

6939

I N S E N A T E

April 4, 2014

Introduced by Sens. HANNON, AVELLA -- read twice and ordered printed,  
and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to the definition of  
"electronic cigarette" or "e-cigarette"; and to amend the general  
business law, in relation to prohibiting the provision of any quantity  
of an electronic liquid

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

1 Section 1. Subdivision 13 of section 1399-aa of the public health law,  
2 as added by chapter 448 of the laws of 2012, is amended to read as  
3 follows:

4 13. "Electronic cigarette" or "e-cigarette" means a battery-operated  
5 device that contains cartridges OR LIQUIDS filled with a combination of  
6 nicotine[, flavor] and chemicals that are turned into vapor which is  
7 inhaled by the user.

8 S 2. The general business law is amended by adding a new section 391-t  
9 to read as follows:

10 S 391-T. ELECTRONIC LIQUIDS OR E-LIQUIDS; PROHIBITION. 1. NO PERSON,  
11 FIRM, CORPORATION, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY  
12 OR OTHER ENTITY SHALL SELL, OFFER TO SELL OR GIVE AWAY, FOR EITHER  
13 RETAIL, WHOLESALE OR PROMOTIONAL PURPOSES, AN ELECTRONIC LIQUID OR E-LI-  
14 QUID.

15 2. ANY PERSON, FIRM, CORPORATION, PARTNERSHIP, ASSOCIATION, LIMITED  
16 LIABILITY COMPANY OR OTHER ENTITY THAT VIOLATES THE PROVISIONS OF SUBDI-  
17 VISION ONE OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT  
18 MORE THAN FIVE HUNDRED DOLLARS FOR EACH SEPARATE VIOLATION OF SUCH  
19 SUBDIVISION, TO BE RECOVERED BY ANY ENFORCEMENT AUTHORITY DESIGNATED BY  
20 A MUNICIPALITY OR POLITICAL SUBDIVISION IN WHICH SUCH VIOLATION  
21 OCCURRED.

22 3. FOR THE PURPOSES OF THIS SECTION, "ELECTRONIC LIQUID" OR "E-LIQUID"  
23 MEANS A LIQUID COMPOSED OF NICOTINE AND OTHER CHEMICALS, AND WHICH IS  
24 SOLD AS A PRODUCT THAT MAY BE USED IN AN ELECTRONIC CIGARETTE, AS  
25 DEFINED BY SUBDIVISION THIRTEEN OF SECTION THIRTEEN HUNDRED  
26 NINETY-NINE-AA OF THE PUBLIC HEALTH LAW.

27 S 3. This act shall take effect on the ninetieth day after it shall  
28 have become a law.

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

LBD14550-02-4