STATE OF NEW YORK

7212--A

IN SENATE

January 10, 2020

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed 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 the regulation of the online sale of smoking products

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-ccc to read as follows:

§ 1399-ccc. Online sale of smoking products. 1. All online sellers of electronic cigarettes or other vaping devices, liquid nicotine, herbal cigarettes, rolling papers or smoking paraphernalia purchased online shall ensure that the outside of each shipping container used to ship such electronic cigarettes or other vaping device, liquid nicotine, herbal cigarettes, rolling papers or smoking paraphernalia directly to a New York resident is conspicuously labeled with the words: "CONTAINS SMOKING PRODUCTS - SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY - NOT FOR RESALE" or with other language specifically approved by the department.

2. All online sellers of electronic cigarettes or other vaping devices, liquid nicotine, herbal cigarettes, rolling papers or smoking paraphernalia shall require common carriers to:

(a) require a recipient, at the delivery address, upon delivery, to demonstrate that the recipient is at least twenty-one years of age by providing a valid form of photographic identification authorized by subdivision three of section thirteen hundred ninety-nine-cc of this article;

(b) require a recipient to sign an electronic or paper form or other acknowledgement of receipt as approved by the department; and

(c) refuse delivery when the proposed recipient appears to be under twenty-one years of age and refuses to present valid identification as required by paragraph (a) of this subdivision.

§ 2. This act shall take effect immediately.

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

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