# STATE OF NEW YORK

143

2023-2024 Regular Sessions

# IN ASSEMBLY

**(Prefiled)**

January 4, 2023

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to establishing nicotine levels for electronic cigarettes and e-liquids which automatically taper in nicotine strength in amounts and at certain time intervals

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

Section 1. Section 1399-aa of the public health law is amended by adding a new subdivision 19 to read as follows:

**19. "E-liquid" means a liquid composed of nicotine and other chemicals, and which is sold as a product that may be used in an electronic cigarette.**

§ 2. Section 1399-dd of the public health law, as amended by chapter 448 of the laws of 2012, subdivision (d) as amended by chapter 100 of the laws of 2019, is amended to read as follows:

§ 1399-dd. Sale **and manufacture** of tobacco products, herbal cigarettes or electronic cigarettes [~~in vending machines~~]. **1.** No person, firm, partnership, company or corporation shall operate a vending machine which dispenses tobacco products, herbal cigarettes or electronic cigarettes unless such machine is located: (a) in a bar as defined in subdivision one of section thirteen hundred ninety-nine-n of this chapter, or the bar area of a food service establishment with a valid, on-premises full liquor license; (b) in a private club; (c) in a tobacco business as defined in subdivision eight of section thirteen hundred ninety-nine-aa of this article; or (d) in a place of employment which has an insignificant portion of its regular workforce comprised of people under the age of twenty-one years and only in such locations that are not accessible to the general public; provided, however, that in such locations the vending machine is located in plain view and under the direct super-

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

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vision and control of the person in charge of the location or his or her designated agent or employee.

**2. (a) No person, firm, partnership, company, or corporation engaged in the business of manufacturing electronic cigarettes or e-liquids shall manufacture, cause to be manufactured, or sold, in this state, any electronic cigarette or e-liquid unless such product is programmed to automatically taper in nicotine strength in amounts and at certain time intervals as determined by the department.**

**(b) Any person, firm, partnership, company, or corporation who violates this subdivision, or any rule or regulation promulgated pursuant thereto, may be assessed by the commissioner, a civil penalty for each such violation. Each violation and each day during which a violation continues shall constitute a separate violation.**

§ 3. This act shall take effect on the ninetieth 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 on its effective date are authorized to be made and completed on or before such effective date.