

# STATE OF NEW YORK

9741

## IN ASSEMBLY

February 6, 2020

Introduced by M. of A. GOTTFRIED -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law and administrative code of the city of New York, in relation to the definition of a research tobacco product

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

1 Section 1. Subdivision 20 of section 470 of the tax law, as amended by  
2 a chapter of the laws of 2019, amending the tax law relating to research  
3 tobacco products, as proposed in legislative bills numbers S.5300 and  
4 A.7351, is amended to read as follows:

5 20. "Research tobacco product." [~~Anything that would otherwise be~~  
6 ~~defined as a tobacco product or cigarette shall not be defined as a~~  
7 ~~tobacco product or cigarette if it is made by a manufacturer specif-~~  
8 ~~ically for an accredited college or university, to be held by the~~  
9 ~~college or university until sale or transfer to a laboratory, hospital,~~  
10 ~~medical center, institute, college or university, or other institution]~~  
11 A tobacco product or cigarette that is labeled as a research tobacco  
12 product, manufactured for use in research for health, scientific, or  
13 [~~other research or~~] similar experimental purposes[~~. A research tobacco~~  
14 ~~product shall carry a marking designating it as such and indicating it~~  
15 ~~shall only be used for health, scientific, or other research or exper-~~  
16 ~~imental purposes and not be~~], is exclusively used for such purposes by  
17 an accredited college, university or hospital, or a researcher affil-  
18 iated with an accredited college, university or hospital, and is not  
19 offered for sale[~~7~~] or sold[~~7 or distributed~~] to consumers [~~except as~~  
20 ~~part of the health, scientific, or other research or experimental~~] for  
21 any purpose.

22 § 2. Section 474 of the tax law is amended by adding a new subdivision  
23 5 to read as follows:

24 5. Every accredited college, university or hospital that receives  
25 research tobacco products as defined in subdivision twenty of section  
26 four hundred seventy of this article shall, in good faith, file an annu-  
27 al information return on or before the last day of January reporting all  
28 research tobacco products received by such college, university or hospi-

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

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1 tal or its affiliated researcher within the preceding calendar year.  
2 Such return shall be in the form and shall include such information as  
3 the commissioner prescribes by regulation. Any person required to file  
4 an information return by this subdivision who willfully fails to timely  
5 file such return or willfully fails to provide any material information  
6 required to be reported on such return may be subject to a penalty of up  
7 to one thousand dollars.

8 § 3. Subdivisions 1 and 19 of section 11-1301 of the administrative  
9 code of the city of New York, subdivision 1 as amended and subdivision  
10 19 as added by local law number 145 of the city of New York for the year  
11 2017, are amended and a new subdivision 21 is added to read as follows:

12 1. "Cigarette." Any roll for smoking made wholly or in part of tobacco  
13 or any other substance, irrespective of size or shape and whether or not  
14 such tobacco or substance is flavored, adulterated or mixed with any  
15 other ingredient, the wrapper or cover of which is made of paper or any  
16 other substance or material but is not made in whole or in part of  
17 tobacco. "Cigarette" shall not include a research tobacco product.

18 19. "Tobacco product." Any product which contains tobacco that is  
19 intended for human consumption, including any component, part, or acces-  
20 sory of such product. Tobacco product shall include, but not be limited  
21 to, any cigar, little cigar, chewing tobacco, pipe tobacco, roll-your-  
22 own tobacco, snus, bidi, snuff, shisha, or dissolvable tobacco product.  
23 Tobacco product shall not include cigarettes or any product that has  
24 been approved by the United States food and drug administration for sale  
25 as a tobacco use cessation product or for other medical purposes and  
26 that is being marketed and sold solely for such purposes. "Tobacco  
27 products" shall not include research tobacco products.

28 21. "Research tobacco product." A tobacco product or cigarette that is  
29 labeled as a research tobacco product, is manufactured for use in  
30 research for health, scientific, or similar experimental purposes, is  
31 exclusively used for such purposes by an accredited college, university  
32 or hospital, or a researcher affiliated with an accredited college,  
33 university or hospital, and is not offered for sale or sold to consumers  
34 for any purpose.

35 § 4. This act shall take effect on the same date and in the same  
36 manner as a chapter of the laws of 2019 amending the tax law relating to  
37 research tobacco products, as proposed in legislative bills numbers  
38 S.5300 and A.7351, takes effect.