

# STATE OF NEW YORK

6743

2019-2020 Regular Sessions

## IN SENATE

September 23, 2019

Introduced by Sen. CARLUCCI -- 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 the disclosure, testing and reporting of vapor products

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

1 Section 1. Section 1399-aa of the public health law is amended by  
2 adding a new subdivision 14 to read as follows:

3 14. "Vapor product" means any non-combustible liquid or gel, regard-  
4 less of the presence of nicotine therein, that is manufactured in to a  
5 finished product for use in an electronic cigarette, electronic cigar,  
6 electronic cigarillo, electronic pipe, vaping pen, hookah pen, or other  
7 similar device.

8 § 2. The public health law is amended by adding a new section  
9 1399-mm-1 to read as follows:

10 § 1399-mm-1. Disclosure, testing and reporting; electronic cigarette  
11 and vapor product. 1. On and after the effective date of this section,  
12 each electronic cigarette or vapor product manufacturer or importer, or  
13 agents thereof, shall submit to the department the following informa-  
14 tion:

15 (a) a listing of all ingredients, including substances, compounds, and  
16 additives that are, as of such date, added by the manufacturer to a  
17 vapor product;

18 (b) a description of the content, delivery, and form of nicotine in  
19 each vapor product measured in milligrams of nicotine in accordance with  
20 regulations promulgated by the department; and

21 (c) a listing of all constituents, including smoke constituents as  
22 applicable, identified by the department as harmful or potentially harm-  
23 ful to health in each vapor product by brand and by quantity in each  
24 brand and sub-brand. The manufacturer, importer, or agent shall comply  
25 with regulations promulgated under this section, where applicable.

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

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1     2. The department shall have the authority to conduct or to require  
2     the testing, reporting, or disclosure of vapor product constituents,  
3     including smoke constituents.

4     § 3. The department of health shall promulgate any necessary rules and  
5     regulations, including, but not limited to, requiring the testing and  
6     reporting of vapor product constituents, ingredients, and additives,  
7     including vapor constituents, by brand and sub-brand that the department  
8     determines should be tested to protect the public health.

9     § 4. This act shall take effect on the one hundred twentieth day after  
10    it shall have become a law.