

# STATE OF NEW YORK

S. 592--A  
Cal. No. 190

A. 389--A

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:

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

3 § 2. The public health law is amended by adding a new section  
4 1399-mm-1 to read as follows:

5 § 1399-mm-1. Sale of tobacco products in pharmacies. 1. No tobacco  
6 products, herbal cigarettes, vapor products, or electronic cigarettes  
7 shall be sold in a pharmacy or in a retail establishment that contains a  
8 pharmacy operated as a department as defined in paragraph f of subdivi-  
9 sion two of section sixty-eight hundred eight of the education law.

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

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

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

LBD00256-03-9

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

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