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

635

2015-2016 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2015

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

AN ACT 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general business law is amended by adding a new section 391-t to read as follows:

S 391-T. ELECTRONIC LIQUIDS OR E-LIQUIDS; PROHIBITION. 1. NO PERSON, FIRM, CORPORATION, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY OR OTHER ENTITY SHALL SELL, OFFER TO SELL OR GIVE AWAY, FOR EITHER RETAIL, WHOLESALE OR PROMOTIONAL PURPOSES, AN ELECTRONIC LIQUID OR E-LIQUID USED TO REFILL AN ELECTRONIC CIGARETTE OR CARTRIDGE. PROVIDED, HOWEVER, THAT THE COMMISSIONER OF HEALTH MAY EXEMPT A REGISTERED IN-STATE MANUFACTURER OF E-LIQUIDS FROM THE PROVISION OF THIS SECTION.

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

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

4. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY LIQUID NICOTINE, ELECTRONIC LIQUID OR E-LIQUID THAT IS CONTAINED IN A PREFILLED, SEALED CARTRIDGE THAT IS SOLD, MARKETED OR INTENDED FOR USE IN AN ELEC-

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

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TRONIC CIGARETTE, AS DEFINED BY SUBDIVISION THIRTEEN OF SECTION THIRTEEN HUNDRED NINETY-NINE-AA OF THE PUBLIC HEALTH LAW, PROVIDED THAT SUCH CARTRIDGE IS PREFILLED AND SEALED BY THE MANUFACTURER, AND NOT INTENDED TO BE OPENED BY THE CONSUMER.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.