

STATE OF NEW YORK

2763

2019-2020 Regular Sessions

IN ASSEMBLY

January 25, 2019

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

AN ACT to amend the public health law, in relation to prohibiting public
display of tobacco advertisements and smoking paraphernalia within
five hundred feet of schools

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

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

3 § 1399-ddd. Public display of tobacco advertisements and smoking
4 paraphernalia prohibited. 1. For purposes of this section:

5 (a) "Tobacco advertisement" means words, pictures, photographs,
6 symbols, graphics or visual images of any kind, or any combination ther-
7 eof, which bear a health warning required by federal statute, the
8 purpose or effect of which is to identify a brand of a tobacco product,
9 a trademark of a tobacco product or a trade name associated exclusively
10 with a tobacco product, or to promote the use or sale of a tobacco prod-
11 uct.

12 (b) "Smoking paraphernalia" means any pipe, water pipe, hookah, roll-
13 ing papers, vaporizer or any other device, equipment or apparatus
14 designed for the inhalation of tobacco or nicotine.

15 (c) "Tobacco business" means a sole proprietorship, corporation,
16 limited liability company, partnership or other enterprise in which the
17 primary activity is the sale, manufacture or promotion of tobacco,
18 tobacco products and accessories, either at wholesale or retail, and in
19 which the sale, manufacture or promotion of other products is merely
20 incidental.

21 2. (a) It shall be unlawful for any person to place, cause to be
22 placed, to maintain or to cause to be maintained, smoking paraphernalia
23 or tobacco advertisements in a store front window or any exterior window
24 or any door which is used for entry or egress by the public to the

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

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1 building or structure containing a place of business; provided such
2 business is located within five hundred feet of a public school or char-
3 ter school.

4 (b) The provisions of this subdivision shall not apply to a tobacco
5 business.

6 (c) Each violation of this subdivision shall be punishable by a civil
7 penalty of not more than five hundred dollars.

8 § 2. This act shall take effect on the thirtieth day after it shall
9 have become a law.