

9731

I N A S S E M B L Y

April 5, 2016

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

AN ACT to amend the public health law, in relation to prohibiting the distribution of electronic cigarettes without charge

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

1 Section 1. Section 1399-bb of the public health law, as amended by
2 chapter 508 of the laws of 2000, subdivision 2 as amended by chapter 13
3 of the laws of 2003, is amended to read as follows:

4 S 1399-bb. Distribution of tobacco products [or], herbal cigarettes OR
5 ELECTRONIC CIGARETTES without charge. 1. No person engaged in the busi-
6 ness of selling or otherwise distributing tobacco products [or], herbal
7 cigarettes, OR ELECTRONIC CIGARETTES for commercial purposes, or any
8 agent or employee of such person, shall knowingly, in furtherance of
9 such business:

10 (a) distribute without charge any tobacco products [or], herbal ciga-
11 rettes, OR ELECTRONIC CIGARETTES to any individual, provided that the
12 distribution of a package containing tobacco products or herbal ciga-
13 rettes in violation of this subdivision shall constitute a single
14 violation without regard to the number of items in the package; or

15 (b) distribute coupons which are redeemable for tobacco products [or],
16 herbal cigarettes, OR ELECTRONIC CIGARETTES to any individual, provided
17 that this subdivision shall not apply to coupons contained in newspa-
18 pers, magazines or other types of publications, coupons obtained through
19 the purchase of tobacco products [or], herbal cigarettes, OR ELECTRONIC
20 CIGARETTES or obtained at locations which sell tobacco products or
21 herbal cigarettes provided that such distribution is confined to a
22 designated area or to coupons sent through the mail.

23 2. The prohibitions contained in subdivision one of this section shall
24 not apply to the following locations:

25 (a) private social functions when seating arrangements are under the
26 control of the sponsor of the function and not the owner, operator,
27 manager or person in charge of such indoor area;

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

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1 (b) conventions and trade shows; provided that the distribution is
2 confined to designated areas generally accessible only to persons over
3 the age of eighteen;

4 (c) events sponsored by tobacco [or], herbal cigarette, OR ELECTRONIC
5 CIGARETTE manufacturers provided that the distribution is confined to
6 designated areas generally accessible only to persons over the age of
7 eighteen;

8 (d) bars as defined in subdivision one of section thirteen hundred
9 ninety-nine-n of this chapter;

10 (e) tobacco businesses as defined in subdivision eight of section
11 thirteen hundred ninety-nine-aa of this article;

12 (f) factories as defined in subdivision nine of section thirteen
13 hundred ninety-nine-aa of this article and construction sites; provided
14 that the distribution is confined to designated areas generally accessi-
15 ble only to persons over the age of eighteen.

16 3. No person shall distribute tobacco products [or], herbal
17 cigarettes, OR ELECTRONIC CIGARETTES at the locations set forth in para-
18 graphs (b), (c) and (f) of subdivision two of this section unless such
19 person gives five days written notice to the enforcement officer.

20 4. The distribution of tobacco products [or], herbal cigarettes, OR
21 ELECTRONIC CIGARETTES pursuant to subdivision two of this section shall
22 be made only to an individual who demonstrates, through a driver's
23 license or other photographic identification card issued by a government
24 entity or educational institution indicating that the individual is at
25 least eighteen years of age. Such identification need not be required of
26 any individual who reasonably appears to be at least twenty-five years
27 of age; provided, however, that such appearance shall not constitute a
28 defense in any proceeding alleging the [sale] DISTRIBUTION of a tobacco
29 product [or], herbal cigarette, OR ELECTRONIC CIGARETTE to an individ-
30 ual.

31 S 2. This act shall take effect on the sixtieth day after it shall
32 have become law.