STATE OF NEW YORK

8278

IN SENATE

April 26, 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, in relation to prohibiting the sale of certain flavored tobacco and electronic cigarette products

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

Section 1. The public health law is amended by adding a new section 1399-mm-l to read as follows:

§ 1399-mm-l. Flavored tobacco products and flavored electronic cigarette fluid prohibited. 1. No electronic cigarette, fluid or component thereof; no smokeless tobacco product or component thereof; and no tobacco product meant for hookah or component thereof made for sale in the state of New York shall contain, as a constituent (including a smoke constituent) or additive: and artificial or natural flavor (other than tobacco or menthol) or an herb or spice, including strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee, that is a characterizing flavor of the tobacco product or electronic cigarette product.

2. The commission may impose a civil penalty of no less than five thousand dollars and no more than twenty-five thousand dollars for a first offense for any retail establishment or internet based business found to be in violation of subdivision one of this section. The commissioner may impose a civil penalty of no less than ten thousand dollars and no more than thirty thousand dollars for a second or subsequent violation within three years following a prior finding of violation.

§ 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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