

# STATE OF NEW YORK

1181

2019-2020 Regular Sessions

## IN SENATE

January 11, 2019

Introduced by Sens. CARLUCCI, MAYER -- 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 Assem-  
bly, do enact as follows:

1 Section 1. The public health law is amended by adding a new section  
2 1399-mm-1 to read as follows:

3 § 1399-mm-1. Flavored tobacco products and flavored electronic ciga-  
4 rette fluid prohibited. 1. No electronic cigarette, fluid or component  
5 thereof; no smokeless tobacco product or component thereof; and no  
6 tobacco product meant for hookah or component thereof made for sale in  
7 the state of New York shall contain, as a constituent (including a smoke  
8 constituent) or additive; and artificial or natural flavor (other than  
9 tobacco or menthol) or an herb or spice, including strawberry, grape,  
10 orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa,  
11 chocolate, cherry, or coffee, that is a characterizing flavor of the  
12 tobacco product or electronic cigarette product.

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

20 § 2. This act shall take effect on the one hundred eightieth day after  
21 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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