AN ACT to amend the public health law, in relation to prohibiting the
sale of electronic cigarettes that contain certain toxic metals and
requiring the department of health to study the long term health
effects of using electronic cigarettes

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

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

§ 1399-gg-1. Prohibition on the sale of electronic cigarettes that
contain toxic metals. 1. The department shall establish a list of
toxins which persons engaged in the business of manufacturing, selling
or otherwise distributing electronic cigarettes or any agent or employee
of such person shall be prohibited from using in the manufacture of such
electronic cigarettes. Such list shall include, but not be limited to,
lead, manganese, nickel, chromium, zinc and other toxic metals. Such
list shall be regularly updated and shall be published on the depart-
ment's website.

2. No person engaged in the business of manufacturing, selling or
otherwise distributing electronic cigarettes or any agent or employee of
such person shall manufacture, sell, or otherwise distribute electronic
cigarettes that contain a toxin included on the list established by the
department pursuant to subdivision one of this section, including in the
heating element or any other internal part of such electronic ciga-
rettes.

§ 2. The department of health shall promulgate any rules and regu-
lations, including, but not limited to establishing a list of toxins
that are prohibited in the manufacture of electronic cigarettes as
required by section thirteen hundred ninety-nine-gg-1 of the public
health law, as added by section one of this act.

EXPLANATION—Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.
§ 3. Subdivision 1 of section 206 of the public health law is amended by adding a new paragraph (w) to read as follows:

(w) direct the department to study the long term health effects on users of electronic cigarettes. Such study shall include data on the long term health effects of inhaling heated aerosols contained in electronic cigarettes.

§ 4. This act shall take effect on the one hundred eightieth 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 shall be made and completed on or before such effective date.