# STATE OF NEW YORK

2763--A

2019-2020 Regular Sessions

# IN ASSEMBLY

January 25, 2019

Introduced by M. of A. FERNANDEZ, BURKE, D. ROSENTHAL, JAFFEE, BUTTENSCHON, SIMON, GRIFFIN, D'URSO, ORTIZ, FALL, PICHARDO, HUNTER, GLICK, DeSTEFANO, DAVILA -- Multi-Sponsored by -- M. of A. COOK, SALKA -- read once and referred to the Committee on Health -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to prohibiting public display of tobacco and electronic cigarette advertisements and smoking paraphernalia within five hundred feet of schools

**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-dd-1 to read as follows:

**§ 1399-dd-1. Public display of tobacco and electronic cigarette advertisements and smoking paraphernalia prohibited. 1. For purposes of this section:**

**(a) "Advertisement" means words, pictures, photographs, symbols, graphics or visual images of any kind, or any combination thereof, which bear a health warning required by federal statute, the purpose or effect of which is to identify a brand of a tobacco product or electronic cigarette, a trademark of a tobacco product or electronic cigarette or a trade name associated exclusively with a tobacco product or electronic cigarette, or to promote the use or sale of a tobacco product or electronic cigarette.**

**(b) "Smoking paraphernalia" means any pipe, water pipe, hookah, rolling papers, vaporizer or any other device, equipment or apparatus designed for the inhalation of tobacco or nicotine.**

**2. (a) It shall be unlawful for any person to place, cause to be placed, to maintain or to cause to be maintained, smoking paraphernalia or tobacco or electronic cigarette advertisements in a store front**

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

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**window or any exterior window or any door which is used for entry or egress by the public to the building or structure containing a place of business; provided such business is located within five hundred feet of a public or private school.**

**(b) Each violation of this subdivision shall be punishable by a civil penalty of not more than five hundred dollars.**

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