

# STATE OF NEW YORK

1223

2017-2018 Regular Sessions

## IN SENATE

January 6, 2017

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 § 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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