STATE OF NEW YORK

7213--A

IN SENATE

January 10, 2020

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to the online sale of smoking products

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

Section 1. Paragraph (d) of subdivision 1 of section 1399-cc of the public health law, as amended by chapter 542 of the laws of 2014, is amended to read as follows:

(d) "Transaction scan" means the process involving an automated bar code reader by which a licensee, or agent or employee of a licensee under this chapter reviews a driver's license or non-driver identification card presented as a precondition for the purchase of a tobacco product or herbal cigarettes pursuant to subdivision three of this section **or smoking products pursuant to subdivision three-a of this section**; and

§ 2. Section 1399-cc of the public health law is amended by adding a new subdivision 3-a to read as follows:

3-a. Online sale of electronic cigarettes or other vaping devices, liquid nicotine, herbal cigarettes, rolling papers or smoking paraphernalia shall be made only to an individual who digitally uploads to the website of the place of business conducting such sale (a) a valid driver's license or non-driver's identification card issued by the commissioner of motor vehicles, the federal government, any United States territory, commonwealth or possession, the District of Columbia, a state government within the United States or a provincial government of the dominion of Canada, or (b) a valid passport issued by the United States government or any other country, or (c) an identification card issued by the armed forces of the United States, indicating that the individual is of legal age in the county where such individual's billing address is located. The purchaser's government-issued identification shall be uploaded in a format that allows the seller to conduct a transaction

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

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scan. Such identification shall be required for all online purchases, regardless of age. For any purchase made pursuant to this subdivision, including purchases from sellers outside of the state of New York, the words "SMOKING PRODUCT" shall be included on the monthly billing statement for such transaction.

§ 3. This act shall take effect on the sixtieth day after it shall have become a law.