STATE OF NEW YORK

383

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. KAPLAN, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to prohibiting advertisements for electronic cigarettes, liquid nicotine and hookah tobacco within five hundred feet of a school or park

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

Section 1. The general business law is amended by adding a new section 396-aaaa to read as follows:

§ 396-aaaa. Prohibition of electronic cigarettes, liquid nicotine or hookah tobacco advertisements near schools and parks. 1. For purposes of this section, the following words shall have the following meanings:

a. "electronic cigarette" shall mean an electronic device that delivers vapor which is inhaled by an individual user, and shall include any refill cartridge and any other component of such a device;

b. "liquid nicotine" shall mean a liquid composed of nicotine and other chemicals and which is sold as a product that may be used in an electronic cigarette; and

c. "hookah tobacco" shall mean any product made primarily of tobacco or other leaf, or any combination thereof, smoked or intended to be smoked in a hookah or water pipe, including Shisha.

2. Notwithstanding any other provision of law, no person, corporation, partnership, sole proprietor, limited partnership, association or any other business entity shall advertise or provide in any way for the advertisement of electronic cigarettes, liquid nicotine or hookah tobacco in any outdoor area within five hundred feet of any park or school, or within the interior of any building or structure which is within five hundred feet of any park or school when such advertisement is within five feet of any exterior window or any door which is used for entry or

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

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egress to the building or structure by the public; except that such advertisement maybe placed or maintained in the interior of any such premises where it is parallel to such windows or entryways and faces inward or are affixed to a wall panel or similar fixture that is perpendicular to such window or entryway.

3. Any person corporation, partnership, sole proprietor, limited partnership, association or any other business entity in violation of this section shall be subject to a civil fine of not more than five hundred dollars for a first violation and not more than one thousand dollars for a second or subsequent violation.

§ 2. This act shall take effect immediately.