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

9731

I N A S S E M B L Y

April 5, 2016

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

AN ACT to amend the public health law, in relation to prohibiting the distribution of electronic cigarettes without charge

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

Section 1. Section 1399-bb of the public health law, as amended by chapter 508 of the laws of 2000, subdivision 2 as amended by chapter 13 of the laws of 2003, is amended to read as follows:

S 1399-bb. Distribution of tobacco products [or], herbal cigarettes OR ELECTRONIC CIGARETTES without charge. 1. No person engaged in the business of selling or otherwise distributing tobacco products [or], herbal cigarettes, OR ELECTRONIC CIGARETTES for commercial purposes, or any agent or employee of such person, shall knowingly, in furtherance of such business:

(a) distribute without charge any tobacco products [or], herbal cigarettes, OR ELECTRONIC CIGARETTES to any individual, provided that the distribution of a package containing tobacco products or herbal cigarettes in violation of this subdivision shall constitute a single violation without regard to the number of items in the package; or

(b) distribute coupons which are redeemable for tobacco products [or], herbal cigarettes, OR ELECTRONIC CIGARETTES to any individual, provided that this subdivision shall not apply to coupons contained in newspapers, magazines or other types of publications, coupons obtained through the purchase of tobacco products [or], herbal cigarettes, OR ELECTRONIC CIGARETTES or obtained at locations which sell tobacco products or herbal cigarettes provided that such distribution is confined to a designated area or to coupons sent through the mail.

2. The prohibitions contained in subdivision one of this section shall not apply to the following locations:

(a) private social functions when seating arrangements are under the control of the sponsor of the function and not the owner, operator, manager or person in charge of such indoor area;

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

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(b) conventions and trade shows; provided that the distribution is confined to designated areas generally accessible only to persons over the age of eighteen;

(c) events sponsored by tobacco [or], herbal cigarette, OR ELECTRONIC CIGARETTE manufacturers provided that the distribution is confined to designated areas generally accessible only to persons over the age of eighteen;

(d) bars as defined in subdivision one of section thirteen hundred ninety-nine-n of this chapter;

(e) tobacco businesses as defined in subdivision eight of section thirteen hundred ninety-nine-aa of this article;

(f) factories as defined in subdivision nine of section thirteen hundred ninety-nine-aa of this article and construction sites; provided that the distribution is confined to designated areas generally accessible only to persons over the age of eighteen.

3. No person shall distribute tobacco products [or], herbal cigarettes, OR ELECTRONIC CIGARETTES at the locations set forth in paragraphs (b), (c) and (f) of subdivision two of this section unless such person gives five days written notice to the enforcement officer.

4. The distribution of tobacco products [or], herbal cigarettes, OR ELECTRONIC CIGARETTES pursuant to subdivision two of this section 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] DISTRIBUTION of a tobacco product [or], herbal cigarette, OR ELECTRONIC CIGARETTE to an individual.

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