STATE OF NEW YORK

3499

2021-2022 Regular Sessions

IN ASSEMBLY

January 27, 2021

Introduced by M. of A. BICHOTTE HERMELYN, L. ROSENTHAL, GRIFFIN, JEAN-PIERRE, SEAWRIGHT, DICKENS, SIMON, EPSTEIN, GALEF, DINOWITZ, GLICK, GOTTFRIED, STECK, JACOBSON -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to prohibiting the retail sale 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. Retail sale 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 tobacco business, firm, partnership, association, limited liability company, corporation, or other entity licensed pursuant to article twenty of the tax law, or employee of such entities shall sell or offer for retail sale tobacco products with a characterizing flavor or accessories that impart a characterizing flavor to a tobacco product in this state.

3. Any tobacco business, firm, partnership, association, limited liability company, corporation, or other entity licensed pursuant to article twenty of the tax law that violates the provisions of this section shall be subject to a civil fine of not more than five hundred dollars. Complaints alleging violations of this section may be submit-

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

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ted to personnel designated pursuant to section thirteen hundred nine-ty-nine-ff of this article, except that such complaints may be submitted by any person.

4. Notwithstanding any law to the contrary, no enforcement agent, police officer, peace officer or other law enforcement officer may stop, question, search or arrest any person: (a) on grounds of or in relation to possession, consumption or purchase of any product subject to this section; or (b) for the purpose of inquiring or determining how or from what person or entity the person obtained any product subject to this section.

§ 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 on or before such date.