

STATE OF NEW YORK

3905

2019-2020 Regular Sessions

IN SENATE

February 21, 2019

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to including electronic cigarettes in the regulation of tobacco products

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

1 Section 1. Subdivision 13 of section 1399-aa of the public health law,
2 as amended by chapter 542 of the laws of 2014, is amended to read as
3 follows:

4 13. "Electronic cigarette" or "e-cigarette" means an electronic device
5 that delivers vapor which is inhaled by an individual user, and shall
6 include any refill, cartridge and any other component of such a device.
7 For the purposes of this article, electronic cigarettes and e-cigarettes
8 shall be deemed to be cigarettes.

9 § 2. Subdivision 2 of section 1399-gg of the public health law, as
10 added by chapter 513 of the laws of 2004, is amended to read as follows:

11 2. No person engaged in the business of manufacturing, selling or
12 otherwise distributing tobacco products, herbal cigarettes, cigarette
13 wrapping papers, wrapping leaves or tubes, or any agent or employee of
14 such person, shall manufacture or cause to be manufactured for sale in
15 this state, or sell or distribute in this state: (a) any package or
16 other container of cigarettes containing fewer than twenty cigarettes
17 (other than electronic cigarettes); (b) any package of roll-your-own
18 tobacco containing less than six-tenths of an ounce of tobacco; or (c)
19 any package or other container of cigarette wrapping papers, wrapping
20 leaves or tubes, that are or are held out to be suitable for use or used
21 as devices to wrap tobacco for smoking, containing fewer than twenty
22 sheets, leaves or tubes.

23 § 3. Subdivision 2 of section 1399-ll of the public health law, as
24 added by chapter 262 of the laws of 2000, is amended to read as follows:

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

LBD01661-01-9

1 2. It shall be unlawful for any common or contract carrier to knowing-
2 ly transport cigarettes to any person in this state reasonably believed
3 by such carrier to be other than a person described in paragraph (a),
4 (b) or (c) of subdivision one of this section. For purposes of the
5 preceding sentence, if cigarettes are transported to a home or resi-
6 dence, it shall be presumed that the common or contract carrier knew
7 that such person was not a person described in paragraph (a), (b) or (c)
8 of subdivision one of this section. It shall be unlawful for any other
9 person to knowingly transport cigarettes to any person in this state,
10 other than to a person described in paragraph (a), (b) or (c) of subdi-
11 vision one of this section. Nothing in this subdivision shall be
12 construed to prohibit a person other than a common or contract carrier
13 from transporting not more than eight hundred cigarettes or twenty-four
14 electronic cigarettes at any one time to any person in this state.
15 § 4. This act shall take effect immediately.