

# STATE OF NEW YORK

341

2019-2020 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 9, 2019

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Health

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

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

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

4 (d) "Transaction scan" means the process involving an automated bar  
5 code reader by which a licensee, or agent or employee of a licensee  
6 under this chapter reviews a driver's license or non-driver identifica-  
7 tion card presented as a precondition for the purchase of a tobacco  
8 product or herbal cigarettes pursuant to [~~subdivision~~] subdivisions  
9 three and three-a of this section; and

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

12 3-a. Online sale of tobacco products, herbal cigarettes, liquid nico-  
13 tine, shisha or electronic cigarettes shall be made only to an individ-  
14 ual who digitally uploads to the website of the place of business  
15 conducting such sale (a) a valid driver's license or non-driver's iden-  
16 tification card issued by the commissioner of motor vehicles, the feder-  
17 al government, any United States territory, commonwealth or possession,  
18 the District of Columbia, a state government within the United States or  
19 a provincial government of the dominion of Canada, or (b) a valid pass-  
20 port issued by the United States government or any other country, or (c)  
21 an identification card issued by the armed forces of the United States,  
22 indicating that the individual is of legal age in the county where such  
23 individual's billing address is located. The purchaser's government-is-  
24 sued identification shall be uploaded in a format that allows the seller

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

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

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