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:

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

20. "Research tobacco product." [~~Anything that would otherwise be defined as a tobacco product or cigarette shall not be defined as a tobacco product or cigarette if it is made by a manufacturer specifically for an accredited college or university, to be held by the college or university until sale or transfer to a laboratory, hospital, medical center, institute, college or university, or other institution~~] **A tobacco product or cigarette that is labeled as a research tobacco product, manufactured for use in research** for health, scientific, or [~~other research or~~] **similar** experimental purposes[~~. A research tobacco product shall carry a marking designating it as such and indicating it shall only be used for health, scientific, or other research or experimental purposes and not be~~], **is exclusively used for such purposes by an accredited college, university or hospital, or a researcher affiliated with an accredited college, university or hospital, and is not** offered for sale[~~,~~] **or** sold[~~, or distributed~~] to consumers [~~except as part of the health, scientific, or other research or experimental~~] **for any** purpose.

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

5. Every accredited college, university or hospital that receives research tobacco products as defined in subdivision twenty of section four hundred seventy of this article shall, in good faith, file an annual information return on or before the last day of January reporting all 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.

LBD11217-02-0

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

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

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

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

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

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