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

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I N A S S E M B L Y

May 6, 2014

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

AN ACT to amend the public health law, in relation to the ban of electronic cigarettes on school grounds

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

Section 1. Subdivision 3 of section 1399-o of the public health law, as added by chapter 449 of the laws of 2012, is amended to read as follows:

3. (A) Smoking, WHICH FOR PURPOSES OF THIS SUBDIVISION SHALL ALSO INCLUDE THE SMOKING OF ELECTRONIC CIGARETTES, shall not be permitted and no person shall smoke within one hundred feet of the entrances, exits or outdoor areas of any public or private elementary or secondary schools; provided, however, that the provisions of this subdivision shall not apply to smoking in a residence, or within the real property boundary lines of such residential real property. The provisions of section thirteen hundred ninety-nine-p of this article shall not apply to this subdivision.

(B) FOR PURPOSES OF THIS SUBDIVISION, "ELECTRONIC CIGARETTES" SHALL INCLUDE ANY DEVICE THAT SIMULATES THE ACT OF SMOKING BUT PRODUCES WATER VAPOR INSTEAD OF SMOKE. SUCH ELECTRONIC CIGARETTES SHALL INCLUDE, BUT NOT BE LIMITED TO, E-CIGARETTES, HOOKAH PENS, OR VAPING PENS. IT SHALL NOT BE NECESSARY THAT AN ELECTRONIC CIGARETTE CONTAIN NICOTINE.

S 2. This act shall take effect on the thirtieth day after it 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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