S T A T E O F N E W Y O R K

S. 6178 A. 8960

S E N A T E - A S S E M B L Y

January 10, 2012

IN SENATE -- Introduced by Sen. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

IN ASSEMBLY -- Introduced by M. of A. RAIA -- read once and referred to the Committee on Economic Development

AN ACT to amend the general business law, in relation to restricting access to retail sale of compressed air cans

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 section 391-s to read as follows:

S 391-S. RESTRICTED ACCESS TO RETAIL SALE OF COMPRESSED AIR CANS. 1. ANY RETAIL ESTABLISHMENT THAT SELLS ANY COMPRESSED AIR CAN, SHALL LIMIT ACCESS TO SUCH PRODUCTS IN A MANNER DESIGNED TO PREVENT THE MISUSE OR ABUSE OF SUCH PRODUCTS. SUCH LIMITATIONS SHALL INCLUDE REMOVING SUCH PRODUCTS FROM SHELVES AND OTHER LOCATIONS THAT ARE DIRECTLY ACCESSIBLE BY CUSTOMERS, AND PLACING SUCH PRODUCTS BEHIND A COUNTER OR SUCH OTHER SECURE LOCATION, SO THAT A CONSUMER MUST REQUEST SUCH PRODUCTS IN ORDER TO OBTAIN SUCH PRODUCTS FROM A MANAGER, ASSISTANT MANAGER, ACTING MANAGER OR OTHER SUPERVISORY PERSONNEL WORKING IN THE RETAIL ESTABLISHMENT.

2. AS USED IN THIS SECTION THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "RETAIL ESTABLISHMENT" MEANS EVERY VENDOR THAT IN THE REGULAR COURSE OF BUSINESS SELLS COMPRESSED AIR CAN PRODUCTS AT RETAIL DIRECTLY TO THE PUBLIC INCLUDING, BUT NOT LIMITED TO CONVENIENCE STORES, PHARMACIES, GROCERY STORES, AND OTHER RETAIL STORES;

(B) "COMPRESSED AIR CAN" MEANS ANY CAN OF COMPRESSED AIR INTENDED FOR USE AS A CLEANING DEVICE TO REMOVE DUST AND OTHER DEBRIS FROM ELECTRONICS.

S 2. This act shall take effect immediately; provided, however, that the rules and regulations necessary to implement section one of this act shall be promulgated and take effect on or before the one hundred eightieth day after this act shall have become a law.

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

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