

# STATE OF NEW YORK

7592

## IN SENATE

January 29, 2018

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

AN ACT to amend the general business law, in relation to requiring retailers to obtain a permit to sell vapor products

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

1 Section 1. The general business law is amended by adding a new section  
2 399-hh to read as follows:

3 § 399-hh. Permits for sale of vapor products. 1. "Vapor product" means  
4 any noncombustible liquid or gel, regardless of presence of nicotine  
5 therein, that is manufactured into a finished product for use in an  
6 electronic cigarette, electronic cigar, electronic cigarillo, electronic  
7 pipe, vaping pen, hookah pen or other similar device. "Vapor product"  
8 shall include tobacco that is manufactured into a finished product for  
9 use in a device which heats the tobacco but does not result in  
10 combustion. "Vapor product" shall not include any product approved by  
11 the United States food and drug administration as a drug or medical  
12 device.

13 2. "Retailer" means any establishment in the state of New York which  
14 sells or intends to sell vapor products.

15 3. Every retailer registered to do business in the state of New York  
16 that intends to sell vapor products shall be required to obtain a permit  
17 in order to sell vapor products in New York state. The department of  
18 state shall promulgate any rules and regulations necessary for governing  
19 the process whereby a retailer can apply for and receive a permit to  
20 sell vapor products in New York state. Retailers with a permit shall  
21 renew such permit once every five years.

22 § 2. This act shall take effect on the one hundred eightieth day after  
23 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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