

# STATE OF NEW YORK

6076

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 establishing maximum nicotine levels for electronic cigarettes

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

1 Section 1. Section 1399-aa of the public health law is amended by  
2 adding a new subdivision 14 to read as follows:

3 14. "E-liquid" means a liquid composed of nicotine and other chemi-  
4 cals, and which is sold as a product that may be used in an electronic  
5 cigarette.

6 § 2. Section 1399-dd of the public health law, as amended by chapter  
7 448 of the laws of 2012, is amended to read as follows:

8 § 1399-dd. Sale and manufacture of tobacco products, herbal cigarettes  
9 or electronic cigarettes [~~in vending machines~~]. 1. No person, firm,  
10 partnership, company or corporation shall operate a vending machine  
11 which dispenses tobacco products, herbal cigarettes or electronic ciga-  
12 rettes unless such machine is located: (a) in a bar as defined in subdi-  
13 vision one of section thirteen hundred ninety-nine-n of this chapter, or  
14 the bar area of a food service establishment with a valid, on-premises  
15 full liquor license; (b) in a private club; (c) in a tobacco business as  
16 defined in subdivision eight of section thirteen hundred ninety-nine-aa  
17 of this article; or (d) in a place of employment which has an insignif-  
18 icant portion of its regular workforce comprised of people under the age  
19 of eighteen years and only in such locations that are not accessible to  
20 the general public; provided, however, that in such locations the vend-  
21 ing machine is located in plain view and under the direct supervision  
22 and control of the person in charge of the location or his or her desig-  
23 nated agent or employee.

24 2. (a) No person, firm, partnership, company, or corporation engaged  
25 in the business of manufacturing electronic cigarettes or e-liquids

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

LBD11728-01-9

1 shall manufacture or cause to be manufactured in this state any elec-  
2 tronic cigarette or e-liquid containing a nicotine level above two  
3 percent.

4 (b) Any person, firm, partnership, company, or corporation who  
5 violates this subdivision, or any rule or regulation promulgated pursu-  
6 ant thereto, may be assessed by the commissioner, a civil penalty for  
7 each such violation. Each violation and each day during which a  
8 violation continues shall constitute a separate violation.

9 § 3. This act shall take effect on the ninetieth day after it shall  
10 have become a law. Effective immediately, the addition, amendment  
11 and/or repeal of any rule or regulation necessary for the implementation  
12 of this act on its effective date are authorized to be made and  
13 completed on or before such effective date.