

STATE OF NEW YORK

5098

2021-2022 Regular Sessions

IN SENATE

February 23, 2021

Introduced by Sen. HARCKHAM -- 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 flavored self-contained, disposable vapor products

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

1 Section 1. Subdivision 1 of section 1399-mm-1 of the public health
2 law, as added by section 1 of part EE of chapter 56 of the laws of 2020,
3 is amended to read as follows:

4 1. For the purposes of this section "flavored" shall mean any vapor
5 product, including self-contained, disposable vapor products, intended
6 or reasonably expected to be used with or for the consumption of nico-
7 tine, with a distinguishable taste or aroma, other than the taste or
8 aroma of tobacco, imparted either prior to or during consumption of such
9 product or a component part thereof, including but not limited to tastes
10 or aromas relating to any fruit, chocolate, vanilla, honey, candy,
11 cocoa, dessert, alcoholic beverage, mint, wintergreen, menthol, herb or
12 spice, or any concept flavor that imparts a taste or aroma that is
13 distinguishable from tobacco flavor but may not relate to any particular
14 known flavor. A vapor product intended or reasonably expected to be used
15 with or for the consumption of nicotine, shall be presumed to be
16 flavored if a product's retailer, manufacturer, or a manufacturer's
17 agent or employee has made a statement or claim directed to consumers or
18 the public, whether expressed or implied, that such product or device
19 has a distinguishable taste or aroma other than the taste or aroma of
20 tobacco.

21 § 2. This act shall take effect immediately.

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

LBD09705-01-1