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I N   S E N A T E

March 11, 2016

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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:

1     Section 1. The section heading and subdivision 4 of section 1399-bb of  
2     the public health law, as amended by chapter 508 of the laws of 2000,  
3     are amended to read as follows:  
4     Distribution of tobacco products, *ELECTRONIC CIGARETTES* or herbal  
5     cigarettes without charge.  
6     4. NO PERSON ENGAGED IN THE BUSINESS OF SELLING OR OTHERWISE DISTRIB-  
7     UTING *ELECTRONIC CIGARETTES* FOR COMMERCIAL PURPOSES, OR ANY AGENT OR  
8     EMPLOYEE OF SUCH PERSON, SHALL KNOWINGLY, IN FURTHERANCE OF SUCH BUSI-  
9     NESS, DISTRIBUTE WITHOUT CHARGE ANY *ELECTRONIC CIGARETTES* TO ANY INDI-  
10    VIDUAL UNDER EIGHTEEN YEARS OF AGE.  
11    5. The distribution of tobacco products or herbal cigarettes pursuant  
12    to subdivision two of this section OR THE DISTRIBUTION WITHOUT CHARGE OF  
13    *ELECTRONIC CIGARETTES* shall be made only to an individual who demon-  
14    strates, through a driver's license or other photographic identification  
15    card issued by a government entity or educational institution indicating  
16    that the individual is at least eighteen years of age. Such identifica-  
17    tion need not be required of any individual who reasonably appears to be  
18    at least twenty-five years of age; provided, however, that such appear-  
19    ance shall not constitute a defense in any proceeding alleging the sale  
20    of a tobacco product, *ELECTRONIC CIGARETTE* or herbal cigarette OR THE  
21    DISTRIBUTION WITHOUT CHARGE OF *ELECTRONIC CIGARETTES* to an individual.  
22    S 2. This act shall take effect immediately.

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

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