STATE OF NEW YORK

6075

2019-2020 Regular Sessions

IN SENATE

May 16, 2019

Introduced by Sen. BROOKS -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to labeling of packaging for electronic cigarette products

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

Section 1. Section 1399-gg of the public health law, as amended by chapter 513 of the laws of 2004, is amended to read as follows:

§ 1399-gg. Out-of-package sales and [~~minimum package sizes~~] **packaging requirements**. 1. All tobacco cigarettes sold or offered for sale by a retail dealer shall be sold or offered for sale in the package, box, carton or other container provided by the manufacturer, importer, or packager which bears all health warnings required by applicable law.

2. No person engaged in the business of manufacturing, selling or otherwise distributing tobacco products, herbal cigarettes, cigarette wrapping papers, wrapping leaves or tubes, or any agent or employee of such person, shall manufacture or cause to be manufactured for sale in this state, or sell or distribute in this state: (a) any package or other container of cigarettes containing fewer than twenty cigarettes; (b) any package of roll-your-own tobacco containing less than six-tenths of an ounce of tobacco; or (c) any package or other container of cigarette wrapping papers, wrapping leaves or tubes, that are or are held out to be suitable for use or used as devices to wrap tobacco for smoking, containing fewer than twenty sheets, leaves or tubes.

3. No person engaged in the business of manufacturing, selling, or otherwise distributing electronic cigarettes shall manufacture or cause to be manufactured for sale in this state, or sell or distribute in this state, any electronic cigarette unless the container or packaging of such electronic cigarette bears brightly-colored labeling which indicates that the contents of such container or packaging contain nicotine or can be used for the inhalation of nicotine vapors.

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

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

LBD11679-01-9