STATE OF NEW YORK

11337

IN ASSEMBLY

September 19, 2018

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Fernandez) -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to prohibiting public display of tobacco advertisements and smoking paraphernalia within five hundred feet of schools

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

Section 1. Article 13-F of the public health law is amended by adding a new section 1399-ddd to read as follows:

§ 1399-ddd. Public display of tobacco advertisements and smoking paraphernalia prohibited. 1. For purposes of this section:

(a) "Tobacco advertisement" means words, pictures, photographs, symbols, graphics or visual images of any kind, or any combination thereof, which bear a health warning required by federal statute, the purpose or effect of which is to identify a brand of a tobacco product, a trademark of a tobacco product or a trade name associated exclusively with a tobacco product, or to promote the use or sale of a tobacco product.

(b) "Smoking paraphernalia" means any pipe, water pipe, hookah, rolling papers, vaporizer or any other device, equipment or apparatus designed for the inhalation of tobacco or nicotine.

(c) "Tobacco business" means a sole proprietorship, corporation, limited liability company, partnership or other enterprise in which the primary activity is the sale, manufacture or promotion of tobacco, tobacco products and accessories, either at wholesale or retail, and in which the sale, manufacture or promotion of other products is merely incidental.

2. (a) It shall be unlawful for any person to place, cause to be placed, to maintain or to cause to be maintained, smoking paraphernalia or tobacco advertisements in a store front window or any exterior window or any door which is used for entry or egress by the public to the building or structure containing a place of business; provided such business is located within five hundred feet of a public school or charter school.

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

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(b) The provisions of this subdivision shall not apply to a tobacco business.

(c) Each violation of this subdivision shall be punishable by a civil penalty of not more than five hundred dollars.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law.