

STATE OF NEW YORK

8609

IN SENATE

May 10, 2018

Introduced by Sen. HANNON -- 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 the tobacco use and prevention program; and to amend the tax law, in relation to the registration of vendors of electronic cigarettes

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

1 Section 1. Section 1399-ii of the public health law, as added by chapter 1 of the laws of 1999, is amended to read as follows:

2 § 1399-ii. Tobacco use prevention and control program. 1. To improve
3 the health, quality of life, and economic well-being of all New York
4 state citizens, there is hereby established within the department a
5 comprehensive statewide tobacco use prevention and control program.
6

7 2. The department shall support tobacco use prevention and control
8 activities including, but not limited to:

9 (a) Community programs to prevent and reduce tobacco use through local
10 involvement and partnerships;

11 (b) School-based programs to prevent and reduce tobacco use and use of
12 electronic cigarettes;

13 (c) Marketing and advertising to discourage tobacco and liquid nico-
14 tine use;

15 (d) Tobacco cessation programs for youth and adults;

16 (e) Special projects to reduce the disparities in smoking prevalence
17 among various populations;

18 (f) Restriction of youth access to tobacco products, electronic ciga-
19 rettes and liquid nicotine;

20 (g) Surveillance of smoking rates; and

21 (h) Any other activities determined by the commissioner to be neces-
22 sary to implement the provisions of this section.

23 Such programs shall be selected by the commissioner through an appli-
24 cation process which takes into account whether a program utilizes meth-
25 ods recognized as effective in reducing smoking and tobacco use. Eligi-
26 ble applicants may include, but not be limited to, a health care
27 provider, schools, a college or university, a local public health

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

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1 department, a public health organization, a health care provider organ-
2 ization, association or society, or a professional education organiza-
3 tion.

4 3. (a) There shall be established a tobacco use prevention and control
5 advisory board to advise the commissioner on tobacco use prevention and
6 control issues and electronic cigarette and liquid nicotine use amongst
7 minors, including methods to prevent and reduce tobacco use in the
8 state.

9 (b) The board shall consist of seventeen members who shall be
10 appointed as follows: nine members by the governor; three members by the
11 speaker of the assembly; three members by the temporary president of the
12 senate and one member each by the minority leader of the senate and
13 minority leader of the assembly. Any vacancy or subsequent appointment
14 shall be filled in the same manner and by the same appointing authority
15 as the original appointment. The chairperson of the board shall be
16 designated by the governor from among the members of the board.

17 (c) The members shall serve for terms of two years commencing on the
18 effective date of this section. Members of the board shall receive no
19 compensation but shall be reimbursed for reasonable travel and other
20 expenses incurred in the performance of their duties hereunder.

21 (d) The board shall meet as often as it deems necessary, but no less
22 than four times a year. No nominee to the board shall have any past or
23 current affiliation with the tobacco industry or any industry, contrac-
24 tor, agent, or organization that engages in the manufacturing, market-
25 ing, distributing, or sale of tobacco products. The board shall be
26 appointed in full within ninety days of the effective date of this
27 section.

28 (e) The department shall prepare and submit to the board a spending
29 plan for the tobacco use prevention and control program authorized
30 pursuant to the provisions of subdivision one of this section no later
31 than thirty days after the submission of the budget to the legislature.

32 § 2. The tax law is amended by adding a new article 20-C to read as
33 follows:

34 ARTICLE 20-C
35 VENDORS OF ELECTRONIC
36 CIGARETTES

37 Section 492. Registration of vendors of electronic cigarettes.

38 § 492. Registration of vendors of electronic cigarettes. Any person
39 selling or offering for sale electronic cigarettes, as defined in subdi-
40 vision thirteen of section thirteen hundred ninety-nine-aa of the public
41 health law, or liquid nicotine, as defined in paragraph (e) of subdivi-
42 sion one of section thirteen hundred ninety-nine-cc of the public health
43 law, that is not otherwise registered with the department to sell tobac-
44 co products as required by article twenty of this chapter and the regu-
45 lations adopted pursuant thereto, shall register with the department
46 pursuant to this section. The commissioner shall adopt regulations for
47 the establishment of such registration including standards for issuance,
48 renewal and revocation of such registration, and ensuring compliance
49 with the provisions of this section.

50 § 3. This act shall take effect immediately; provided that section two
51 of this act shall take effect the first day of the month commencing
52 after the one hundred eightieth day after this act shall have become a
53 law; provided, however, that effective immediately, the addition, amend-
54 ment and/or repeal of any rule or regulation necessary for the implemen-
55 tation of this act on its effective date are authorized and directed to
56 be made and completed on or before such effective date.