

# STATE OF NEW YORK

3406

2019-2020 Regular Sessions

## IN SENATE

February 6, 2019

Introduced by Sen. KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to prohibiting advertisements for electronic cigarettes, liquid nicotine and hookah tobacco within five hundred feet of a school or park

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

1 Section 1. The general business law is amended by adding a new section  
2 396-aaa to read as follows:

3 § 396-aaa. Prohibition of electronic cigarettes, liquid nicotine or  
4 hookah tobacco advertisements near schools and parks. 1. For purposes of  
5 this section, the following words shall have the following meanings:

6 a. "electronic cigarette" shall mean an electronic device that deliv-  
7 ers vapor which is inhaled by an individual user, and shall include any  
8 refill cartridge and any other component of such a device;

9 b. "liquid nicotine" shall mean a liquid composed of nicotine and  
10 other chemicals and which is sold as a product that may be used in an  
11 electronic cigarette; and

12 c. "hookah tobacco" shall mean any product made primarily of tobacco  
13 or other leaf, or any combination thereof, smoked or intended to be  
14 smoked in a hookah or water pipe, including Shisha.

15 2. Notwithstanding any other provision of law, no person, corporation,  
16 partnership, sole proprietor, limited partnership, association or any  
17 other business entity shall advertise or provide in any way for the  
18 advertisement of electronic cigarettes, liquid nicotine or hookah tobac-  
19 co in any outdoor area within five hundred feet of any park or school,  
20 or within the interior of any building or structure which is within five  
21 hundred feet of any park or school when such advertisement is within  
22 five feet of any exterior window or any door which is used for entry or  
23 egress to the building or structure by the public; except that such  
24 advertisement maybe placed or maintained in the interior of any such

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

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1 premises where it is parallel to such windows or entryways and faces  
2 inward or are affixed to a wall panel or similar fixture that is perpen-  
3 dicular to such window or entryway.

4 3. Any person corporation, partnership, sole proprietor, limited part-  
5 nership, association or any other business entity in violation of this  
6 section shall be subject to a civil fine of not more than five hundred  
7 dollars for a first violation and not more than one thousand dollars for  
8 a second or subsequent violation.

9 § 2. This act shall take effect immediately.