S T A T E O F N E W Y O R K

9309

I N A S S E M B L Y

April 8, 2014

Introduced by M. of A. ROSENTHAL -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the definition of "electronic cigarette" or "e-cigarette"; and to amend the general business law, in relation to prohibiting the provision of any quantity of an electronic liquid

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

Section 1. Subdivision 13 of section 1399-aa of the public health law, as added by chapter 448 of the laws of 2012, is amended to read as follows:

13. "Electronic cigarette" or "e-cigarette" means a battery-operated device that contains cartridges OR LIQUIDS filled with a combination of nicotine[, flavor] and chemicals that are turned into vapor which is inhaled by the user.

S 2. The general business law is amended by adding a new section 391-t to read as follows:

S 391-T. ELECTRONIC LIQUIDS OR E-LIQUIDS; PROHIBITION. 1. NO PERSON, FIRM, CORPORATION, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY OR OTHER ENTITY SHALL SELL, OFFER TO SELL OR GIVE AWAY, FOR EITHER RETAIL, WHOLESALE OR PROMOTIONAL PURPOSES, AN ELECTRONIC LIQUID OR E-LIQUID.

2. ANY PERSON, FIRM, CORPORATION, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY OR OTHER ENTITY THAT VIOLATES THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN FIVE HUNDRED DOLLARS FOR EACH SEPARATE VIOLATION OF SUCH SUBDIVISION, TO BE RECOVERED BY ANY ENFORCEMENT AUTHORITY DESIGNATED BY A MUNICIPALITY OR POLITICAL SUBDIVISION IN WHICH SUCH VIOLATION OCCURRED.

3. FOR THE PURPOSES OF THIS SECTION, "ELECTRONIC LIQUID" OR "E-LIQUID" MEANS A LIQUID COMPOSED OF NICOTINE AND OTHER CHEMICALS, AND WHICH IS SOLD AS A PRODUCT THAT MAY BE USED IN AN ELECTRONIC CIGARETTE, AS DEFINED BY SUBDIVISION THIRTEEN OF SECTION THIRTEEN HUNDRED NINETY-NINE-AA OF THE PUBLIC HEALTH LAW.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.

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

LBD14550-02-4