

STATE OF NEW YORK

7212

IN SENATE

January 10, 2020

Introduced by Sen. HARCKHAM -- 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 the regulation of the online sale of tobacco products

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

1 Section 1. The public health law is amended by adding a new section
2 1399-ccc to read as follows:

3 § 1399-ccc. Online sale of tobacco products. 1. All online sellers of
4 tobacco products, herbal cigarettes, liquid nicotine, shisha, rolling
5 papers, electronic cigarettes or smoking paraphernalia purchased online
6 shall ensure that the outside of each shipping container used to ship
7 such tobacco product, herbal cigarette, liquid nicotine, shisha, rolling
8 paper, electronic cigarette or smoking paraphernalia directly to a New
9 York resident is conspicuously labeled with the words: "CONTAINS TOBACCO
10 PRODUCTS - SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY -
11 NOT FOR RESALE" or with other language specifically approved by the
12 department.

13 2. All online sellers of tobacco products, herbal cigarettes, liquid
14 nicotine, shisha, rolling papers, electronic cigarettes or smoking
15 paraphernalia shall require common carriers to:

16 (a) require a recipient, at the delivery address, upon delivery, to
17 demonstrate that the recipient is at least twenty-one years of age by
18 providing a valid form of photographic identification authorized by
19 subdivision three of section thirteen hundred ninety-nine-cc of this
20 article;

21 (b) require a recipient to sign an electronic or paper form or other
22 acknowledgement of receipt as approved by the department; and

23 (c) refuse delivery when the proposed recipient appears to be under
24 twenty-one years of age and refuses to present valid identification as
25 required by paragraph (a) of this subdivision.

26 § 2. This act shall take effect immediately.

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

LBD02162-01-9