STATE OF NEW YORK

6809

2019-2020 Regular Sessions

IN SENATE

October 25, 2019

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

AN ACT to amend the public health law, in relation to prohibiting the sale and distribution of flavored tobacco products and accessories

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

Section 1. The public health law is amended by adding a new section 1399-cc-1 to read as follows:

§ 1399-cc-1. Sale and distribution of flavored tobacco products and accessories prohibited. 1. For the purposes of this section, the term "characterizing flavor" shall mean a distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product, including but not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, mint, wintergreen, herb, spice, or menthol, or any concept flavor that imparts a taste or aroma that is distinguishable from tobacco flavor but may not relate to any particular known flavor.

2. No person, firm, partnership, association, limited liability company, corporation, or other entity shall sell, offer for sale, or distribute tobacco products with a characterizing flavor or accessories that impart a characterizing flavor to a tobacco product in this state.

3. Any person, firm, partnership, association, limited liability company, corporation, or other entity other than a manufacturer that violates the provisions of this section shall be subject to a fine of not more than one hundred dollars for each individual tobacco product or accessory with a characterizing flavor that is found to have been sold, offered for sale, or distributed in violation of this section. A manufacturer shall be subject to a civil penalty not to exceed fifty thousand dollars for each brand or style of such manufacturer's tobacco products or accessories that is found to have been sold, offered for

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

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sale, or distributed in violation of this section on more than one occasion during any thirty day period, provided, however, that with respect to a manufacturer, it shall be an affirmative defense to a finding of a violation pursuant to this section that such sale, offer of sale, or distribution, as applicable, occurred without the knowledge, consent, authorization and involvement, direct or indirect, of such manufacturer. Violations of this section shall be enforced pursuant to section thirteen hundred ninety-nine-ff of this article, except that any person may submit a complaint to an enforcement officer that a violation of this section has occurred.

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