STATE OF NEW YORK

11208

IN ASSEMBLY

May 1, 2026

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

AN ACT to amend the public health law, in relation to requiring tobacco product retailers to offer nicotine replacement therapy products for sale

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

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

§ 1399-lll. Tobacco product retailers; nicotine replacement therapy products required. 1. Any entity, other than a cigar shop, that sells, offers for sale, or distributes for commercial purpose any tobacco product within the state of New York shall maintain a stock of, and offer for retail sale, at least one type of nicotine replacement therapy drug, device, or combination product that has been approved by the federal Food and Drug Administration for cessation of tobacco use.

2. An entity that is subject to the requirements of subdivision one of this section shall have the discretion to determine:

(a) the number and type of nicotine replacement therapy products that the entity will stock and offer for sale;

(b) the quantity of each nicotine replacement therapy product that is stocked and offered for sale; and

(c) whether the entity will stock and offer for sale more than one type of nicotine replacement therapy product.

3. An entity that is subject to the requirements of subdivision one of this section that sells out of the entity's full stock of nicotine replacement therapy products shall have five business days to place an order for a new stock of a nicotine replacement therapy product, and shall have fourteen days from the date the entity sells its last nicotine replacement therapy product to again stock and offer for retail sale a nicotine replacement therapy product.

4. An entity that is subject to the requirements of subdivision one of this section shall:

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

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(a) display nicotine replacement therapy products that are offered for retail sale in a location behind the sales counter;

(b) provide printed notice within the establishment that nicotine replacement therapy products are available for retail sale at that location; and

(c) display the official logo, phone number, and internet address of the New York state smokers' quitline or a successor program.

5. The commissioner may establish requirements concerning how and where materials described in paragraphs (b) and (c) of subdivision four of this section shall be displayed, as well as requirements concerning the size and other characteristics of such materials.

6. For the purposes of this section, the following terms shall have the following meanings:

(a) "Cigar shop" means a retail establishment wherein the only tobacco products and products related to tobacco use that are available for sale or commercial distribution are cigars and cigar accessories, including lighters, cigar cutters, humidors, and cigar carrying tubes. An establishment shall be considered a cigar shop for the purposes of this section regardless of whether the establishment offers other, non-tobacco products for sale or commercial distribution.

(b) "Tobacco product" means any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by other means, including, but not limited to, a cigarette, cigar, pipe tobacco, chewing tobacco, snuff, or snus; any vapor product; and any component, part, or accessory of a product containing, made of, or derived from tobacco or nicotine or a vapor product, regardless of whether the component, part, or accessory contains tobacco or nicotine. A tobacco product includes, but is not limited to, filters, rolling papers, blunt or hemp wraps, hookahs, and pipes.

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