

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:

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

3 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
4 cigarette.
5

6 § 2. Section 1399-dd of the public health law, as amended by chapter
7 448 of the laws of 2012, subdivision (d) as amended by chapter 100 of
8 the laws of 2019, is amended to read as follows:

9 § 1399-dd. Sale and manufacture of tobacco products, herbal cigarettes
10 or electronic cigarettes [~~in vending machines~~]. 1. No person, firm,
11 partnership, company or corporation shall operate a vending machine
12 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
13 the bar area of a food service establishment with a valid, on-premises
14 full liquor license; (b) in a private club; (c) in a tobacco business as
15 defined in subdivision eight of section thirteen hundred ninety-nine-aa
16 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
17 of twenty-one years and only in such locations that are not accessible
18 to the general public; provided, however, that in such locations the
19 vending machine is located in plain view and under the direct supervision
20
21
22

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

LBD00674-01-3

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

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

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

14 § 3. This act shall take effect on the ninetieth day after it shall
15 have become a law. Effective immediately, the addition, amendment and/or
16 repeal of any rule or regulation necessary for the implementation of
17 this act on its effective date are authorized to be made and completed
18 on or before such effective date.