STATE OF NEW YORK

6697

2019-2020 Regular Sessions

IN SENATE

September 9, 2019

Introduced by Sen. THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public health law, in relation to prohibiting the sale of certain refills for electronic cigarettes or electronic cigarette cartridges

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

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

§ 1399-cc-1. Sale of refillable electronic liquids, liquid nicotine or e-liquids prohibited. 1. No person, firm, partnership, company, corporation or online seller shall sell, offer to sell or give away for any purpose, an electronic liquid, liquid nicotine, or e-liquid used to refill an electronic cigarette or electronic cigarette cartridge; provided, however, that such prohibition shall not apply to any electronic liquid, liquid nicotine or e-liquid that is contained in a tamper-proof cartridge that is prefilled and sealed by the manufacturer and is sold, marketed, or intended for use in an electronic cigarette and is not designed to be opened by the consumer.

2. Any person, firm, partnership, company, corporation or online seller that violates the provisions of this section shall be subject to a civil penalty of not more than one thousand dollars for each separate violation of this section. Such civil penalty shall be recovered by any enforcement authority designated by a municipality or political subdivision in which such violation occurred.

3. For the purposes of this section, "liquid nicotine", "electronic liquid", or "e-liquid" means a liquid composed of nicotine and other chemicals which is sold as a product that may be used in an electronic cigarette, as defined in section thirteen hundred ninety-nine-cc of the public health law.

§ 2. This act shall take effect immediately.

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

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