STATE OF NEW YORK

9578

IN ASSEMBLY

January 24, 2020

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Health

AN ACT to amend public health law, in relation to the sale of flavored electronic cigarettes at low or no cost

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

Section 1. Section 1399-aa of the public health law is amended by adding two new subdivisions 14 and 15 to read as follows:

14. "Flavored electronic cigarette" or "flavored e-cigarette" means an electronic cigarette or e-cigarette, as defined in subdivision thirteen of this section that contains a characterizing flavor in any of its component parts.

15. "Characterizing flavor" shall mean a distinguishable taste or aroma, including but not limited to: any fruit; chocolate; vanilla; honey; candy; cocoa; dessert; alcoholic beverage; herb; or spice flavoring, but shall not include: tobacco; clove; or menthol.

§ 2. The section heading of section 1399-bb of the public health law, as amended by chapter 4 of the laws of 2018, is amended and three new subdivisions 6, 7 and 8 are added to read as follows:

Distribution of tobacco products, **flavored** electronic cigarettes or herbal cigarettes without charge.

6. No person, either directly or indirectly by an agent or employee of such person, or by a vending machine owned by or located in an establishment owned by such person, shall sell, offer for sale, distribute for commercial purposes at no cost or minimal cost or with coupons or rebate offers, give or furnish, to a person in this state any flavored electronic cigarette as defined in section thirteen hundred ninety-nine-aa of this article.

7. Any person other than a manufacturer who violates the provisions of subdivision six of this section shall be subject to penalties pursuant to section thirteen hundred ninety-nine-ee of this article.

8. Violations of subdivision six of this section shall be enforced pursuant to section thirteen hundred ninety-nine-ff of this article,

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

LBD07657-02-0

except that any person may submit a complaint to an enforcement officer reporting that a violation of this section has occurred.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.