

STATE OF NEW YORK

301--A

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed 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 the tobacco use and prevention program

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

1 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:

2 § 1399-ii. Tobacco use prevention and control program. 1. To improve
3 the health, quality of life, and economic well-being of all New York
4 state citizens, there is hereby established within the department a
5 comprehensive statewide tobacco use prevention and control program.

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

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

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

12 (c) Marketing and advertising to discourage tobacco and liquid nico-
13 tine use;

14 (d) Tobacco cessation programs for youth and adults;

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

17 (f) Restriction of youth access to tobacco products, electronic ciga-
18 rettes and liquid nicotine;

19 (g) Surveillance of smoking rates; and

20 (h) Any other activities determined by the commissioner to be neces-
21 sary to implement the provisions of this section.
22

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

LBD02157-05-9

1 Such programs shall be selected by the commissioner through an appli-
2 cation process which takes into account whether a program utilizes meth-
3 ods recognized as effective in reducing smoking and tobacco use. Eligi-
4 ble applicants may include, but not be limited to, a health care
5 provider, schools, a college or university, a local public health
6 department, a public health organization, a health care provider organ-
7 ization, association or society, municipal corporation, or a profes-
8 sional education organization.

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

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

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

26 (d) The board shall meet as often as it deems necessary, but no less
27 than four times a year. No nominee to the board shall have any past or
28 current affiliation with the tobacco industry or any industry, contrac-
29 tor, agent, or organization that engages in the manufacturing, market-
30 ing, distributing, or sale of tobacco products. The board shall be
31 appointed in full within ninety days of the effective date of this
32 section.

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

37 § 2. This act shall take effect immediately.