STATE OF NEW YORK

481

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 tobacco use and prevention program; and to amend the tax law, in relation to the registration of vendors of electronic cigarettes

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

Section 1. Section 1399-ii of the public health law, as added by chapter 1 of the laws of 1999, is amended to read as follows:

§ 1399-ii. Tobacco use prevention and control program. 1. To improve the health, quality of life, and economic well-being of all New York state citizens, there is hereby established within the department a comprehensive statewide tobacco use prevention and control program.

2. The department shall support tobacco use prevention and control activities including, but not limited to:

(a) Community programs to prevent and reduce tobacco use through local involvement and partnerships;

(b) School-based programs to prevent and reduce tobacco use **and use of electronic cigarettes**;

(c) Marketing and advertising to discourage tobacco **and liquid nicotine** use;

(d) Tobacco cessation programs for youth and adults;

(e) Special projects to reduce the disparities in smoking prevalence among various populations;

(f) Restriction of youth access to tobacco products**, electronic cigarettes and liquid nicotine**;

(g) Surveillance of smoking rates; and

(h) Any other activities determined by the commissioner to be necessary to implement the provisions of this section.

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

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Such programs shall be selected by the commissioner through an application process which takes into account whether a program utilizes methods recognized as effective in reducing smoking and tobacco use. Eligible applicants may include, but not be limited to, a health care provider, schools, a college or university, a local public health department, a public health organization, a health care provider organization, association or society, **municipal corporation,** or a professional education organization.

3. (a) There shall be established a tobacco use prevention and control advisory board to advise the commissioner on tobacco use prevention and control issues **and electronic cigarette and liquid nicotine use amongst minors**, including methods to prevent and reduce tobacco use in the state.

(b) The board shall consist of seventeen members who shall be appointed as follows: nine members by the governor; three members by the speaker of the assembly; three members by the temporary president of the senate and one member each by the minority leader of the senate and minority leader of the assembly. Any vacancy or subsequent appointment shall be filled in the same manner and by the same appointing authority as the original appointment. The chairperson of the board shall be designated by the governor from among the members of the board.

(c) The members shall serve for terms of two years commencing on the effective date of this section. Members of the board shall receive no compensation but shall be reimbursed for reasonable travel and other expenses incurred in the performance of their duties hereunder.

(d) The board shall meet as often as it deems necessary, but no less than four times a year. No nominee to the board shall have any past or current affiliation with the tobacco industry or any industry, contractor, agent, or organization that engages in the manufacturing, marketing, distributing, or sale of tobacco products. The board shall be appointed in full within ninety days of the effective date of this section.

(e) The department shall prepare and submit to the board a spending plan for the tobacco use prevention and control program authorized pursuant to the provisions of subdivision one of this section no later than thirty days after the submission of the budget to the legislature.

§ 2. The tax law is amended by adding a new article 20-C to read as follows:

ARTICLE 20-C
VENDORS OF ELECTRONIC CIGARETTES

Section 492. Registration of vendors of electronic cigarettes.

§ 492. Registration of vendors of electronic cigarettes. Any person selling or offering for sale electronic cigarettes, as defined in subdivision thirteen of section thirteen hundred ninety-nine-aa of the public health law, or liquid nicotine, as defined in paragraph (e) of subdivision one of section thirteen hundred ninety-nine-cc of the public health law, that is not otherwise registered with the department to sell tobacco products as required by article twenty of this chapter and the regulations adopted pursuant thereto, shall register with the department pursuant to this section. The commissioner shall adopt regulations for the establishment of such registration including standards for issuance, renewal and revocation of such registration, and ensuring compliance with the provisions of this section.

§ 3. This act shall take effect immediately; provided that section two of this act shall take effect the first day of the month commencing

after the one hundred eightieth day after this act shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.