STATE OF NEW YORK

5106

2021-2022 Regular Sessions

IN SENATE

February 23, 2021

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

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 Assembly, 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 department'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 cigarettes.

§ 2. The department of health shall promulgate any rules and regulations, 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.

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§ 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.