

STATE OF NEW YORK

6743--A

2019-2020 Regular Sessions

IN SENATE

September 23, 2019

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- 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 disclosure, testing and reporting of vapor products and to amend the public health law and the general business law, in relation to the labeling of electronic cigarette and vapor products packaging

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. "Vapor product" means any non-combustible liquid or gel, regard-
4 less of the presence of nicotine therein, that is manufactured into a
5 finished product for use in an electronic cigarette, electronic cigar,
6 electronic cigarillo, electronic pipe, vaping pen, hookah pen, or other
7 similar device.

8 § 2. The public health law is amended by adding a new section
9 1399-mm-1 to read as follows:

10 § 1399-mm-1. Disclosure, testing and reporting; electronic cigarette
11 and vapor product. 1. On and after the effective date of this section,
12 each electronic cigarette or vapor product manufacturer or importer, or
13 agents thereof, shall submit to the department the following informa-
14 tion:

15 (a) a listing of all ingredients, including substances, compounds, and
16 additives that are, as of such date, added by the manufacturer to a
17 vapor product;

18 (b) a description of the content, delivery, and form of nicotine in
19 each vapor product measured in milligrams of nicotine in accordance with
20 regulations promulgated by the department; and

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

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1 (c) a listing of all constituents, including smoke constituents as
2 applicable, identified by the department as harmful or potentially harm-
3 ful to health in each vapor product by brand and by quantity in each
4 brand and sub-brand. The manufacturer, importer, or agent shall comply
5 with regulations promulgated under this section, where applicable.

6 2. The department shall have the authority to conduct or to require
7 the testing, reporting, or disclosure of vapor product constituents,
8 including smoke constituents.

9 § 3. Subdivision 7 of section 1399-cc of the public health law, as
10 amended by chapter 100 of the laws of 2019, is amended to read as
11 follows:

12 7. No person operating a place of business wherein tobacco products,
13 herbal cigarettes, liquid nicotine, shisha or electronic cigarettes are
14 sold or offered for sale shall sell, permit to be sold, offer for sale
15 or display for sale any tobacco product, herbal cigarettes, liquid nico-
16 tine, shisha or electronic cigarettes in any manner, unless such
17 products and cigarettes are stored for sale (a) behind a counter in an
18 area accessible only to the personnel of such business, or (b) in a
19 locked container; provided, however, such restriction shall not apply to
20 tobacco businesses, as defined in subdivision eight of section thirteen
21 hundred ninety-nine-aa of this article, and to places to which admission
22 is restricted to persons twenty-one years of age or older. Provided,
23 further, that, in the case of electronic cigarettes and vapor products,
24 the packages thereof shall comply with the provisions of section three
25 hundred ninety-eight-g of the general business law.

26 § 4. The general business law is amended by adding a new section 398-g
27 to read as follows:

28 § 398-g. Electronic cigarette and vapor product package labeling. 1.
29 Every package containing an electronic cigarette, as defined in subdivi-
30 sion thirteen of section thirteen hundred ninety-nine-aa of the public
31 health law, or a vapor product, as defined in subdivision fourteen of
32 section thirteen hundred ninety-nine-aa of the public health law, sold,
33 offered for sale or otherwise distributed without charge within this
34 state, shall have printed thereon or attached thereto a list of ingredi-
35 ents, including but not limited to, the nicotine level by volume of
36 product.

37 2. Any person, firm, corporation or association who violates the
38 provisions of this section shall be subject to a civil penalty of not
39 more than one thousand dollars for each such violation.

40 § 5. The department of health shall promulgate any necessary rules and
41 regulations, including, but not limited to, requiring the testing and
42 reporting of vapor product constituents, ingredients, and additives,
43 including vapor constituents, by brand and sub-brand that the department
44 determines should be tested to protect the public health.

45 § 6. This act shall take effect on the one hundred twentieth day after
46 it shall have become a law; provided however, that the amendments to
47 subdivision 7 of section 1399-cc of the public health law made by
48 section three of this act shall take effect on the same date and in the
49 same manner as chapter 100 of the laws of 2019, takes effect. Effective
50 immediately, the addition, amendment and/or repeal of any rule or regu-
51 lation necessary for the implementation of this act on its effective
52 date are authorized to be made and completed on or before such effective
53 date.