STATE OF NEW YORK

6076

2019-2020 Regular Sessions

IN SENATE

May 16, 2019

Introduced by Sen. BROOKS -- 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 establishing maximum nicotine levels for electronic cigarettes

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 a new subdivision 14 to read as follows:

14. "E-liquid" means a liquid composed of nicotine and other chemicals, and which is sold as a product that may be used in an electronic cigarette.

§ 2. Section 1399-dd of the public health law, as amended by chapter 448 of the laws of 2012, is amended to read as follows:

§ 1399-dd. Sale **and manufacture** of tobacco products, herbal cigarettes or electronic cigarettes [~~in vending machines~~]. **1.** No person, firm, partnership, company or corporation shall operate a vending machine which dispenses tobacco products, herbal cigarettes or electronic cigarettes unless such machine is located: (a) in a bar as defined in subdivision one of section thirteen hundred ninety-nine-n of this chapter, or the bar area of a food service establishment with a valid, on-premises full liquor license; (b) in a private club; (c) in a tobacco business as defined in subdivision eight of section thirteen hundred ninety-nine-aa of this article; or (d) in a place of employment which has an insignificant portion of its regular workforce comprised of people under the age of eighteen years and only in such locations that are not accessible to the general public; provided, however, that in such locations the vending machine is located in plain view and under the direct supervision and control of the person in charge of the location or his or her designated agent or employee.

2. (a) No person, firm, partnership, company, or corporation engaged in the business of manufacturing electronic cigarettes or e-liquids

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

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shall manufacture or cause to be manufactured in this state any electronic cigarette or e-liquid containing a nicotine level above two percent.

(b) Any person, firm, partnership, company, or corporation who violates this subdivision, or any rule or regulation promulgated pursuant thereto, may be assessed by the commissioner, a civil penalty for each such violation. Each violation and each day during which a violation continues shall constitute a separate violation.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.