

2233

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

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

AN ACT to amend the public health law, in relation to requiring cigarette manufacturers to disclose the chemical substances used in the manufacture of cigarettes

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative findings. It has been the policy of the state
2 to guarantee and facilitate the public right to know concerning health
3 risks that may be encountered from manufactured products and at the
4 workplace. The legislature finds that literally thousands of chemical
5 substances are routinely utilized in the manufacture of cigarettes as
6 burn retardants, preservatives, flavor enhancers and for other aesthetic
7 purposes and that such chemicals may have toxic effects for both smokers
8 and nonsmokers. Therefore, the legislature further finds that the public
9 has a right to know the chemical substances used in the manufacture of
10 cigarettes and what toxic effects, if any, these additives have been
11 found to have or are suspected of having.

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

14 S 1399-MM-1. DISCLOSURE BY MANUFACTURERS OF TOBACCO PRODUCTS. 1. FOR
15 THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, ANY MANUFACTURER OF CIGARETTES,
16 SNUFF OR CHEWING TOBACCO SOLD IN THIS STATE SHALL PROVIDE THE
17 DEPARTMENT WITH AN ANNUAL REPORT, IN A FORM AND AT A TIME SPECIFIED BY
18 THE DEPARTMENT, WHICH LISTS FOR EACH BRAND OF SUCH PRODUCT SOLD THE
19 FOLLOWING INFORMATION:

20 (A) THE IDENTITY OF ANY ADDED CONSTITUENT OTHER THAN TOBACCO OR WATER
21 INCLUDING RECONSTITUTED TOBACCO SHEET MADE WHOLLY FROM TOBACCO, TO BE
22 LISTED IN DESCENDING ORDER ACCORDING TO WEIGHT, MEASURE, OR NUMERICAL
23 COUNT;

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

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1 (B) THE NICOTINE YIELD RATINGS, WHICH SHALL ACCURATELY PREDICT NICO-
2 TINE INTAKE FOR AVERAGE CONSUMERS, BASED ON STANDARDS TO BE ESTABLISHED
3 BY THE DEPARTMENT; AND

4 (C) THE IDENTITY AND WEIGHT OF TOXIC CONSTITUENTS IN THE WHOLE TOBAC-
5 CO, AND FOR CIGARETTES THE IDENTITY AND WEIGHT OF TOXIC CONSTITUENTS IN
6 THE MAINSTREAM SMOKE AND SIDESTREAM SMOKE AND A TOXICITY YIELD RATING
7 BASED ON STANDARDS TO BE ESTABLISHED BY THE DEPARTMENT.

8 THE DEPARTMENT SHALL INVESTIGATE HEALTH RISKS ASSOCIATED WITH EXPOSURE
9 TO ADDED CONSTITUENTS, TOXIC CONSTITUENTS AND NICOTINE AND SHALL DEVELOP
10 STANDARDS FOR MANUFACTURERS TO REDUCE RISKS ASSOCIATED WITH EXPOSURE TO
11 ADDED CONSTITUENTS, TOXIC CONSTITUENTS, AND NICOTINE.

12 2. THE NICOTINE YIELD RATINGS SO PROVIDED, AND ANY OTHER SUCH INFORMA-
13 TION IN THE ANNUAL REPORTS WITH RESPECT TO WHICH THE DEPARTMENT DETER-
14 MINES THAT THERE IS REASONABLE SCIENTIFIC BASIS FOR CONCLUDING THAT THE
15 AVAILABILITY OF SUCH INFORMATION COULD REDUCE RISKS TO PUBLIC HEALTH,
16 SHALL BE PUBLIC RECORDS AND AVAILABLE TO THE PUBLIC PURSUANT TO THE
17 PROVISIONS OF ARTICLE SIX OF THE PUBLIC OFFICERS LAW.

18 3. ON AND AFTER JANUARY FIRST, TWO THOUSAND ELEVEN, NO PERSON, FIRM,
19 OR CORPORATION ENGAGED IN THE MANUFACTURE OF CIGARETTES SHALL SELL OR
20 OFFER FOR SALE IN THIS STATE ANY CIGARETTES, SNUFF OR CHEWING TOBACCO
21 FOR WHICH THE INFORMATION REQUIRED BY SUBDIVISION ONE OF THIS SECTION
22 HAS NOT BEEN PROVIDED PURSUANT THERETO.

23 4. WHERE A VIOLATION OF THIS ARTICLE IS ALLEGED TO HAVE OCCURRED, THE
24 ATTORNEY GENERAL MAY APPLY IN THE NAME OF THE PEOPLE OF THE STATE OF NEW
25 YORK TO THE SUPREME COURT OF NEW YORK ON NOTICE OF FIVE DAYS, FOR AN
26 ORDER COMPELLING COMPLIANCE WITH THIS ARTICLE. IN ANY SUCH PROCEEDING
27 THE COURT MAY IMPOSE A CIVIL PENALTY IN AN AMOUNT NOT TO EXCEED TEN
28 THOUSAND DOLLARS FOR EACH VIOLATION.

29 5. THE COMMISSIONER SHALL ANNUALLY PREPARE AND PUBLISH A REPORT BASED
30 UPON THE INFORMATION RECEIVED BY THE DEPARTMENT PURSUANT TO THIS
31 SECTION, INDICATING THE RELATIVE LEVELS OF ADDED CONSTITUENTS AND RELA-
32 TIVE NICOTINE YIELD RATINGS OF BRANDS OF CIGARETTES, SNUFF OR CHEWING
33 TOBACCO SOLD IN THIS STATE. SUCH REPORT SHALL ALSO INDICATE WHICH OF
34 SUCH CONSTITUENTS ARE KNOWN TO BE TOXIC, DESCRIPTIONS OF THE TOXIC
35 EFFECTS, AND THE CIRCUMSTANCES UNDER WHICH SUCH EFFECTS ARE PRODUCED.

36 S 3. This act shall take effect on the first of January next succeed-
37 ing the date on which it shall have become a law.