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:

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

§ 399-hh. Permits for sale of vapor products. 1. "Vapor product" means any noncombustible liquid or gel, regardless of 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 include tobacco that is manufactured into a finished product for use in a device which heats the tobacco but does not result in combustion. "Vapor product" shall not include any product approved by the United States food and drug administration as a drug or medical device.

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

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

§ 2. 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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