

# 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:

1 Section 1. The public health law is amended by adding a new section  
2 1399-cc-1 to read as follows:

3 § 1399-cc-1. Retail sale of flavored tobacco products and accessories  
4 prohibited. 1. For the purposes of this section, the term "characteriz-  
5 ing flavor" shall mean a distinguishable taste or aroma, other than the  
6 taste or aroma of tobacco, imparted either prior to or during consump-  
7 tion of a tobacco product, including but not limited to, tastes or  
8 aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa,  
9 dessert, alcoholic beverage, mint, wintergreen, herb, spice, or menthol,  
10 or any concept flavor that imparts a taste or aroma that is distinguish-  
11 able from tobacco flavor but may not relate to any particular known  
12 flavor.

13 2. No tobacco business, firm, partnership, association, limited  
14 liability company, corporation, or other entity licensed pursuant to  
15 article twenty of the tax law, or employee of such entities shall sell  
16 or offer for retail sale tobacco products with a characterizing flavor  
17 or accessories that impart a characterizing flavor to a tobacco product  
18 in this state.

19 3. Any tobacco business, firm, partnership, association, limited  
20 liability company, corporation, or other entity licensed pursuant to  
21 article twenty of the tax law that violates the provisions of this  
22 section shall be subject to a civil fine of not more than five hundred  
23 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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1 ted to personnel designated pursuant to section thirteen hundred nine-  
2 ty-nine-ff of this article, except that such complaints may be submitted  
3 by any person.

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

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