STATE OF NEW YORK

10657

IN ASSEMBLY

May 10, 2018

Introduced by M. of A. PAULIN, L. ROSENTHAL, GOTTFRIED, DINOWITZ, GALEF, McDONOUGH, ARROYO, BUCHWALD, DICKENS, D'URSO, FERNANDEZ, TAYLOR, ERRIGO, MONTESANO -- Multi-Sponsored by -- M. of A. SIMON -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to including electronic cigarettes in the regulation of tobacco products

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 13 of section 1399-aa of the public health law, as amended by chapter 542 of the laws of 2014, is amended to read as follows:

13. "Electronic cigarette" or "e-cigarette" means an electronic device that delivers vapor which is inhaled by an individual user, and shall include any refill, cartridge and any other component of such a device. **For the purposes of this article, electronic cigarettes and e-cigarettes shall be deemed to be cigarettes.**

§ 2. Subdivision 2 of section 1399-gg of the public health law, as added by chapter 513 of the laws of 2004, is amended to read as follows:

2. No person engaged in the business of manufacturing, selling or otherwise distributing tobacco products, herbal cigarettes, cigarette wrapping papers, wrapping leaves or tubes, or any agent or employee of such person, shall manufacture or cause to be manufactured for sale in this state, or sell or distribute in this state: (a) any package or other container of cigarettes containing fewer than twenty cigarettes **(other than electronic cigarettes)**; (b) any package of roll-your-own tobacco containing less than six-tenths of an ounce of tobacco; or (c) any package or other container of cigarette wrapping papers, wrapping leaves or tubes, that are or are held out to be suitable for use or used as devices to wrap tobacco for smoking, containing fewer than twenty sheets, leaves or tubes.

§ 3. Subdivision 2 of section 1399-ll of the public health law, as added by chapter 262 of the laws of 2000, is amended to read as follows:

2. It shall be unlawful for any common or contract carrier to knowingly transport cigarettes to any person in this state reasonably believed

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

LBD15826-01-8

by such carrier to be other than a person described in paragraph (a), (b) or (c) of subdivision one of this section. For purposes of the preceding sentence, if cigarettes are transported to a home or residence, it shall be presumed that the common or contract carrier knew that such person was not a person described in paragraph (a), (b) or (c) of subdivision one of this section. It shall be unlawful for any other person to knowingly transport cigarettes to any person in this state, other than to a person described in paragraph (a), (b) or (c) of subdivision one of this section. Nothing in this subdivision shall be construed to prohibit a person other than a common or contract carrier from transporting not more than eight hundred cigarettes **or twenty-four electronic cigarettes** at any one time to any person in this state.

§ 4. This act shall take effect immediately.