

# STATE OF NEW YORK

5994--A

2023-2024 Regular Sessions

## IN ASSEMBLY

March 30, 2023

Introduced by M. of A. DARLING -- read once and referred to the Committee on Consumer Affairs and Protection -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the general business law, in relation to research of electronic cigarettes; and to amend the public health law, in relation to restricting certain advertisement and promotion of electronic cigarettes

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

Section 1. The general business law is amended by adding a new article 24-D to read as follows:

### ARTICLE 24-D RESEARCH OF ELECTRONIC CIGARETTES

#### Section 375. Research of electronic cigarettes.

§ 375. Research of electronic cigarettes. Any provision or restriction in a contract or other agreement relating to the development of electronic cigarettes and products relating to their use including, but not limited to, components of such devices, heretofore or hereafter made or entered into, which limits, restrains, prohibits or otherwise provides for the suppression of research into the health consequences of the use of electronic cigarettes, is hereby declared to be void as against public policy and wholly unenforceable.

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

§ 1399-bb-1. Promotions prohibited. 1. No manufacturer and no distributor of electronic cigarettes shall market, license, distribute, sell, or cause to be marketed, licensed, distributed, or sold any item

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

LBD01874-02-3

1 (other than electronic cigarettes) or service, which bears the brand  
2 name (alone or in conjunction with any other word), logo, symbol, motto,  
3 selling message, recognizable color or pattern of colors, or any other  
4 indicia of product identification identical or similar to, or identifi-  
5 able with, those used for any brand of electronic cigarette.

6 2. No manufacturer, distributor, or retailer may offer or cause to be  
7 offered any gift or item to any person purchasing electronic cigarettes  
8 in consideration of the purchase thereof.

9 3. No manufacturer, distributor, or retailer may sponsor or cause to  
10 be sponsored any athletic, musical, artistic, or other social or  
11 cultural event, or any entry or team in any event, in the brand name  
12 (alone or in conjunction with any other word), logo, symbol, motto,  
13 selling message, recognizable color or pattern of colors, or any other  
14 indicia of product identification identical or similar to, or identifi-  
15 able with, those used for any brand of electronic cigarette. Nothing in  
16 this subdivision prevents a manufacturer, distributor, or retailer from  
17 sponsoring or causing to be sponsored any athletic, musical, artistic,  
18 or other social or cultural event, or team or entry, in the name of the  
19 corporation which manufactures the electronic cigarettes, provided that  
20 both the corporate name and the corporation were registered and in use  
21 in the United States prior to January first, two thousand twenty-three,  
22 and that the corporate name does not include any brand name (alone or in  
23 conjunction with any other word), logo, symbol, motto, selling message,  
24 recognizable color or pattern of colors, or any other indicia of product  
25 identification identical or similar to, or identifiable with, those used  
26 for any brand of electronic cigarettes.

27 § 3. This act shall take effect on the first of January next succeed-  
28 ing the date on which it shall have become a law.