STATE OF NEW YORK

S. 592--A A. 389--A
Cal. No. 190

2019-2020 Regular Sessions

SENATE - ASSEMBLY

(Prefiled)

January 9, 2019

IN SENATE -- Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

IN ASSEMBLY -- Introduced by M. of A. GALEF, ORTIZ, JAFFEE, DINOWITZ, SIMON, BUCHWALD, D'URSO, GLICK, RIVERA, L. ROSENTHAL, BLAKE, MONTESANO -- read once and referred 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 enacting the "tobacco-free pharmacies act"

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

Section 1. Short title. This act shall be known and may be cited as the "Tobacco-Free Pharmacies Act".

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

§ 1399-mm-1. Sale of tobacco products in pharmacies. 1. No tobacco products, herbal cigarettes, vapor products, or electronic cigarettes shall be sold in a pharmacy or in a retail establishment that contains a pharmacy operated as a department as defined in paragraph f of subdivision two of section sixty-eight hundred eight of the education law.

2. The commissioner shall have sole jurisdiction to enforce the provisions of this section.

3. If a violation is suspected by the commissioner, notice shall be given and a hearing shall occur to determine if a violation has occurred. The hearing shall be conducted pursuant to the provisions of section twelve-a of this chapter.

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

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4. If the commissioner determines after a hearing that a violation of this section has occurred, a civil penalty may be imposed by the commissioner in an amount not to exceed two thousand dollars per violation. No other penalty, fine or sanction may be imposed, provided that nothing in this section shall be construed to prohibit the commissioner from commencing a proceeding for injunctive relief to compel compliance with this section.

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