STATE OF NEW YORK

7335

IN SENATE

January 8, 2018

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law and the tax law, in relation to imposing a tax on vapor products

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

Section 1. Subdivision 8 of section 1399-n of the public health law, as amended by chapter 13 of the laws of 2003, is amended and a new subdivision 9-a is added to read as follows:

8. "Smoking" means the burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco**, the burning of an herbal cigarette or the use of a vapor product**.

9-a. "Vapor product" means any noncombustible liquid or gel, regardless of the presence of nicotine therein, that is manufactured into a finished product for use in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, vaping pen, hookah pen or other similar device. "Vapor product" shall not include any product approved by the United States food and drug administration as a drug or medical device.

§ 2. Subdivision 1 of section 471-b of the tax law is amended by adding a new paragraph (d) to read as follows:

(d) The state shall impose a tax on vapor products at a rate of twenty-five cents per fluid milliliter, or part thereof, of the vapor product. All invoices for vapor products issued by distributors and wholesalers shall state the amount of vapor product in milliliters.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.

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

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