

STATE OF NEW YORK

8656

2019-2020 Regular Sessions

IN ASSEMBLY

October 2, 2019

Introduced by M. of A. D'URSO -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to prohibiting public display of tobacco advertisements and smoking paraphernalia within one thousand feet of child-friendly institutions

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

1 Section 1. Article 13-F of the public health law is amended by adding
2 a new section 1399-ddd to read as follows:

3 § 1399-ddd. Public display of tobacco advertisements and smoking
4 paraphernalia prohibited. 1. For purposes of this section:

5 (a) "Tobacco advertisement" means words, pictures, photographs,
6 symbols, graphics or visual images of any kind, or any combination ther-
7 eof, which bear a health warning required by federal statute, the
8 purpose or effect of which is to identify a brand of a tobacco product,
9 a trademark of a tobacco product or a trade name associated exclusively
10 with a tobacco product, or to promote the use or sale of a tobacco prod-
11 uct.

12 (b) "Smoking paraphernalia" means any pipe, water pipe, hookah, roll-
13 ing papers, vaporizer or any other device, equipment or apparatus
14 designed for the inhalation of tobacco or nicotine.

15 (c) "Tobacco business" means a sole proprietorship, corporation,
16 limited liability company, partnership or other enterprise in which the
17 primary activity is the sale, manufacture or promotion of tobacco,
18 tobacco products and accessories, either at wholesale or retail, and in
19 which the sale, manufacture or promotion of other products is merely
20 incidental.

21 (d) "Child-friendly institution" means any area or place where chil-
22 dren have a reasonable expectation of being free of advertising and
23 distribution of tobacco products, including, but not limited to: public,
24 private or charter schools, movie theaters, arcades or other gaming

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

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1 facilities, public libraries, bowling alleys, amusement parks, recre-
2 ation centers and playgrounds.

3 2. (a) It shall be unlawful for any person to place, cause to be
4 placed, to maintain or to cause to be maintained, smoking paraphernalia
5 or tobacco advertisements in a storefront window or any exterior window
6 or any door which is used for entry or egress by the public to the
7 building or structure containing a place of business; provided such
8 business is located within one thousand feet of child-friendly insti-
9 tutions.

10 (b) The provisions of this subdivision shall not apply to a tobacco
11 business.

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

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