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

385--A

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. KRUEGER, HASSELL-THOMPSON, HUNTLEY, PARKER, SERRANO, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

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

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

LBD01731-02-1

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

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

(C) THE IDENTITY AND WEIGHT OF TOXIC CONSTITUENTS IN THE WHOLE TOBACCO, AND FOR CIGARETTES THE IDENTITY AND WEIGHT OF TOXIC CONSTITUENTS IN THE MAINSTREAM SMOKE AND SIDESTREAM SMOKE AND A TOXICITY YIELD RATING BASED ON STANDARDS TO BE ESTABLISHED BY THE DEPARTMENT.

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

2. THE NICOTINE YIELD RATINGS SO PROVIDED, AND ANY OTHER SUCH INFORMATION IN THE ANNUAL REPORTS WITH RESPECT TO WHICH THE DEPARTMENT DETERMINES THAT THERE IS REASONABLE SCIENTIFIC BASIS FOR CONCLUDING THAT THE AVAILABILITY OF SUCH INFORMATION COULD REDUCE RISKS TO PUBLIC HEALTH, SHALL BE PUBLIC RECORDS AND AVAILABLE TO THE PUBLIC PURSUANT TO THE PROVISIONS OF ARTICLE SIX OF THE PUBLIC OFFICERS LAW.

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

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

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

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.