AN ACT to amend the public health law, in relation to prohibiting the
sale and distribution of flavored e-liquid for use in e-cigarettes

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

Section 1. The public health law is amended by adding a new section
1399-mm-1 to read as follows:

§ 1399-mm-1. Sale of flavored e-liquid prohibited. 1. For the purposes
of this section, the following terms shall have the following meanings:
(a) "flavored e-liquid" shall mean a liquid composed of nicotine and
other chemicals, and which is sold as a product that may be used in an
electronic cigarette which contains a natural or artificial constituent
or additive that causes such e-liquid or its smoke to have a character-
ing flavor.
(b) "characterizing flavor" shall mean a distinguishable taste or
aroma, including but not limited to any fruit, chocolate, vanilla,
honey, candy, cocoa, dessert, alcoholic beverage, herb or spice flavor-
ing, but shall not include tobacco or menthol.

2. No person shall sell, offer for sale or distribute in this state
any flavored e-liquid or e-cigarette containing flavored e-liquid. No
other provision of law authorizing the sale of tobacco products shall
authorize the sale of flavored e-liquid.

3. Any person other than a manufacturer who violates the provisions of
this section shall be subject to a fine of not more than one hundred
dollars for each individual package of flavored e-liquid product sold or
offered for sale. A manufacturer may be subject to a civil penalty not
to exceed fifty thousand dollars for each brand or style of such
manufacturer's tobacco products that is found to have been sold or
offered for sale in violation of this section on more than one occasion
during any thirty day period, provided, however, that with respect to a

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[ ] is old law to be omitted.
manufacturer, it shall be an affirmative defense to a finding of
violation pursuant to this section that such sale or offer of sale, as
applicable, occurred without the knowledge, consent, authorization and
involvement, direct or indirect, of such manufacturer. Violations of
this section shall be enforced pursuant to section thirteen hundred
ninety-nine-ff of this article, except that any person may submit a
complaint to an enforcement officer that a violation of this section has
occurred.

§ 2. This act shall take effect immediately.