARETTE CONTAIN NICOTINE.
18 S 2. This act shall take effect on the thirtieth day after it shall
19 have become a law.

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

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