STATE OF NEW YORK

8627

2019-2020 Regular Sessions

IN ASSEMBLY

October 2, 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 prohibiting the use of toxic metals in electronic cigarettes and requiring the department of health to study the long term health effects of electronic cigarette users

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-gg-1 to read as follows:

§ 1399-gg-1. Prohibition on the use of toxic metals in electronic cigarettes. 1. Any person engaged in the business of manufacturing, selling or otherwise distributing electronic cigarettes or any agent or employee of such person shall disclose to the department the materials used in the hardware of the electronic cigarette.

2. The department shall establish a list of toxins which persons engaged in the business of manufacturing, selling or otherwise distributing electronic cigarettes or any agent or employee of such person shall be prohibited from using in the manufacture of such electronic cigarettes. Such list shall include, but not be limited to, lead, manganese and other toxic metals. Such list shall be regularly updated and shall be published on the department's website.

3. No person engaged in the business of manufacturing, selling or otherwise distributing electronic cigarettes or any agent or employee of such person shall manufacture, sell, or otherwise distribute electronic cigarettes that contain a toxin included on the list established by the department pursuant to subdivision two of this section, including in the heating element or any other internal part of such electronic cigarettes.

§ 2. Subdivision 1 of section 206 of the public health law is amended by adding a new paragraph (w) to read as follows:

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

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(w) direct the department to study the long term health effects on users of electronic cigarettes. Such study shall include data on the long term health effects of inhaling heated aerosols contained in electronic cigarettes.

§ 3. This act shall take effect immediately.