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

6978

I N S E N A T E

March 11, 2016

Introduced by Sen. AKSHAR -- 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 prohibiting the distribution without charge of electronic cigarettes to minors

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

Section 1. The section heading and subdivision 4 of section 1399-bb of the public health law, as amended by chapter 508 of the laws of 2000, are amended to read as follows:

Distribution of tobacco products, ELECTRONIC CIGARETTES or herbal cigarettes without charge.

4. NO PERSON ENGAGED IN THE BUSINESS OF SELLING OR OTHERWISE DISTRIBUTING ELECTRONIC CIGARETTES FOR COMMERCIAL PURPOSES, OR ANY AGENT OR EMPLOYEE OF SUCH PERSON, SHALL KNOWINGLY, IN FURTHERANCE OF SUCH BUSINESS, DISTRIBUTE WITHOUT CHARGE ANY ELECTRONIC CIGARETTES TO ANY INDIVIDUAL UNDER EIGHTEEN YEARS OF AGE.

5. The distribution of tobacco products or herbal cigarettes pursuant to subdivision two of this section OR THE DISTRIBUTION WITHOUT CHARGE OF ELECTRONIC CIGARETTES shall be made only to an individual who demonstrates, through a driver's license or other photographic identification card issued by a government entity or educational institution indicating that the individual is at least eighteen years of age. Such identification need not be required of any individual who reasonably appears to be at least twenty-five years of age; provided, however, that such appearance shall not constitute a defense in any proceeding alleging the sale of a tobacco product, ELECTRONIC CIGARETTE or herbal cigarette OR THE DISTRIBUTION WITHOUT CHARGE OF ELECTRONIC CIGARETTES to an individual.

S 2. This act shall take effect immediately.

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

LBD14498-01-6